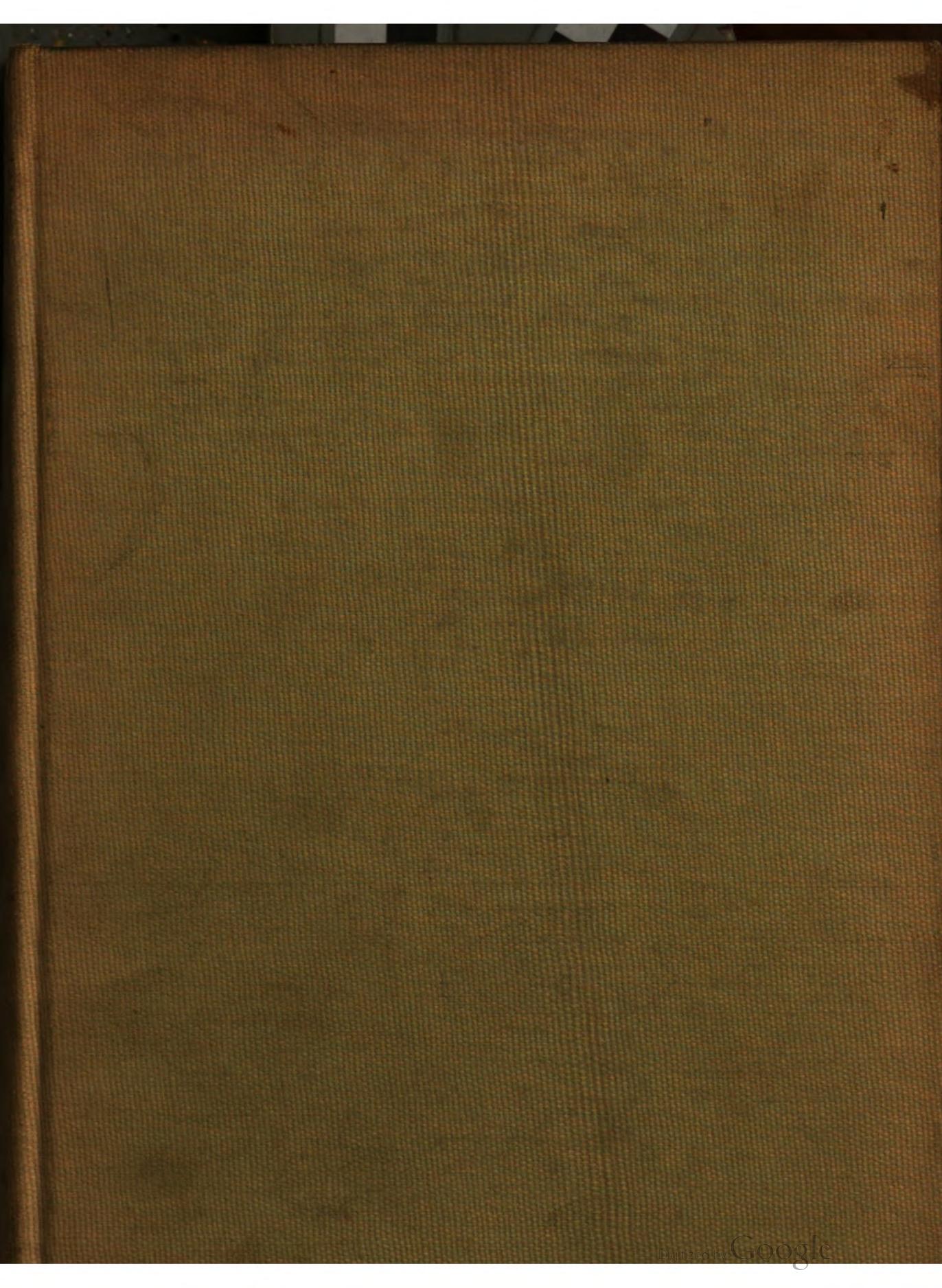

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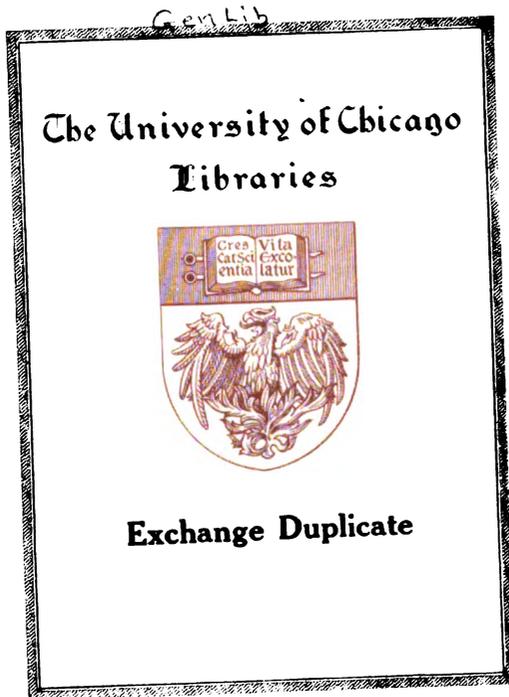
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
DURING THE
FOURTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MINNESOTA;

BEGUN AND HELD AT ST. PAUL, THE SEAT OF GOVERNMENT, ON WEDNESDAY,
THE FIFTH DAY OF JANUARY, 1853.

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JOURNAL.

WEDNESDAY MORNING, 12 o'clock.

At 12 o'clock M., on Wednesday, the 5th of January, the time designated by law for the meeting of the Legislative Assembly, the Chief Clerk of the House not being in attendance,

On motion of Mr. Ames, member elect from the Sixth Council District, Joseph R. Brown, Esq., was appointed to occupy the Clerk's desk for the purpose of effecting a temporary organization of the House.

Rev. Mr. Chamberlin, by request, then addressed the Throne of Grace.

After which certificates of election of the following persons, as members of this House, were laid on the Clerk's table, viz :

First Council District—N. Greene Wilcox, Jno. D. Ludden, Albert Stimson, and Caleb Truax.

Second Council District—Wm. P. Murray, B. W. Lott, J. C. Ramsey, L. M. Oliver, and Wm. Noot.

Third Council District—R. P. Russell and G. B. Dutton.

Fourth Council District—James Wells.

Fifth Council District—David Day.

Sixth Council District—A. E. Ames and B. H. Randall.

Seventh Council District—

The roll of the members present was then called, and

On motion of Mr. Ludden,

Chief Justice Hayner was requested to administer the oath of office to the members; and the Chief Justice being attendance, each of the above named members elect were duly qualified and took their seats.

On motion of Mr. Murray,

Mr. Randall was appointed Speaker of the House of Representatives, *pro tem.*

On motion of Mr. Wells,

Joseph R. Brown was appointed Chief Clerk, *pro tem.*

On motion of Mr. Lott,

Henry Jackson was appointed Assistant Clerk, *pro tem.*

On motion of Mr. Murray,

James Starkey was appointed Enrolling Clerk, *pro tem.*

On motion of Mr. Day,

Edward F. Parker was appointed Sergeant-at-Arms, *pro tem.*

On motion of Mr. Dutton,

M. W. Getchell was appointed Messenger, *pro tem.*

On motion of Mr. Ames,

F. N. Grouchy was appointed Fireman, *pro tem.*

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On motion of Mr. Ludden,

Rev. Mr. Chamberlain was then requested to act as Chaplain, *pro tem.*, to the House.

On motion of Mr. Day,

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

Mr. Murray then moved that the House do now adjourn until to-morrow, at 11 o'clock A. M.

Mr. Lott moved to amend the motion by striking out "11 o'clock A. M.," and inserting in lieu thereof the words "2 o'clock P. M.;"

Which motion prevailed.

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

It was decided in the affirmative.

So the House adjourned until 2 o'clock P. M., to-morrow.

THURSDAY AFTERNOON, 2 o'clock.

The House was called to order by the Speaker, *pro tem.*

Prayer by Rev. Mr. Chamberlain.

A quorum being in attendance, the Journal of yesterday was then read.

On motion of Mr. Lott,

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

Mr. Lott, from the committee appointed to wait upon the Council, reported that the committee had performed the duty assigned them.

A committee from the Council consisting of Messrs. Loomis and Larned, was then admitted within the bar of the House, and the chairmain addressed the House as follows:

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

On motion of Mr. Murray,

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

FRIDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum was present.

The Journal of yesterday was read.

Mr. Ames offered the following resolution, which was adopted by the House, viz :

Resolved, That a committee of two be appointed to draft and report to this House, Rules for the government of the House the present session.

Messrs. Ames and Ludden were appointed said committee.

Mr. Ames offered the following resolution of the two Houses, viz :

Resolved, By this House, (the Council concurring herein,) that a joint committee of two from each House be appointed to report Joint Rules for the government of the two Houses the present session.

The resolution was adopted, and

Messrs. Lott and Murray were appointed a committee on the part of the House.

Mr. Wells offered the following resolution, which was adopted, viz :

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

The following message was received from the Council by S. Trask, Esq., the Secretary thereof, viz :

MR. SPEAKER : The Council has passed 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, for the purpose of procuring and preparing large, dry and suitable chambers for the meeting of the Legislative Assembly ; and the said committee be instructed to report to-morrow where suitable halls can be had, and when the same will be ready for occupancy.

Messrs. Farrington and Greely were appointed such committee on the part of the Council.

I herewith transmit to this House a communication from Nathaniel M'Lean, directed to both branches the Legislature.

The Secretary then withdrew.

Mr. Lott moved that the message from the Council be now taken up ;

Which motion prevailed, and

The message and accompanying communication were then read.

The question then recurring on the adoption by the House of the resolution transmitted from the Council,

Mr. Ames moved the following amendment :

Strike out all the resolution after the words " Committee be instructed to," and insert in lieu thereof the words " obtain those rooms offered by Maj. Nathaniel M'Lean, as per his letter now in possession of this Legislature ;"

Which amendment was adopted.

Mr. Day then moved that the resolution be laid on the table ;

Which motion was lost.

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

And the ayes and noes being called for and ordered,

Those voting in the affirmative were,

Messrs. Ames, Dutton, Ludden, Murray, and Nott—5.

Those voting in the negative were,

Messrs. Day, Lott, Oliver, Randall, Russell, Ramsey, Stimson, Truax, Wells and Wilcox—10.

So the House refused to adopt the resolution.

The following message was then received from the Council by S. Trask, Secretary, viz :

MR. SPEAKER : The Council has adopted the resolution from this House concerning Joint Rules.

Messrs. McLeod and Larned have been appointed by the Council to act with a similar committee from this House, in conformity to said resolution.

The Secretary then withdrew.

Mr. Wells moved that the House do now adjourn until 2 o'clock P. M., on Monday next;

Which motion prevailed.

So the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker, *pro tem.*, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum appeared in their seats.

The Journal of Friday, January 7, was then read.

Mr. Dutton offered the following resolution :

Resolved, That the Chief Clerk be directed to procure for the use of the members and clerks of this House, twenty copies, each, of the Journals of the Council and of the House of last session; of the Revised Statutes, and of the Session Laws of last session.

The resolution being read, was adopted by the House.

Mr. Murray offered the following resolution, which was read, viz :

Resolved, That each member of the House is authorized to purchase stationery as they wish, not exceeding twelve dollars to each member, and that all bills for stationery shall be handed to the Clerk of the House, to be incorporated into the appropriation bill.

The question recurring on the adoption of the resolution, it was decided in the negative.

Mr. Murray offered the following resolution, which was read and adopted, viz :

Resolved, That a Committee of two be appointed who shall wait upon Secretary Wilkin, and request him to report to this House what amount of stationery each member will be entitled to; the number of papers each member may take; whether or not any account will be allowed for postage.

Messrs. Murray and Day were then appointed a Committee in accordance with said resolution.

On motion of Mr. Murray,
The House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment. Prayer by Rev. Mr. Chamberlain.

Mr. Ames, by leave, offered the following resolution :

Resolved, That the members elect from Pembina, Joseph Rolette and Antoine Gingras, and John McKee from Benton county, who are now present, do now receive the oath of office from the Speaker.

The resolution was adopted ; whereupon, Messrs. Gingras and Rolette, members elect from the Seventh Council District, appeared at the Speaker's desk and took the oath of office.

The roll being called, a quorum appeared in their seats.

The Journal of yesterday was read.

Mr. Murray moved that the House do now adjourn ;

Which motion he subsequently, by leave, withdrew.

Mr. J. McKee, member elect from the Fifth Council District, then appeared at the Speaker's desk and took the oath of office.

Mr. Ames offered the following resolution, which was read and adopted, to wit :

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

On motion of Mr. Murray,

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

WEDNESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*

Prayer by Rev. Mr. Chamberlain.

The roll of the House was then called, and a quorum being present,

The Journal of yesterday was then read.

Mr. Ames, from the Committee appointed to draft rules for the government of the House during the present session, reported the following Rules :

STANDING RULES OF THE HOUSE OF REPRESENTATIVES.

I. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day ; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

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

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

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

V. The Speaker shall call some member the Chair when the House votes to go into Committee of the Whole, and may then debate the question before the Committee. He shall also have the right to name a member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. In case the Speaker shall be absent at the hour to which the House was adjourned, the Clerk shall preside until a Speaker, *pro tem.*, shall be chosen.

VI. He shall appoint all committees unless otherwise directed by the House. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas (issued by the House) shall be signed by him and attested by the Chief Clerk.

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

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

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

1. Letters, petitions, memorials, remonstrances and accompanying documents, may be presented and referred.
2. Resolutions may be offered and considered; notices of leave to introduce bills may be given; and bills may be introduced on leave granted.
3. Reports of Committees may be made and considered: 1st, from Standing Committees; 2d, from Select Committees.
4. Messages from the Council, and amendments proposed by the Council to bills from the House of Representatives.
5. Bills and Resolutions from the Council on their second reading.
6. Bills on their third reading.
7. Bills ready for third reading.
8. Bills reported by a Committee of the Whole.
9. Bills in which a Committee of the Whole has made progress and has leave to sit again.
10. Bills not yet considered in Committee of the Whole.

X. Bills of a public nature shall always have the preference of private bills.

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

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

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

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

XV. No member shall vote on any question in any case where he was not within the bar of the House when the question was put, unless by leave of the House.

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

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

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

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

XX. After a motion is stated by the Speaker, or read by the Chief Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

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

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

XXXIII. The previous question shall be in this form: "Shall the main question now be 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 House shall be in order.

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

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

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

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

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

XXIX. Any member may make a call of the House, and require absent members to be sent for, but a call of the House cannot be made after the voting has commenced; and the call of the House being ordered, and the absentees noted, the door shall be closed and no member 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.

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

- On Internal Improvements.
- On Territorial Affairs.
- On the Judiciary.
- On Agriculture and Manufactures.
- On the Militia.
- On Schools.
- On Incorporations.
- On Territorial Roads.
- On Printing.
- On Public Buildings.

XXXI. The rules observed in the House 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.

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

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

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

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

XXXVI. All bills, memorials and joint resolutions requiring the approval of the Governor, shall, on a second reading, be considered in committee of the whole before they shall be acted upon by the House, and those originating in the House, except resolutions not requiring the approval of the Governor, before being considered in committee of the whole, shall be printed, unless otherwise ordered by the House.

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

XXXVIII. No more than three bills originating in the House shall be committed to the same committee of the whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

XXXIX. The final question upon the second reading of every bill, or other paper originating in the House, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the Council, "Shall it be read a third time?"

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

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

XLII. Every bill, joint resolution or memorial, originating in the House, shall be carefully engrossed before being transmitted to the Council for concurrence.

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

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

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

XLVI. The Chief Clerk shall keep a correct Journal of the daily proceedings of the House, and shall perform such other duties as shall be assigned to him as Chief Clerk. He shall permit no journal, records, accounts, or papers to be taken from the table or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the Speaker, that inquiry may be made. He shall superintend the recording of the journal of proceedings, the engrossing, enrolling, transcribing and copying of bills and resolutions, and generally perform the duties of Chief Clerk, under the direction of the Speaker.

XLVII. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with these rules and the orders of the House, and the Joint Rules and Orders of the Council and House of Representatives.

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

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

On motion of Mr. Wells,
The report was read and accepted, and the committee discharged.
On motion of Mr. Wells,
The report was ordered to be laid on the table.
On motion of Mr. Murray,
The House adjourned until 10 o'clock to-morrow morning.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker *pro tem.*, pursuant to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll of members being called, a quorum appeared in their seats.

The reading of the Journal of yesterday was commenced, and pending the reading thereof,

On motion of Mr. Ames,
The further reading of the Journal was dispensed with.

Mr. Lott, from the Joint Committee of the two Houses to prepare and report Joint Rules for the government of the two Houses during the present session, made the following report:

The Joint Committee of the two Houses, appointed to draft rules for the government of the two Houses in their joint action, have had the matter referred to them under consideration, and ask leave to report:

Your Committee recommend the adoption of the Joint Rules of the two Houses, in force during the last session of the Legislature, for the government of the two Houses during their present session.

B. W. LOTT,
W. P. MURRAY,
W. L. LARNED,
Committee.

On motion of Mr. Ames,
The report of the committee was accepted and the committee discharged.

On motion of Mr. Lott,

The report of the committee which reported rules for the government of the House, was taken from the table.

On motion of Mr. Ludden,

The Standing Rules of the House were amended by adding to Art. 30, the words, "on Enrolled Bills," "on Legislative Expenditures," "on Territorial Expenditures."

On motion of Mr. Day,

The Joint Rules reported, and the Standing Rules of the House as amended, were adopted by the House.

Mr. Day offered the following resolution, which was read, viz :

Resolved, That — copies of the Rules of the House, and the Joint Rules, and the Rules of the Council, be printed in pamphlet form for the Council and House of Representatives.

Mr. McKee moved to fill the blank in the resolution with the words, "two hundred ;"

Which motion was lost.

Mr. Wilcox moved to fill the blank in the resolution with the words, "one hundred and fifty ;"

Which motion was lost ; ayes 7, noes 8.

Mr. Day moved to fill the blank with the words, "one hundred and twenty-five."

Mr. Lott moved to amend the motion by striking out the words "twenty-five ;"

Which motion was lost.

Mr. Murray moved to amend the motion by striking out "one hundred and twenty-five," and inserting in lieu thereof the word "fifty ;"

Which motion was lost.

The question then recurring on the adoption of the motion,

It was carried ; ayes 10, noes 7.

On motion of Mr. Murray,

The House now proceeded to vote for a Speaker of the House of Representatives.

On the first vote

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Ramsey.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Ramsey.
 " Lott voted for Mr. Russell.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Wilcox.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ramsey.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Randall.
 " Wilcox voted for Mr. Ramsey.

The result of the vote was then declared as follows :

Mr. Lott	received	6	votes.
" Ramsey	"	4	"
" Day	"	2	"
" Wilcox	"	2	"
" Russell	"	1	"
" Ames	"	1	"
" Randall	"	1	"
" Wells	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes, there was no choice. The House then proceeded to a second vote as follows, viz :

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Ramsey.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Ramsey.
 " Lott voted for Mr. Murray.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Ames.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Ramsey.

The result of the vote was then declared to have been as follows :

Mr. Lott received	6	votes.
" Ramsey "	3	"
" Day "	2	"
" Ames "	2	"
" Murray "	1	"
" Wells "	1	"
" Ludden "	1	"
" Wilcox "	1	"
" Gingras "	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and The House then proceeded to a third vote as follows, viz :

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Truax.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Murray.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Ludden.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Ludden.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.

The result was then declared as follows :

Mr. Lott received	6	votes.
" Ludden "	3	"
" Wells "	1	"

Mr. Truax	“	1	vote
“ Ames	“	1	“
“ Rolette	“	1	“
“ Murray	“	1	“
“ Day	“	1	“
“ Wilcox	“	1	“
“ Gingras	“	1	“
“ Ramsey	“	1	“

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. McKee moved that the House adjourn,
Which motion was lost.

Mr. Wells asked and obtained leave to introduce a resolution, which was read, as follows, viz:

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

The question on the adoption of the resolution was then taken; and the ayes and noes being called for and ordered,

Those voting in the affirmative were,

Messrs. Day, Dutton, Gingras, Ludden, McKee, Rolette, Ramsey and Wells—8.

Those voting in the negative were,

Messrs. Ames, Lott, Murray, Noot, Oliver, Randall, Russell, Stimson, Truax and Wilcox—10.

Mr. Ames, by leave, offered the following resolution, which was read, viz:

Resolved, That the Chief Clerk of the House be, and hereby is, authorized to procure such stationery as may be necessary for his use, not exceeding twenty dollars' worth; and that each member of the House is authorized to purchase such stationery as he may require not exceeding in amount twenty dollars; and that each member of the House shall be entitled to thirty additional copies of newspapers already allowed.

Mr. Murray moved to amend by striking out, where it occurs in the resolution, the word “twenty,” and inserting in lieu thereof the word “fifteen;”

Which motion was lost—ayes 7, noes 8.

The question then recurring on the resolution, and the ayes and noes being called for and ordered,

Those voting in the affirmative were,

Messrs. Ames, Day, Dutton, Gingras, Ludden, Lott, McKee, Noot, Oliver, Ramsey, Truax, Wells and Wilcox—13.

Those voting in the negative were,

Messrs. Murray, Randall, Russell, Rolette and Stimson—5.

So the resolution was adopted.

Mr. Murray asked and obtained leave to make the following report:

The Committee appointed to wait upon the Secretary of the Territory and request information in regard to stationery, newspapers, &c., report that they have performed their duty.

MURRAY, }
DAY, } Committee.

On motion of Mr. Ludden,

The report was accepted and the Committee discharged.

On motion of Mr. Murray,

The House then proceeded to vote for a Speaker of the House of Representatives,
and

On the fourth vote

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Randall.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Oliver.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Wells.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Murray.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Rolette.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Truax.

The result of the vote was then announced as follows :

Mr. Lott	received	6	votes.
" Rolette	"	2	"
" Wells	"	2	"
" Randall	"	1	"
" Ames	"	1	"
" Oliver	"	1	"
" Murray	"	1	"
" Ludden	"	1	"
" Wilcox	"	1	"
" Gingras	"	1	"
" Truax	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. McKee moved that the House do now adjourn,

Which motion was lost—ayes 5, noes 11.

The House then proceeded to the election of Speaker, and

On the fifth vote

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Wells.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Russell.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Wells.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Day.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Ludden.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Ludden.

The result of the vote was then declared, as follows :

Mr. Lott received	6	votes.
“ Ludden “	3	“
“ Wells “	3	“
“ Rolette “	1	“
“ Ames “	1	“
“ Russell “	1	“
“ Day “	1	“
“ Wilcox “	1	“
“ Gingras “	1	“

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. McKee moved the House do now adjourn,

And the ayes and noes having been called for on the motion and ordered,

Those voting in the affirmative were

Messrs. Day, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax and Wells—9.

Those voting in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson and Wilcox—9.

So the motion was lost.

The House again proceeded to vote for a Speaker, and

On the sixth vote,

Mr. Ames voted for Mr. Wells,
“ Day voted for Gen. Scott,
“ Dutton voted for Mr. Lott,
“ Gingras voted for Mr. Ames,
“ Ludden voted for Mr. Rolette,
“ Lott voted for Mr. Dutton,
“ Murray voted for Mr. Lott,
“ McKee voted for Mr. Ramsey,
“ Noot voted for Mr. Lott,
“ Oliver voted for Mr. Lott,
“ Randall voted for Mr. Ames,
“ Russell voted for Mr. Lott,
“ Rolette voted for Mr. Ludden,
“ Ramsey voted for Mr. Ludden,
“ Stimson voted for Mr. Lott,
“ Truax voted for Mr. Wilcox,
“ Wells voted for Mr. Gingras,
“ Wilcox voted for Mr. Truax.

The result of the vote was then declared, as follows :

Mr. Lott received	6	votes,
“ Ludden “	2	“
“ Wells “	1	“
“ Ames “	1	“
“ Rolette “	1	“
“ Dutton “	1	“
“ Ramsey “	1	“
“ Wilcox “	1	“
“ Gingras “	1	“
“ Truax “	1	“
Gen. Scott “	1	“

Whole number of votes,

18

A majority of all the members not having voted for any one person, there was no choice.

Mr. Rolette moved that the House do now adjourn.

And the ayes and noes having been called for and ordered,

Those voting in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax and Wells—9.

Those voting in the negative were,

Messrs. Ames, Murray, Dutton, Lott, Noot, Oliver, Russell, Stimson and Wilcox—9.

So the House refused to adjourn.

The House then proceeded to vote for a Speaker of the House ;

And on the seventh vote,

Mr. Ames voted for Mr. Randall,
 “ Day voted for Mr. Randall,
 “ Dutton voted for Mr. Lott,
 “ Gingras voted for Mr. Ames,
 “ Ludden voted for Mr. Rolette,
 “ Lott voted for Mr. Stimson,
 “ Murray voted for Lott,
 “ McKee voted for Mr. Randall,
 “ Noot voted for Mr. Lott,
 “ Oliver voted for Mr. Lott,
 “ Randall voted for Mr. Day,
 “ Russell voted for Mr. Lott,
 “ Rolette voted for Mr. Ludden,
 “ Ramsey voted for Ludden,
 “ Stimson voted for Mr. Lott,
 “ Truax voted for Mr. Wilcox,
 “ Wells voted for Mr. Gingras,
 “ Wilcox voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	6	votes.
“ Randall	“	3	“
“ Day	“	2	“
“ Ludden	“	2	“
“ Ames	“	1	“
“ Rolette	“	1	“
“ Stimson	“	1	“
“ Wilcox	“	1	“
“ Gingras	“	1	“

Whole number of votes,

18

No person having received a majority of all the votes cast, there was no choice.

Mr. Rolette moved that the House do now adjourn.

The ayes and noes being called for and ordered, there were ayes 9, noes 9.

Those who voted in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax and Wilcox—9.

Those who voted in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson and Wells—9.

So the House refused to adjourn.

The House then proceeded to vote for a Speaker ;

And on the eighth vote,

Mr. Ames voted for Mr. Oliver,
 " Day voted for Mr. McKee,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Ames,
 " Ludden voted for Mr. Rolette,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Randall,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Randall voted for Mr. Murray,
 " Russell voted for Mr. Lott,
 " Rolette voted for Henry Jackson,
 " Ramsey voted for Mr. McKee,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Wilcox,
 " Wells voted for Mr. Gingras,
 Wilcox voted for Mr. McKee.

The result of the vote was then declared as follows :

Mr. Lott	received	6	votes.
" McKee	"	3	"
" Oliver	"	1	"
" Ames	"	1	"
" Rolette	"	1	"
" Stimson	"	1	"
" Randall	"	1	"
" Murray	"	1	"
" Wilcox	"	1	"
" Gingras	"	1	"
H. Jackson	"	1	"

Whole number of votes,

18

There not having been a majority of all the votes cast for any one person, there was no choice.

Mr. Day moved the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 7, noes 11.

Those who voted in the affirmative were,

Messrs. Day, Ludden, Randall, Rolette, Ramsey, Truax and Wells—7.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Lott, Murray, McKee, Noot, Oliver, Russell, Stimson and Wilcox—11.

So the House refused to adjourn.

Mr. Ames moved the House adjourn until 2 o'clock P. M.

And the ayes and noes being called for and ordered, there were ayes 11, noes 7.

Those who voted in the affirmative were,

Messrs. Ames, Day, Dutton, Gingras, Lott, Murray, Noot, Oliver, Stimson, Truax and Wilcox—11.

Those who voted in the negative were,

Messrs. Ludden, McKee, Randall, Russell, Rolette, Ramsey and Wells—7.

So the House adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker *pro tem*.

The roll was called and a quorum appeared in their seats.

Mr. Ludden asked, and obtained the unanimous consent of the House to amend the Standing Rules, as follows: Add to Article 30, the words, "On Engrossed Bills."

The rules were so amended.

Mr. McKee asked, and obtained the unanimous consent of the House further to amend the 30th Article of the Standing Rules, by adding to Article 30, the words, "On Estates and Escheats." The rules were so amended.

Mr. Murray moved that the House do now proceed to the election of a Speaker of the House of Representatives;

And pending the motion Mr. Ramsey moved a call of the House.

The roll was called, and Mr. Day was reported absent.

The Sergeant-at-Arms *pro tem.*, was directed to report Mr. Day in his seat.

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

And the ayes and noes being called for and ordered, there were ayes 7, noes 10.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax, Wells and Wilcox—10.

So the House refused to suspend the call.

The Sergeant-at-Arms reported Mr. Day in his seat.

The question then recurring on the motion to proceed to the election of a Speaker,

On the ninth vote,

Mr. Ames voted for Mr. Wells,
 " Day voted for Mr. McKee,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Ames,
 " Ludden voted for Mr. Rolette,
 " Lott voted for Mr. Dutton,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Randall,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Randall voted for Mr. Russell,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Ludden,
 " Ramsey voted for Mr. Ludden,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Wilcox,
 " Wells voted for Mr. Gingras,
 " Wilcox voted for Mr. Rolette.

The result of the vote was then declared as follows:

Mr. Lott received 6 votes.

" Ludden	" 2	"
" Rolette	" 2	"
" Wells	" 1	"
" McKee	" 1	"
" Ames	" 1	"
" Dutton	" 1	"
" Randall	" 1	"
" Russell	" 1	"
" Wilcox	" 1	"
" Gingras	" 1	"

Whole number of votes,

18

There not being a majority of all the votes cast for any one person, there was no choice.

Mr. Rolette moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 4, noes 14.

Those who voted in the affirmative were,

Messrs. Gingras, Ludden, Rolette and Ramsey—4.

Those who voted in the negative were,

Messrs. Ames, Day, Dutton, Lott, Murray, McKee, Noot, Oliver, Randall, Russell, Stimson, Truax, Wells and Wilcox—14.

So the House refused to adjourn.

The House then proceeded to the election of a Speaker;

And on the tenth vote,

Mr. Ames voted for Mr. Gingras,
 “ Day voted for Mr. Rolette,
 “ Dutton voted for Mr. Lott,
 “ Gingras voted for Mr. Ames,
 “ Ludden voted for Mr. Rolette,
 “ Lott voted for Mr. Oliver,
 “ Murray voted for Mr. Lott,
 “ McKee voted for Mr. Murray,
 “ Noot voted for Mr. Lott,
 “ Oliver voted for Mr. Lott,
 “ Randall voted for Mr. Murray,
 “ Russell voted for Mr. Lott,
 “ Rolette voted for Mr. Ludden,
 “ Ramsey voted for Mr. Ludden,
 “ Stimson voted for Mr. Lott,
 “ Truax voted for Mr. Wilcox,
 “ Wells voted for Mr. Gingras,
 “ Wilcox voted for Mr. Rolette.

The result of the vote was then declared, as follows :

Mr. Lott	received	6	votes.
“ Rolette	“	3	“
“ Murray	“	2	“
“ Ludden	“	2	“
“ Gingras	“	2	“
“ Ames	“	1	“
“ Oliver	“	1	“
“ Wilcox	“	1	“

Whole number of votes, 18

No person having received a majority of all the votes cast there was no choice.

Mr. Rolette moved that the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 9.

Those voting in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax and Wilcox—9.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson and Wells—9.

So the House refused to adjourn.

The House then proceeded to the election of Speaker, and

On the eleventh vote

Mr. Ames voted for Mr. Randall.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Wells.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Noot.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Rolette.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Ludden.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Ludden.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Wells.

The result of the vote was then declared, as follows :

Mr. Lott	received	6	votes.
" Ludden	"	3	"
" Gingras	"	2	"
" Wells	"	2	"
" Rolette	"	2	"
" Randall	"	1	"
" Noot	"	1	"
" Wilcox	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Rolette then moved the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 8 and nays 10.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, Randall, Rolette, Ramsey, Truax and Wilcox—8.

Those voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, McKee, Noot, Oliver, Russell, Stimson and Wells—10.

So the House refused to adjourn.

The House then continued the voting for a Speaker, and

On the twelfth vote

Mr. Ames voted for Mr. Wells.
 " Day voted for Mr. Wells.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Wells.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Russell.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Wells.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Wells.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Ludden.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Wells.

The result of the vote was then announced as follows:

Mr. Lott received	6	votes.
" Wells "	6	"
" Ludden "	2	"
" Rolette "	1	"
" Wilcox "	1	"
" Gingras "	1	"
" Russell "	1	"

Whole number of votes, 18

There not being a majority of all the votes cast for any one man, there was no choice.

Mr. Rolette then moved the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 9, nays 9.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, Randall, Rolette, Ramsey, Truax, Wells and Wilcox—9.

Those voting in the negative were

Messrs. Ames, Dutton, Lott, Murray, McKee, Noot, Oliver, Russell and Stimson—9

So the House refused to adjourn.

The House then proceeded to vote for a Speaker, and
 On the thirteenth vote

Mr. Ames voted for Mr. Gingras.
 " Day voted for Mr. Wells.
 " Dutton voted for Lott.
 " Gingras voted for Mr. Wells.
 " Ludden voted for Mr. Rolette.
 " Lott voted for Mr. Oliver.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Wells.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Wells.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. McKee.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Wilcox.
 " Wells voted for Mr. Gingras.
 " Wilcox voted for Mr. Randall.

The result of the vote was then declared as follows:

Mr. Lott received	6	votes.
" Wells "	4	"
" Gingras "	2	"
" Rolette "	1	"
" Oliver "	1	"
" Ludden "	1	"
" McKee "	1	"
" Wilcox "	1	"
" Randall "	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. McKee moved that the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 10, and nays 8.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax Wells and Wilcox—10.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—8.

So the House adjourned.

FRIDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum of members appeared in their seats.

Mr. Ames offered the following resolution:

Resolved, That this House will not have the daily slips of the Journal of the House printed for the use of the members of this Legislature.

The resolution having been read, and the question recurring on its adoption,

Mr. Lott moved a call of the House, which was ordered, and the roll being called, Messrs. Day, Dutton, McKee, Oliver and Stimson were reported absent.

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

Mr. Dutton having taken his seat,

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

Which was decided in the affirmative—ayes 8, noes 6.

The question then recurring on the adoption of the resolution,

And the ayes and noes being called for and ordered, there were ayes 5, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Ludden, Murray, Noot and Truax—5.

Those who voted in the negative were,

Messrs. Dutton, Gingras, Lott, Randall, Russell, Rolette, Ramsey, Wells and Wilcox—9.

So the House refused to adopt the resolution.

Mr. Wells moved that the House do now adjourn until Monday next at two o'clock P. M.

And the yeas and nays being called for and ordered, there were yeas 5, and nays 9.

Those voting in the affirmative were,

Messrs. Gingras, Randall, Rolette, Ramsey and Wells—5.

Those voting in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Truax and Wilcox—9.

So the House refused to adjourn.

Mr. Ames moved that the House do now proceed to ballot for a Speaker of the House of Representatives; and pending the question,

Mr. Ramsey moved a call of the House, which was ordered, and the roll being called,

Messrs. Day and McKee were reported absent.

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

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

Which motion prevailed—ayes 9, noes 6.

The question then recurring on the motion to proceed to the election of Speaker,

It was decided in the affirmative.

The House then proceeded to the election, and

On the fourteenth vote

Mr. Ames voted for Mr. Noot.
 “ Dutton voted for Mr. Lott.
 “ Gingras voted for Mr. Ames.
 “ Ludden voted for Mr. Ramsey.
 “ Lott voted for Mr. Stimson.
 “ Murray voted for Mr. Lott.
 “ Noot voted for Mr. Lott.
 “ Oliver voted for Mr. Lott.
 “ Randall voted for Mr. Wells.
 “ Russell voted for Mr. Lott,
 “ Rolette voted for Mr. Ludden.
 “ Ramsey voted for Mr. Ludden.
 “ Stimson voted for Mr. Lott.
 “ Truax voted for Mr. Lott.
 “ Wells voted for Mr. Lott.
 “ Wilcox voted for Mr. Truax.

The result of the vote was then declared as follows:

Mr. Lott	received	8	votes.
“ Ludden	“	2	“
“ Ramsey	“	1	“
“ Noot	“	1	“
“ Ames	“	1	“
“ Stimson	“	1	“
“ Wells	“	1	“
“ Truax	“	1	“

Whole number of votes, 16

No person having received a majority of all the votes cast, there was no choice.

Messrs. Day and McKee then took their seats.

The House then continued to vote for a Speaker, and

On the fifteenth vote,

Mr. Ames voted for Mr. Oliver,
 “ Day voted for Mr. Ludden,
 “ Dutton voted for Mr. Lott,
 “ Gingras voted for Mr. Ames,
 “ Ludden voted for Mr. Ramsey,
 “ Lott voted for Mr. Russell,
 “ Murray voted for Mr. Lott,
 “ McKee voted for Mr. Ludden,
 “ Noot voted for Mr. Lott,
 “ Oliver voted for Mr. Lott,
 “ Randall voted for Mr. Murray,

Mr. Russell voted for Mr. Lott,
 " Rolette voted for Mr. Ludden,
 " Ramsey voted for Mr. Ludden,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Murray,
 " Wells voted for Mr. Lott,
 " Wilcox voted for Mr. Truax.

The result of the vote was then declared, as follows :

Mr. Lott	received	7	votes.
" Ludden	"	4	"
" Murray	"	2	"
" Oliver	"	1	"
" Ames	"	1	"
" Ramsey	"	1	"
" Russell	"	1	"
" Truax	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House then proceeded to vote again for a Speaker, and

On the sixteenth vote

Mr. Ames voted for Mr. Gingras.
 " Day voted for Mr. Ames.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Ames.
 " Ludden voted for Mr. Ramsey.
 " Lott voted for Mr. Murray.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Randall.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Ludden.
 " Ramsey voted for Mr. Ludden.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Murray.
 " Wells voted for Mr. Ramsey.
 " Wilcox voted for Mr. Truax.

The result of the vote was then declared, as follows :

Mr. Lott	received	7	votes,
" Ludden	"	2	"
" Ramsey	"	2	"
" Ames	"	2	"
" Murray	"	2	"
" Randall	"	1	"
" Gingras	"	1	"
" Truax	"	1	"

Whole number of votes,

18

No person having received a majority of all the votes cast, there was no choice. Mr. Day moved that the House do now adjourn until Monday at 2 o'clock, P. M.

And the yeas and nays being called for and ordered, there were yeas 9, nays 9.

Those voting in the affirmative were,

Messrs. Day, Dutton, Gingras, Ludden, McKee, Randall, Rolette, Ramsey and Stimson—9.

Those voting in the negative were,

Messrs. Ames, Lott, Murray, Noot, Oliver, Russell, Truax, Wells and Wilcox—9.

So the House refused to adjourn.

The House then proceeded to vote for a Speaker, and

On the seventeenth vote

Mr. Ames voted for Mr. Dutton.
 “ Day voted for Mr. Ames.
 “ Dutton voted for Mr. Lott.
 “ Gingras voted for Mr. Ames.
 “ Ludden voted for Mr. Ramsey.
 “ Lott voted for Mr. Dutton.
 “ Murray voted for Mr. Lott.
 “ McKee voted for Mr. Ludden.
 “ Noot voted for Mr. Lott.
 “ Oliver voted for Mr. Lott.
 “ Randall voted for Mr. Lott.
 “ Russell voted for Mr. Lott.
 “ Rolette voted for Mr. Ludden.
 “ Ramsey voted for Mr. Ludden.
 “ Stimson voted for Mr. Lott.
 “ Truax voted for Mr. Murray.
 “ Wells voted for Mr. Randall.
 “ Wilcox voted for Mr. Truax.

The result was then announced as follows :

Mr. Lott	received	7	votes.
“ Ludden	“	3	“
“ Dutton	“	2	“
“ Ames	“	2	“
“ Murray	“	1	“
“ Randall	“	1	“
“ Ramsey	“	1	“
“ Truax	“	1	“

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

The House then proceeded to vote again for Speaker, and

On the eighteenth vote

Mr. Ames voted for Mr. Stimson.
 “ Day voted for Mr. Ames.
 “ Dutton voted Mr. Lott.
 “ Gingras voted for Mr. Ames.
 “ Ludden voted for Mr. Ramsey.
 “ Lott voted for Mr. Stimson.
 “ Murray voted for Mr. Lott.
 “ McKee voted for Mr. Day.
 “ Noot voted for Mr. Lott.
 “ Oliver voted for Mr. Lott.
 “ Randall voted for Mr. Day.
 “ Russell voted for Mr. Lott.
 “ Rolette voted for Mr. Ludden.
 “ Ramsey voted for Mr. Ludden.
 “ Stimson voted for Mr. Lott.
 “ Truax voted for Mr. Ludden.
 “ Wells voted for Mr. Russell.
 “ Wilcox voted for Mr. Truax.

The result of the vote was then declared to have been as follows :

Mr. Lott	received	6	votes.
" Ludden	"	3	"
" Stimson	"	2	"
" Ames	"	2	"
" Day	"	2	"
" Ramsey	"	1	"
" Russell	"	1	"
" Truax.	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Murray moved that the House do now adjourn until 2 o'clock this afternoon,
Which motion was lost.

Mr. Rolette moved that the House do now adjourn until Monday, at 2 o'clock P.
M.

And the ayes and noes being called for and ordered, there were ayes 11, noes 7.

Those who voted in the affirmative were

Messrs. Day, Dutton, Gingras, Ludden, McKee, Randall, Russell, Rolette, Ramsey,
Stimson and Truax—11.

Those who voted in the negative were

Messrs. Ames, Lott, Murray, Noot, Oliver, Wells and Wilcox—7.

So the House adjourned.

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker, *pro tem.*, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

On motion of Mr. Wells,

The reading of the Journal of the House on Friday last, was dispensed with.

The following communication from the Chief Clerk *pro tem.*, was then read, viz :

ST. PAUL, Jan. 14, 1853.

To the Hon. Speaker *pro tem.*, House of Representatives :—

SIR : In conformity to a resolution of this House, I have waited upon the Postmaster in St. Paul, and was by him informed that he will with pleasure credit the members of the House of Representatives with the postage on their letters and papers.

The Postmaster, however, is desirous to notify members that the custom heretofore pursued by members of the Legislature, of writing the name of the person sending the paper, (or any writing on the envelope other than the address of the person to

whom the paper is sent) will subject the paper to letter postage, and augment the aggregate amount of postage account against the Legislature during the session, probably from \$500 to \$1,000.

The Postmaster was anxious I should communicate this fact officially to the House, that the members may act understandingly in the premises.

Very respectfully,

JOSEPH R. BROWN,
Chief Clerk *pro tem.*

On motion of Mr. Murray,
The House then proceeded to vote for a Speaker; and
On the nineteenth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Russell.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Day.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Murray.
 " Wells voted for Mr. Randall.
 " Wilcox voted for Mr. Day.

The result of the vote was then announced as follows:

Mr. Lott	received	7	votes.
" Day	"	7	"
" Gingras	"	1	"
" Russell	"	1	"
" Murray	"	1	"
" Randall	"	1	"

Whole number of votes, 18

There not having been a majority of all the votes cast for any one person, there was no choice.

The House then again proceeded to vote for a Speaker; and

On the twentieth vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Ames.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Randall voted for Mr. Day.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Day.
 " Wells voted for Mr. Randall.
 " Wilcox voted for Mr. Day.

The result of the vote was then announced as follows :

Mr. Day	received	8	votes.
" Lott	"	7	"
" Gingras	"	1	"
" Randall	"	1	"
" Ames	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House then proceeded again to vote for Speaker ; and On the twenty-first vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Day,
 " Lott voted for Stimson,
 " Murray voted for Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Randall voted for Mr. Day,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Randall,
 " Wilcox voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	7	"
" Gingras	"	1	"
" Stimson	"	1	"
" Randall	"	1	"

Whole number of votes,

18

There not being a majority of all the votes cast for any one person, there was no choice.

Mr. Wells moved that the House do now adjourn.

And the ayes and nays being called for and ordered, there were ayes 5, noes 13.

Those who voted in the affirmative were,

Messrs. Gingras, Rolette, Ramsey, Wells and Wilcox—5.

Those who voted in the negative were,

Messrs. Ames, Day, Dutton, Ludden, Lott, Murray, McKee, Noot, Oliver, Randall, Russell, Stimson and Truax—13.

So the House refused to adjourn.

The House then again proceeded to vote for a Speaker; and
On the twenty-second vote,

- Mr. Ames voted for Mr. Lott,
- " Day voted for Mr. Gingras,
- " Dutton voted for Mr. Lott,
- " Gingras voted for Mr. Day,
- " Ludden voted for Mr. Day,
- " Lott voted Mr. Ames,
- " Murray voted for Mr. Lott,
- " McKee voted for Mr. Day,
- " Noot voted for Mr. Lott,
- " Oliver voted for Mr. Lott,
- " Randall voted for Mr. Murray,
- " Russell voted for Mr. Lott,
- " Rolette voted for Mr. Day,
- " Ramsey voted for Mr. Day,
- " Stimson voted for Mr. Lott,
- " Truax voted for Mr. Murray,
- " Wells voted for Mr. Randall,
- " Wilcox voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott received 7 votes,
" Day " 6 "
" Murray " 2 "
" Gingras " 1 "
" Ames " 1 "
" Randall " 1 "

Whole number of votes,

No person having received a majority of the votes cast, there was no choice.

The House again proceeded to vote for Speaker, and

On the twenty-third vote,

- Mr. Ames voted for Mr. Lott,
- " Day voted for Mr. Gingras,
- " Dutton voted for Mr. Lott,
- " Gingras voted for Mr. Day,
- " Ludden voted for Mr. Day,
- " Lott voted for Mr. Murray,
- " Murray voted for Mr. Lott,
- " McKee voted for Mr. Day,
- " Noot voted for Mr. Lott,
- " Oliver voted for Mr. Lott,
- " Randall voted for Mr. Day,
- " Russell voted for Mr. Lott,
- " Rolette voted for Mr. Day,
- " Ramsey voted for Mr. Day,
- " Stimson voted for Mr. Lott,
- " Truax voted for Mr. Murray,
- " Wells voted for Mr. Randall,
- " Wilcox voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott received 7 votes,
" Day " 7 "
" Murray " 2 "
" Gingras " 1 "
" Randall " 1 "

Whole number of votes,

18

No person having received a majority of all the votes cast, there was no choice.
 Mr. Wells moved the House do now adjourn ;
 Which motion was lost.
 The House again proceeded to vote for a Speaker, and

On the twenty-fourth vote

- Mr. Ames voted for Mr. Lott.
- " Day voted for Mr. Gingras.
- " Dutton voted for Lott.
- " Gingras voted for Mr. Day.
- " Ludden voted for Mr. Day.
- " Lott voted for Mr. Ames.
- " Murray voted for Mr. Lott.
- " McKee voted for Mr. Day.
- " Noot voted for Mr. Lott.
- " Oliver voted for Mr. Lott.
- " Randall voted for Mr. Day.
- " Russell voted for Mr. Lott.
- " Rolette voted for Mr. Day.
- " Ramsey voted for Mr. Day.
- " Stimson voted for Mr. Lott.
- " Truax voted for Mr. Murray.
- " Wells voted for Mr. Randall.
- " Wilcox voted for Mr. Day.

The result of the vote was then declared as follows:

- Mr. Lott received 7 votes.
- " Day " 7 "
- " Murray " 1 "
- " Ames " 1 "
- " Gingras " 1 "
- " Randall " 1 "

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and
 The House again proceeded to vote for a Speaker ;

On the twenty-fifth vote

- Mr. Ames voted for Mr. Lott.
- " Day voted for Mr. Gingras.
- " Dutton voted for Mr. Lott.
- " Gingras voted for Mr. Day.
- " Ludden voted for Mr. Day.
- " Lott voted for Mr. Murray.
- " Murray voted for Mr. Lott.
- " McKee voted for Mr. Day.
- " Noot voted for Mr. Lott.
- " Oliver voted for Mr. Lott.
- " Randall voted for Mr. Day.
- " Russell voted for Mr. Lott.
- " Rolette voted for Mr. Day.
- " Ramsey voted for Mr. Day.
- " Stimson voted for Mr. Lott.
- " Truax voted for Mr. Murray.
- " Wells voted for Mr. Randall.
- " Wilcox voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	7	votes.
" Day	"	7	"
" Murray	"	2	"
" Gingras	"	1	"
" Randall	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast there was no choice. The House then again proceeded to the election of Speaker, and

And on the twenty-sixth vote,

Mr. Ames	voted for Mr. Lott,
" Day	voted for Mr. Gingras,
" Dutton	voted for Mr. Lott,
" Gingras	voted for Mr. Day,
" Ludden	voted for Mr. Day,
" Lott	voted for Mr. Dutton,
" Murray	voted for Lott,
" McKee	voted for Mr. Day,
" Noot	voted for Mr. Lott,
" Oliver	voted for Mr. Lott,
" Randall	voted for Mr. Day,
" Russell	voted for Mr. Lott,
" Rolette	voted for Mr. Day,
" Ramsey	voted for Day,
" Stimson	voted for Mr. Lott,
" Truax	voted for Mr. Wells,
" Wells	voted for Mr. Truax,
" Wilcox	voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	7	votes.
" Day	"	7	"
" Gingras	"	1	"
" Dutton	"	1	"
" Wells	"	1	"
" Truax	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Rolette then moved the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 10, nays 8.

Those who voted in the affirmative were

Messrs. Gingras, Ludden, Murray, McKee, Randall, Rolette, Ramsey, Truax, Wells and Wilcox—10.

Those voting in the negative were

Messrs. Ames, Day, Dutton, Lott, Noot, Oliver, Russell and Stimson—8.

So the House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment. Prayer by Rev. Mr. Chamberlain.

The roll of members being called, a quorum answered to their names.

Mr. Wells moved that the reading of the Journal of yesterday be dispensed with, Which was decided in the negative, and the Journal of the House on yesterday was then read.

Mr. Murray, by leave, offered the following resolution, which was read and adopted, viz:

Resolved, That the Secretary be instructed to prepare seats within the bar of the House for the reporters of the different presses of this Territory.

A Committee from the Council was announced, and Messrs. Forbes and Larned appeared, when Mr. Forbes delivered the following message, viz:

MR. SPEAKER—We have been appointed a Committee to wait on and inform the House that the Council is now permanently organized by the election of the following officers: Hon. Martin McLeod, *President*; A. T. C. Pierson, *Secretary*; S. P. Folsom, *Assistant Secretary*; F. E. Collins, *Enrolling Clerk*; J. W. Cormack, *Sergeant-at-Arms*; A. H. Cathcart, *Messenger*; Edwin Perkins, *Fireman*.

The Committee from the Council then withdrew.

Mr. Murray, by leave, then offered the following resolution, which was read, viz:

Resolved, That the *pro tem.* officers of this House now be sworn into office.

The question then recurring on the adoption of the resolution, and the yeas and nays being called for and ordered, there were yeas 7 and nays 11.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Oliver, Russell, Truax and Wilcox—7.

Those who voted in the negative were,

Messrs. Ames, Day, Gingras, Ludden, McKee, Noot, Randall, Rolette, Ramsey, Stimson and Wells—11.

So the House refused to adopt the resolution.

Mr. Wells moved that the House do now adjourn; Which motion was lost.

Mr. McKee moved that the House now proceed to vote for a Speaker, Which motion prevailed, and the roll being called,

On the twenty-seventh vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Murray.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.

Mr. Truax voted for Mr. Murray.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Day	received	8	votes.
" Lott	"	7	"
" Murray	"	2	"
" Gingras	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and The House again proceeded to vote for Speaker.

On the twenty-eighth vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Ames,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Murray,
 " Wells voted for Mr. Randall,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then announced as follows:

Mr. Lott	received	7	votes.
" Day	"	7	"
" Ames	"	1	"
" Gingras	"	1	"
" Murray	"	1	"
" Randall	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House then again proceeded to vote for a Speaker, and

On the twenty-ninth vote

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Ames,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,

Mr. Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Murray,
 " Wells voted for Mr. Randall,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Wells.

The result of the vote was then declared as follows :

Mr. Lott received	7	votes.
" Day	" 6	"
" Gingras	" 1	"
" Ames	" 1	"
" Murray	" 1	"
" Randall	" 1	"
" Wells	" 1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 Mr. Rolette moved that the House do now adjourn ;

And the yeas and nays being called for and ordered, there were yeas 10, nays 8.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Truax, Wells, Wilcox
 and Speaker—10.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—8.

So the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

The Journal of yesterday was then read.

Mr. Ames offered the following resolution, which was read and adopted, viz :

Resolved, That the Chief Clerk of the House be instructed to call on the Secretary of the Territory and request him to supply the House with a clock.

Mr. Ames moved that the House do now proceed to the election of a Speaker of the House ;

Which motion prevailed.

Mr. Dutton moved a call of the House, which was ordered, and the roll being called, all the members answered to their names.

On motion of Mr. Ames,
Further proceedings under the call of the House were dispensed with.

The following message was then received from the Council by A. T. C. Pierson, Esq., Secretary thereof, viz:

MR. SPEAKER—The Council have adopted the report of the Joint Committee on Rules.

The Council have adopted the following resolution:

Resolved, That a committee of two be appointed to act in conjunction with a similar committee of the House of Representatives, to wait on his Excellency the Governor and inform him that the two Houses are now organized and prepared to receive any communications he may have to make to them.

Messrs. Forbes and Lowry were appointed such committee.

The Secretary then withdrew.

The House then again proceeded to vote for a Speaker, and

On the thirtieth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows:

Mr. Lott	received	8	votes,
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

On the thirty-first vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Dutton.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then announced as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Dutton	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 On the thirty-second vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Ames,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Ames	"	1	"
" Gingras	"	1	"

Whole number of votes, 18

There not being a majority of all the votes cast for any one person, there was no choice.

On the thirty-third vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Day,
 " Lott voted for Russell,
 " Murray voted for Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,

Mr. Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott received 8 votes.	
" Day " 8 "	
" Gingras " 1 "	
" Russell " 1 "	
	—
	18

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 Mr. Rolette moved that the House do now adjourn.
 And the ayes and nays being called for and ordered, there were ayes 8, noes 10.

Those who voted in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Wells and Speaker, *pro tem.*—8.

Those who voted in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson, Truax and Wilcox—10.

So the House refused to adjourn.

The House then proceeded again to vote for Speaker ; and

On the thirty-fourth vote,

Mr. Ames voted for Mr. Lott,
" Day voted for Mr. Gingras,
" Dutton voted for Mr. Lott,
" Gingras voted for Mr. Day,
" Ludden voted for Mr. Day,
" Lott voted for Mr. Murray,
" Murray voted for Mr. Lott,
" McKee voted for Mr. Day,
" Noot voted for Mr. Lott,
" Oliver voted for Mr. Lott,
" Russell voted for Mr. Lott,
" Rolette voted for Mr. Day,
" Ramsey voted for Mr. Day,
" Stimson voted for Mr. Lott,
" Truax voted for Mr. Lott,
" Wells voted for Mr. Day,
" Wilcox voted for Mr. Day.
Speaker <i>pro tem.</i> voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott received 8 votes,	
" Day " 8 "	
" Gingras " 1 "	
" Murray " 1 "	
	—
	18

Whole number of votes, 18

No person having received a majority of the votes cast, there was no choice.
 The House again proceeded to the election of Speaker, and

And on the thirty-fifth vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Ames,
 " Murray voted for Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared as follows:

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Ames	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

The House then proceeded to the election of Speaker, and

On the thirty-sixth vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Dutton,
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then announced as follows:

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Ames	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House then proceeded to vote for Speaker ;

On the thirty-seventh vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Noot.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Noot	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House again proceeded to vote for a Speaker, and

On the thirty-eighth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Oliver.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Oliver	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 Mr. Rolette moved that the House do now adjourn to 2 o'clock this afternoon;
 And the yeas and nays being called for and ordered, there were yeas 8 and nays 10.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, Rolette, Ramsey, Wells, Wilcox and Randall,
 Speaker *pro tem.*—8.

Those voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, McKee, Noot, Oliver, Russell, Stimson and
 Truax—10.

So the House refused to adjourn.

The House then again continued the voting for a Speaker, and
 On the thirty-ninth vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Ames.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott received 8 votes,	
" Day " 8 "	
" Gingras " 1 "	
" Ames " 1 "	

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

The House then proceeded to vote for Speaker ; and

On the fortieth vote

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,

Mr. Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast there was no choice.

Mr. Ames moved that the message from the Council be now taken up ;

Which motion prevailed, and the message was then read.

The question then recurring on the adoption of the resolution of the Council,

Mr. Ludden moved to amend the resolution by inserting between the words "now" and "organized" the word "permanently."

And the yeas and nays being called for and ordered, there were yeas 5, nays 13.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, Rolette and Wells—5.

Those voting in the negative were

Messrs. Ames, Dutton, Lott, Murray, McKee, Noot, Oliver, Russell, Ramsey, Stimson, Truax, Wilcox and Speaker *pro tem.*—13.

So the House refused to adopt the amendment.

On motion of Mr. Wilcox,

The resolution was then laid on the table.

Mr. Wells moved that the House do now adjourn.

Which motion was lost.

Mr. Rolette moved the House do now adjourn until 2 o'clock this afternoon,

And the ayes and noes being called for and ordered, there were ayes 9, noes 9.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Wells, Wilcox and Speaker *pro tem.*—9.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson and Truax—9.

So the House refused to adjourn.

On motion of Mr. Ames,

The House again proceeded to vote for Speaker, and

On the forty-first vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Ames.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared to have been as follows:

Mr. Lott	received	8	votes.
" Day	"	8	"
" Ames	"	1	"
" Gingras	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and
 On the forty-second vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Murray.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows:

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Murray	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice,
 and

On the forty-third vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

"	Lott	received	8	"
"	Day	"	8	"
"	Gingras	"	1	"
"	Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 The House again proceeded to vote for a Speaker, and
 On the forty-fourth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes,
"	Day	"	8
"	Gingras	"	1
"	Stimson	"	1

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 On the forty-fifth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.

Mr. Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott received	8	votes,
" Day	" 8	"
" Gingras	" 1	"
" Stimson	" 1	"

Whole number of votes, 18

No person having received a majority of the votes cast, there was no choice.
 The House again proceeded to vote for a Speaker, and
 On the forty-sixth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott received	8	votes.
" Day	" 8	"
" Gingras	" 1	"
" Stimson	" 1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
 The House again proceeded to vote for a Speaker, and
 On the forty-seventh vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Ames,
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.

Mr. Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then announced as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Ames	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and The House again proceeded to vote for Speaker.

On the forty-eighth vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Ames,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Ames	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House again proceeded to vote for a Speaker, and

On the forty-ninth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Russell.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.

Mr. Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott received	8	votes.
" Day	" 8	"
" Gingras	" 1	"
" Russell	" 1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Murray asked and obtained leave to introduce the following resolution, viz :

Resolved, That the Secretary be requested to furnish each member of this House with a copy of the Dakota Lexicon.

The question then recurring on the adoption of the resolution,

Mr. Day moved to insert after the word "Lexicon" the words "and Bunyan's Pilgrim's Progress."

Mr. Ludden moved further to amend by inserting between the words "member" and "of the" the words "and officers."

Mr. Ramsey moved further to amend by adding the words "and that an equal number be printed in Dutch."

Pending the question,

On motion of Mr. Wilcox,

The resolution and the question on the adoption of the amendments were laid on the table.

Mr. Ames asked and obtained leave to introduce a resolution as follows, viz :

Resolved, That 900 copies of the slips of the Journal of the House of this day be ordered for the use of the members of this House, and that 300 copies of the same be printed in the German language, and 300 in the French language.

Mr. Wells moved to amend the resolution by adding the words "and 900 copies in the Dakota language."

And the yeas and nays being called for and ordered, there were yeas 7, nays 11.

Those who voted in the affirmative were,

Messrs. Day, Ludden, Murray, McKee, Rolette, Ramsey and Wells—7.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Lott, Noot, Oliver, Russell, Stimson, Truax, Wilcox and Speaker *pro tem.*—11.

So the House refused to adopt the amendment.

On motion of Mr. Murray,

The resolution was laid on the table.

Mr. Murray then moved that the House do now adjourn until 2 o'clock this afternoon.

And the yeas and nays being called for and ordered, there were yeas 11, nays 7.

Those who voted in the affirmative were

Messrs. Day, Dutton, Gingras, Ludden, Lott, Murray, McKee, Noot, Oliver, Randall and Wilcox—11.

Those who voted in the negative were

Messrs. Ames, Russell, Rolette, Ramsey, Stimson, Truax and Wells—7.

So the House adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

The House was called to order pursuant to adjournment.

The roll was called and a quorum not answering to their names,

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

The Sergeant-at-Arms reported the members all present.

Mr. Murray moved that the House do now proceed to vote for a Speaker of the House ;

Which motion prevailed, and

On the fiftieth vote,

Mr. Ames voted for Mr. Lott,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. McKee,
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	7	"
" Stimson	"	1	"
" McKee	"	1	"

Whole number of votes,

17

There not being a majority of all the votes cast for any one person, there was no choice.

On the fifty-first vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. McKee.
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then announced as follows :

Mr. Lott	received	8	votes.
" Day	"	7	"
" Gingras	"	1	"
" Stimson	"	1	"
" McKee	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
Mr. Murray moved that the House do now adjourn;
Which motion was lost.

The House then proceeded again to vote for a Speaker, and
On the fifty-second vote,

Mr. Ames	voted for Mr. Lott,
" Day	voted for Mr. Gingras,
" Dutton	voted for Mr. Lott,
" Gingras	voted for Mr. Day,
" Ludden	voted for Mr. Day,
" Lott	voted for Mr. Stimson,
" Murray	voted for Mr. Lott,
" McKee	voted for Mr. Day,
" Noot	voted for Mr. Lott,
" Oliver	voted for Mr. Lott,
" Russell	voted for Mr. Lott,
" Rolette	voted for Mr. Day,
" Ramsey	voted for Mr. Day,
" Stimson	voted for Mr. Lott,
" Truax	voted for Mr. Lott,
" Wells	voted for Mr. Day,
" Wilcox	voted for Mr. McKee,
Speaker <i>pro tem.</i>	voted for Mr. Day,

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	7	"
" Gingras	"	1	"
" Stimson	"	1	"
" McKee	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House proceeded again to vote for Speaker.

On the fifty-third vote

Mr. Ames	voted for Mr. Lott,
" Day	voted for Mr. Gingras,
" Dutton	voted for Mr. Lott,
" Gingras	voted for Mr. Day,
" Ludden	voted for Mr. Day,
" Lott	voted for Mr. Stimson,
" Murray	voted for Lott,
" McKee	voted for Mr. Day,
" Noot	voted for Mr. Lott,
" Oliver	voted for Mr. Lott,
" Russell	voted for Mr. Lott,
" Rolette	voted for Mr. Day,

Mr. Ramsey voted for Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. McKee,
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared as follows:

Mr. Lott received	8	votes.
" Day "	7	"
" Gingras "	1	"
" Stimson "	1	"
" McKee "	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Wells moved the House do now adjourn;

And the ayes and noes being called for and ordered, there were ayes 11, noes 7.

Those who voted in the affirmative were,

Messrs. Day, Dutton, Gingras, Ludden, Murray, McKee, Rolette, Ramsey, Wells, Wilcox and Speaker *pro tem.*—11.

Those who voted in the negative were,

Messrs. Ames, Lott, Noot, Oliver, Russell, Stimson and Truax—7.

So the House adjourned.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Wells,

The reading of the Journal of yesterday was dispensed with.

Mr. Wells moved that the resolution from the Council, laid on the table yesterday, be now taken up.

Mr. Lott moved a call of the House, which was ordered, and the roll being called,

Mr. Murray was reported absent.

The Sergeant-at-Arms was directed to report Mr. Murray in his seat.

The Sergeant-at-Arms reported that Mr. Murray was present, and the Speaker declared all the members of the House in their seats.

The question then recurring on the motion to take the resolution from the table,

It was decided in the negative.

Mr. Murray moved that the House do now proceed to vote for a Speaker of the House;

Which motion prevailed, and

On the fifty-fourth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House then again proceeded to vote for a Speaker, and

On the fifty-fifth vote

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

The House again proceeded to vote for Speaker ;
And on the fifty-sixth vote,

Mr. Ames voted for Mr. Lott,
" Day voted for Mr. Gingras,
" Dutton voted for Mr. Lott,
" Gingras voted for Mr. Day,
" Ludden voted for Day,
" Lott voted for Stimson,
" Murray voted for Lott,
" McKee voted for Mr. Day,
" Noot voted for Mr. Lott,
" Oliver voted for Mr. Lott,
" Russell voted for Mr. Lott,
" Rolette voted for Mr. Day,
" Ramsey voted for Mr. Day,
" Stimson voted for Mr. Lott,
" Truax voted for Mr. Lott,
" Wells voted for Mr. Day,
" Wilcox voted for Mr. Day.
Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then announced as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House again proceeded to vote for a Speaker, and
On the fifty-seventh vote

Mr. Ames voted for Mr. Lott.
" Day voted for Mr. Gingras.
" Dutton voted for Mr. Lott.
" Gingras voted for Mr. Day.
" Ludden voted for Mr. Day.
" Lott voted for Mr. Stimson.
" Murray voted for Mr. Lott.
" McKee voted for Mr. Day.
" Noot voted for Mr. Lott.
" Oliver voted for Mr. Lott.
" Russell voted for Mr. Lott.
" Rolette voted for Mr. Day.
" Ramsey voted for Mr. Day.
" Stimson voted for Mr. Lott.
" Truax voted for Mr. Lott.
" Wells voted for Mr. Day.
" Wilcox voted for Mr. Day.
Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes,
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice, and The House again proceeded to vote for Speaker.

On the fifty-eighth vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared as follows :

"	Lott	received	8	"
"	Day	"	8	"
"	Gingras	"	1	"
"	Stimson	"	1	"

Whole number of votes, 18

There not being a majority of all the votes cast for any one person, there was no choice.

The House again proceeded to vote for a Speaker, and

On the fifty-ninth vote

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott	received	8	votes,
"	Day	"	8
"	Gingras	"	1
"	Stimson	"	1

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House again proceeded to vote for a Speaker, and

On the sixtieth vote

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras,
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared, as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.
The House then again proceeded to vote for Speaker, and

On the sixty-first vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.
 Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared to have been as follows :

Mr. Lott	received	8	votes.
" Day	"	8	"
" Gingras	"	1	"
" Stimson	"	1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice. The House proceeded again to vote for a Speaker, and

On the sixty-second vote,

Mr. Ames voted for Mr. Lott.
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott.
 " Gingras voted for Mr. Day.
 " Ludden voted for Mr. Day.
 " Lott voted for Mr. Stimson.
 " Murray voted for Mr. Lott.
 " McKee voted for Mr. Day.
 " Noot voted for Mr. Lott.
 " Oliver voted for Mr. Lott.
 " Russell voted for Mr. Lott.
 " Rolette voted for Mr. Day.
 " Ramsey voted for Mr. Day.
 " Stimson voted for Mr. Lott.
 " Truax voted for Mr. Lott.
 " Wells voted for Mr. Day.
 " Wilcox voted for Mr. Day.

Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows :

Mr. Lott received	8	votes,
" Day	" 8	"
" Gingras	" 1	"
" Stimson	" 1	"

Whole number of votes, 18

There not having been a majority of all the votes cast for any one person, there was no choice.

The House again proceeded to vote for Speaker ; and

On the sixty-third vote,

Mr. Ames voted for Mr. Lott,
 " Day voted for Mr. Gingras.
 " Dutton voted for Mr. Lott,
 " Gingras voted for Mr. Day,
 " Ludden voted for Mr. Day,
 " Lott voted for Mr. Stimson,
 " Murray voted for Mr. Lott,
 " McKee voted for Mr. Day,
 " Noot voted for Mr. Lott,
 " Oliver voted for Mr. Lott,
 " Russell voted for Mr. Lott,
 " Rolette voted for Mr. Day,
 " Ramsey voted for Mr. Day,
 " Stimson voted for Mr. Lott,
 " Truax voted for Mr. Lott,
 " Wells voted for Mr. Day,
 " Wilcox voted for Mr. Day,

Speaker *pro tem.* voted for Mr. Day,

The result of the vote was then declared, as follows :

Mr. Lott received	8	votes.
" Day	" 8	"
" Gingras	" 1	"
" Stimson	" 1	"

Whole number of votes, 18

No person having received a majority of all the votes cast, there was no choice.

Mr. Murray, by leave, introduced the following resolution, which was read :

Resolved, That the Secretary of the Interior be requested to make arrangements with the Trustees of the Presbyterian Church for the use of their new organ, to be used in accomplishing the organization of this House.

Mr. Wells moved to amend the resolution by adding the words, "the author of this resolution be appointed Chief Musician of the same."

Which motion prevailed.

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

Mr. Murray asked and obtained leave to introduce the following resolution, viz :

Resolved, That the Secretary be requested to furnish seats for the lobby members of this House.

Mr. Wells moved to amend by adding the words: "also the gentleman's constituents."

Mr. Murray accepted the amendment.

The question then recurring on the adoption of the resolution, It was lost.

Mr. Wells then asked leave to offer a resolution, and

Leave was not granted.

Mr. Wilcox moved that the House do now adjourn,

And the ayes and nays being called for and ordered, there were ayes 6, nays 12.

Those who voted in the affirmative were,

Messrs. Gingras, McKee, Rolette, Wells, Wilcox and Speaker *pro tem.*—6.

Those who voted in the negative were,

Messrs. Ames, Day, Dutton, Ludden, Lott, Murray, Noot, Oliver, Russell, Ramsey, Stimson and Truax—12.

Mr. Dutton moved the House do now adjourn until 2 o'clock this afternoon,

Which motion was decided in the affirmative—ayes 9, noes 8.

So the House adjourned.

TWO O'CLOCK, P. M.

The House was called to order pursuant to adjournment.

The roll was called and a quorum answered to their names,

On motion of Mr. Murray,

The House adjourned.

FRIDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, pursuant to adjournment.

Prayer by the Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Murray,

The reading of the Journal of yesterday was dispensed with.

Mr. McKee moved that the House do now proceed to the election of a Speaker ;
Which motion was lost, ayes 8, nays 9.

Mr. McKee then moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 8, nays 10.

Those who voted in the affirmative were

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Wells and Speaker *pro tem.*—8.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson, Truax and Wilcox—10.

So the House refused to adjourn.

Mr. Murray moved that the House do now adjourn until 2 o'clock this afternoon,
And the ayes and noes being called for and ordered, there were ayes 7, noes 11.

Those who voted in the affirmative were,

Messrs. Ames, Lott, Murray, Noot, Oliver, Russell and Truax—7.

Those who voted in the negative were,

Messrs. Day, Dutton, Gingras, Ludden, McKee, Rolette, Ramsey, Stimson, Wells, Wilcox and Speaker *pro tem.*—11.

So the House refused to adjourn.

Mr. Ludden moved the House do now adjourn until 2 o'clock on Monday next.

And the yeas and nays being called for and ordered, there were yeas 11 and nays 7.

Those who voted in the affirmative were

Messrs. Ames, Day, Gingras, Ludden, McKee, Rolette, Ramsey, Stimson, Wells, Wilcox and Speaker *pro tem.*—11.

Those voted in the negative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Truax—7.

So the House adjourned until Monday next at two o'clock P. M.

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker *pro tem.*, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and all the members answered to their names.

The Journal of the House on Friday last was then read.

Mr. Ames presented a petition for a Territorial road from the Falls of St. Anthony to Lac-qui-Parle, signed by John H. Stevens and 170 others,

Which petition was received and laid upon the table.

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

Resolved, That a Committee of two be appointed to act in concert with a similar Committee appointed by the Council, to wait upon his Excellency the Governor and inform him that the two Houses of the Legislative Assembly are now prepared to receive any communication he may be pleased to make.

The question then recurring on the adoption of the resolution,

And the ayes and noes being called for and ordered, there were ayes 9, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Day, Gingras, Ludden, Rolette, Ramsey, Truax, Wells and Speaker *pro tem.*—9.

Those voting in the negative were,

Messrs. Dutton, Lott, Murray, McKee, Noot, Oliver, Russell, Stimson and Wilcox—9.

So the House refused to adopt the resolution.

Mr. Ramsey moved that the House do now adjourn;

And the ayes and noes being called for and ordered, there were ayes 10, noes 8.

Those who voted in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker *pro tem.*—10.

Those who voted in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, and Stimson—8.

So the House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, *pro tem.*, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and all the members answered to their names.

The Journal of yesterday was then read.

Mr. Ames gave notice that he would on Monday next ask leave to introduce a bill to incorporate the "Minnesota Central Railroad Company."

On motion of Mr. McKee,

The House again proceeded to vote for a Speaker, and

On the sixty-fourth vote, the Speaker having directed the roll to be called,

Mr. Ames asked to be excused from voting for officers of the House, giving as a reason therefor, that a majority of his constituents had instructed him to vote for candidates for the officers of the House which he could not conscientiously support.

Mr. McKee moved that Mr. Ames be excused from voting for officers of the House.

And the yeas and nays being called for and ordered, there were yeas 10, nays 7.

Those who voted in the affirmative were,

Messrs. Day, Gingras, Ludden, McKee, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker *pro tem.*—10.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Mr. Ames was then excused from voting for officers of the House.

The roll was then called and

Mr. Day voted for Mr. Gingras,

" Dutton voted for Mr. Lott,

" Gingras voted for Mr. Day,

" Ludden voted for Mr. Day,

" Lott voted for Mr. Stimson,

" Murray voted for Mr. Lott,

" McKee voted for Mr. Day,

" Noot voted for Mr. Lott,

" Oliver voted for Mr. Lott,

" Russell voted for Mr. Lott,

" Rolette voted for Mr. Day,

" Ramsey voted for Mr. Day,

" Stimson voted for Mr. Lott,

" Truax voted for Mr. Day,

" Wells voted for Mr. Day,

" Wilcox voted for Mr. Day,

Speaker *pro tem.* voted for Mr. Day.

The result of the vote was then declared as follows:

Mr. Day received 9 votes.

" Lott " 6 "

" Gingras " 1 "

" Stimson " 1 "

Whole number of votes,

17

Mr. Day having received a majority of all the votes cast, was declared to have been duly elected Speaker of the House during the present session.

Messrs. McKee and Wells were appointed a Committee to conduct the Speaker elect to his seat.

The Committee having performed the duty assigned them, the Speaker then addressed the House as follows :

GENTLEMEN OF THE HOUSE:—Permit me to thank you for the termination of a contest which has already consumed one-third of the session; and which appears to me to have become distasteful to all men of all parties. In accepting the duties to which your votes have assigned me, none can more distrust the ability with which they will be discharged than I do. I am fully aware that questions will arise which must be decided upon the spur of the moment; and in making such decisions, I am as likely to err as any other member of the House. But may I not confidently rely on that undeserved partiality which has been so steadily manifested toward me, to bear with and correct me when wrong, to guide and direct me when in doubt, and to sustain when right. Hoping that good will and harmony may prevail in your deliberations, permit me again to thank you.

On motion of Mr. Murray,

The House then proceeded to vote for a Chief Clerk of the House, and

On the first vote,

Mr. Dutton voted for Joseph Ford,
 “ Gingras voted for J. R. Brown,
 “ Ludden voted for J. R. Brown,
 “ Lott voted for Joseph Ford,
 “ Murray voted for Joseph Ford,
 “ McKee voted for J. R. Brown,
 “ Noot voted for Joseph Ford,
 “ Oliver voted for Joseph Ford,
 “ Randall voted for J. R. Brown,
 “ Russell voted for Joseph Ford,
 “ Rolette voted for J. R. Brown,
 “ Ramsey voted for J. R. Brown,
 “ Stimson voted for Joseph Ford,
 “ Truax voted for J. R. Brown,
 “ Wells voted for J. R. Brown,
 “ Wilcox voted for J. R. Brown,
 “ Speaker voted for J. R. Brown,

The result of the vote was then declared as follows :

Joseph R. Brown received	10 votes.
Joseph Ford	“ 7 “

Whole number of votes, 17

Joseph R. Brown having received a majority of all the votes cast, was declared duly elected Chief Clerk of the House of Representatives during the present session.

Mr. Brown then appeared at the Speaker's desk and was sworn.

On motion of Mr. Truax,

The House proceeded to vote for an Assistant Clerk to the House of Representatives, and

On the first vote,

Mr. Dutton voted for H. Fletcher,
 “ Gingras voted for J. Ford,
 “ Ludden voted for J. Ford,
 “ Lott voted for H. Fletcher,
 “ Murray voted for H. Fletcher,
 “ McKee voted for J. Ford,
 “ Noot voted for H. Fletcher,

Mr. Oliver voted for H. Fletcher,
 " Randall voted for J. Ford,
 " Russell voted for H. Fletcher,
 " Rolette voted for J. Ford,
 " Ramsey voted for J. Ford,
 " Stimson voted for H. Fletcher,
 " Truax voted for J. Ford,
 " Wells voted for J. Ford,
 " Wilcox voted for J. Ford,
 " Speaker voted for J. Ford,

The result of the vote was then declared, as follows :

Joseph Ford received 10 votes.
 Hezekiah Fletcher " 7 "

Whole number of votes, 17

Joseph Ford having received a majority of all the votes cast, was declared to have been duly elected Assistant Clerk of the House of Representatives during the present session.

Mr. Ford then appeared at the Speaker's desk and took the oath of office.

On motion of Mr. Ramsey,

The House then proceeded to the election of Enrolling Clerk, and
 On the first vote,

Mr. Dutton voted for J. M. Stone,
 " Gingras voted for Wm. H. Morse,
 " Ludden voted for Wm. H. Morse,
 " Lott voted for J. M. Stone,
 " Murray voted for J. M. Stone,
 " McKee voted for Wm. H. Morse,
 " Noot voted for J. M. Stone,
 " Oliver voted for J. M. Stone,
 " Randall voted for Wm. H. Morse,
 " Russell voted for J. M. Stone,
 " Rolette voted for Wm. H. Morse,
 " Ramsey voted for Wm. H. Morse,
 " Stimson voted for J. M. Stone,
 " Truax voted for Wm. H. Morse,
 " Wells voted for Wm. H. Morse,
 " Wilcox voted for Wm. H. Morse,
 " Speaker voted for Wm. H. Morse,

The result of the vote was then declared as follows :

Wm. H. Morse received 10 votes.
 J. M. Stone " 7 "

Whole number of votes, 17

Wm. H. Morse having received a majority of all the votes cast, was declared to have been duly elected Enrolling Clerk of the House of Representatives during the present session.

Mr. Morse then appeared at the Speaker's desk and was sworn in.

On motion of Mr. Lott,

The House then proceeded to vote for Sergeant-at-Arms, and

On the first vote,

Mr. Dutton voted for Silas K. Lane,
 " Gingras voted for E. F. Parker,
 " Ludden voted for E. F. Parker,
 " Lott voted for Silas K. Lane,
 " Murray voted for Silas K. Lane,

Mr. McKee voted for E. F. Parker,
 " Noot voted for Silas K. Lane,
 " Oliver voted for Silas K. Lane,
 " Randall voted for E. F. Parker,
 " Russell voted for Silas K. Lane,
 " Rolette voted for E. F. Parker,
 " Ramsey voted for E. F. Parker,
 " Stimson voted for Silas K. Lane,
 " Truax voted for E. F. Parker,
 " Wells voted for E. F. Parker,
 " Wilcox voted for E. F. Parker,
 " Speaker voted for E. F. Parker.

The result of the vote was then declared as follows :

Edward F. Parker	received	10	votes.
Silas K. Lane	"	7	"

Whole number of votes,	17
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E. F. Parker having received a majority of all the votes cast, was declared to have been duly elected Sergeant-at-Arms of the House of Representatives during the present session.

Mr. Parker then appeared at the Speaker's desk and was sworn in.

On motion of Mr. Ludden,

The House then proceeded to vote for a Messenger to the House, and

On the first vote,

Mr. Dutton voted for M. W. Getchell,
 " Gingras voted for J. C. Bowers,
 " Ludden voted for J. C. Bowers,
 " Lott voted for M. W. Getchell,
 " Murray voted for M. W. Getchell,
 " McKee voted for J. C. Bowers,
 " Noot voted for M. W. Getchell,
 " Oliver voted for M. W. Getchell,
 " Randall voted for G. Farribault,
 " Russell voted for M. W. Getchell,
 " Rolette voted for J. C. Bowers,
 " Ramsey voted for J. C. Bowers,
 " Stimson voted for M. W. Getchell,
 " Truax voted for J. C. Bowers,
 " Wells voted for J. C. Bowers,
 " Wilcox voted for J. C. Bowers,
 " Speaker voted for J. C. Bowers.

The result of the vote was then declared as follows :

J. C. Bowers	received	9	votes.
M. W. Getchell	"	7	"
G. Farribault	"	1	"

Whole number of votes,	17
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J. C. Bowers having received a majority of all the votes cast, was declared to have been duly elected Messenger to the House of Representatives for the present session.

Mr. Bowers then appeared at the Speaker's desk and was sworn in.

On motion of Mr. Truax,

The House then proceeded to vote for a Fireman to the House, and

On the first vote

Mr. Dutton voted for A. Roberts.
 " Gingras voted for J. Vanduzen.

Mr. Ludden voted for J. Vanduzen.
 " Lott voted for A. Roberts.
 " Murray voted for A. Roberts.
 " McKee voted for J. Vanduzen.
 " Noot voted for A. Roberts.
 " Oliver voted for A. Roberts.
 " Randall voted for F. N. Grouchy.
 " Russell voted for A. Roberts.
 " Rolette voted for J. Vanduzen.
 " Ramsey voted for J. Vanduzen.
 " Stimson voted for A. Roberts.
 " Truax voted for J. Vanduzen.
 " Wells voted for J. Vanduzen.
 " Wilcox voted for J. Vanduzen.
 " Speaker voted for J. Vanduzen.

The result of the vote was then declared as follows :

J. Vanduzen	received	9	votes.
A. Roberts	"	7	"
F. N. Grouchy	"	1	"

Whole number of votes,

17

J. Vanduzen having received a majority of all the votes cast was declared to have been duly elected Fireman to the House of Representatives for the present session.

Mr. Vanduzen then appeared at the Speaker's desk and was sworn in.

Mr. Ames moved that the Rev. Mr. Chamberlain be appointed to perform the duties of Chaplain to the House during the present session.

And the yeas and nays being called for and ordered, there were yeas 13, nays 4.

Those who voted in the affirmative were

Messrs. Dutton, Ludden, Lott, Murray, McKee, Noot, Randall, Russell, Ramsey, Stimson, Truax, Wilcox and Speaker—13.

Those voting in the negative were

Messrs. Gingras, Oliver, Rolette and Wells—4.

So Mr. Chamberlain was appointed to perform the duties of Chaplain to the House of Representatives during the present session.

On motion of Mr. Ludden,

The resolution from the Council asking for a Joint Committee to wait upon his Excellency the Governor and inform him that the two Houses were now organized and prepared to receive any message he may have to communicate,

Was taken from the table, and

On motion of Mr. Wilcox,

The resolution was adopted.

Whereupon, the Speaker appointed Messrs. Wilcox and Randall a Committee on the part of the House.

On motion of Mr. Ludden,

A Committee of two, consisting of Messrs. Ludden and Murray, was appointed to wait upon and inform the Council that the House is now permanently organized by the election of Mr. Day, *Speaker*; Joseph R. Brown, *Chief Clerk*; Joseph Ford, *Assistant Clerk*; Wm. H. Morse, *Enrolling Clerk*; E. F. Parker, *Sergeant-at-Arms*; J. C. Bowers, *Messenger*; J. Vanduzen, *Fireman*, and the Rev. Mr. Chamberlain, *Chaplain*.

Mr. Murray moved that the House do now adjourn;

Which motion was lost.

On motion of Mr. Ludden,

The House adjourned until 2 o'clock this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.

The roll was called and a quorum answered to their names.

Mr. Wilcox, from the Joint Committee appointed on the part of the House to wait on his Excellency the Governor, reported that "the Committee had performed the duty assigned, and his Excellency signified his purpose of meeting the two Houses in Convention to-morrow at 11 o'clock A. M., to deliver his annual speech."

Mr. Murray moved that the Legislature, in Joint Convention, receive the Governor in the Hall of the House of Representatives.

Mr. Wilcox moved to strike out the words "Hall of the House of Representatives" and insert in lieu thereof the words "in the Court room of the Court House in this place;"

Which motion prevailed.

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

Mr. Lott moved a call of the House, which was ordered, and the roll being called, Mr. Russell was reported absent.

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

The Sergeant-at-Arms reported Mr. Russell within the bar of the House.

The question then being taken on the pending motion as amended,

And the ayes and nays being called for and ordered, there were ayes 8, nays 10.

Those who voted in the affirmative were,

Messrs. McKee, Randall, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Ludden, Lott, Murray, Noot, Oliver, Russell and Stimson—10.

So the House refused to adopt the motion.

Mr. McKee asked and obtained leave to introduce the following resolution, viz :

Resolved, That the Secretary of the Territory be requested to procure a suitable place for the purpose of hearing the Governor's Message to-morrow morning at 11 o'clock.

Pending the question on the adoption of the resolution,

Mr. Ludden offered the following as a substitute, viz :

Resolved, (the Council concurring) That the Council and House of Representatives will meet in Joint Convention to-morrow at 11 o'clock A. M., in the Representatives' Hall, to receive the Governor's Annual Message.

Mr. McKee accepted the substitute, and by leave of the House withdrew the original resolution.

The question then recurring on the adoption of the substitute,

Mr. Wilcox moved to amend by striking out the word "message" and inserting in lieu thereof the word "speech."

And the yeas and nays being called for and ordered, there were yeas 6, and nays 12.

Those voting in the affirmative were,

Messrs. Lott, Murray, Noot, Russell, Truax and Wilcox—6.

Those voting in the negative were,

Messrs. Ames, Dutton, Gingras, Ludden, McKee, Oliver, Randall, Rolette, Ramsey, Stimson, Wells and Speaker—12.

So the House refused to adopt the amendment.

The substitute was then adopted by the House.

Mr. Randall moved that the House do now adjourn,

And the ayes and noes being called for and ordered, there were ayes 9, noes 8.

Those voting in the affirmative were,

Messrs. Ludden, McKee, Randall, Rolette, Ramsey, Stimson, Truax, Wells and Speaker—9.

Those voting in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell and Wilcox—8.

So the House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The Journal of yesterday was read.

The Speaker then announced to the House the appointment of the Standing Committees of the House of Representatives:

ON INTERNAL IMPROVEMENTS.

Messrs. Oliver,
Wilcox,
Dutton.

ON TERRITORIAL AFFAIRS.

Messrs. Ames,
Noot,
McKee,

ON THE JUDICIARY.

Messrs. Lott,
Ludden,
Murray,

ON AGRICULTURE AND MANUFACTURES.

Messrs. Truax,
Stimson,
Dutton.

ON THE MILITIA.

Messrs. Wells,
Noot,
Wilcox.

ON SCHOOLS.

Messrs. Randall,
Murray,
Ames.

ON INCORPORATIONS.

Messrs. Dutton,
Gingras,
Truax.

ON TERRITORIAL ROADS.

Messrs. Stimson.
Rolette,
McKee.

ON PRINTING.

Messrs. Ramsey,
Oliver,
Wells.

ON PUBLIC BUILDINGS.

Messrs. Russell,
Ramsey,
Stimson.

ON ENGROSSED BILLS.

Messrs. Rolette,
Oliver,
Murray.

ON ENROLLED BILLS.

Messrs. Ludden,
Ames,
Lott.

ON LEGISLATIVE EXPENDITURES.

Messrs. Randall,
Ludden,
Russell,

ON TERRITORIAL EXPENDITURES.

Messrs. Wilcox,
Russell,
Ramsey.

ON ESTATES AND ESCHEATS.

Messrs. McKee,
Noot,
Wells.

Mr. Murray asked leave of the House to be excused from serving on the Judiciary Committee.

Mr. Randall moved that Mr. Murray be excused from serving on the Judiciary Committee.

Which motion was lost.

Mr. Murray, whose name was placed originally at the head of the Committee on Engrossed Bills, moved that Mr. Rolette's name be placed at the head of said Committee;

Which motion prevailed.

The following message was then received from the Council by A. T. C. Pierson, Esq., the Secretary thereof, viz :

MR. SPEAKER : The Council have adopted the resolution of the House to meet in joint convention.

Mr. Ludden, from the committee appointed to inform the Council that the House is now permanently organized, reported that the committee had performed the duty assigned.

On motion of Mr. Ames,

The petition of John H. Stevens and others, was taken from the table and referred to the Committee on Territorial Roads.

Mr. Ludden, by leave, offered the following resolution which was read :

Resolved, That the Chief Clerk be and is hereby authorized to purchase the necessary stationery for the use of his desk ; and that each of the officers of the House be allowed to purchase stationery for their own use to the amount of ten dollars, and that the amount of said stationery be included in the appropriation bill.

Mr. Murray moved to strike out the word " officers " and insert in lieu thereof the word " clerks. "

And the ayes and noes being called for and ordered, there were ayes 10, noes 7.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Randall, Russell, Stimson, Truax and Wilcox—10.

Those who voted in the negative were,

Messrs. Ames, Ludden, McKee, Rolette, Ramsey, Wells and Speaker—7.

So the amendment was adopted.

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

And the yeas and nays having been called for and ordered, there were yeas 10, nays 7.

Those voting in the affirmative were,

Messrs. Ames, Dutton, Lott, Noot, Oliver, Russell, Stimson, Truax, Wilcox and Speaker—10.

Those voting in the negative were

Messrs. Ludden, Murray, McKee, Randall, Rolette, Ramsey and Wells—7.

So the resolution was adopted.

On motion of Mr. Randall,

A Committee, consisting of Messrs. Randall and Lott, was appointed to inform the Council that seats have been prepared and the House is now ready to receive the Council in Joint Convention.

Mr. Randall, from the Committee appointed to wait upon the Council, reported that the duty had been performed.

The Council was then announced, and took their seats in the House.

JOURNAL OF THE JOINT CONVENTION.

The roll was called, and all the members of the Joint Convention answered to their names.

Mr. Randall moved that the Convention do now adjourn to meet at the Court House at half past eleven o'clock,

And the yeas and nays being called for and ordered, there were yeas 20, nays 7.

Those who voted in the affirmative were

Messrs. Babcock, Farrington, Forbes, Kittson, Larned, Loomis, McLeod, Ames, Dutton, Gingras, McKee, Noot, Randall, Russell, Ramsey, Rolette, Truax, Wells, Wilcox and Speaker—20.

Those who voted in the negative were

Messrs. Greely, Lowry, Ludden, Lott, Murray, Oliver and Stimson—7.

The Convention having been called to order in the Court room of the Court House, The roll was called and all the members answered to their names.

His Excellency the Governor was then introduced by Messrs. Forbes and Lowry of the Council, and Messrs. Wilcox and Randall of the House of Representatives.

His Excellency having taken a place between the President of the Council and the Speaker of the House, addressed the Joint Convention as follows, viz:

Fellow-citizens of the Council and House of Representatives:

The organic act of Minnesota has wisely provided for the annual meeting of the Legislature. It is your good fortune to assemble at a moment of general prosperity and progress.

The universal hope of our people has been gratified by the ratification by the Senate of the United States, in July last, of the two treaties negotiated in the summer of 1851, with the Sioux Indians in this Territory. The amendments to the treaties made by the Senate have been approved by the Indians, and the title to the fertile lands ceded is now completely in the United States.

During the coming season, the Indians will be removed to the reserve set apart for them above Little Rock on the Minnesota river. As they are peaceable, well-inclined, and their villages but few, their presence in the mean time upon the ceded tract opposes no obstacle to its immediate settlement. Humanity to the Indians induced the Government to pay them their annuities last fall, in advance of removal. Hereafter, however, they will be paid in their proper country.

In this connection, I would urge upon the Legislative Assembly the propriety of memorializing the President and Congress to secure to the Sioux Indians, for a long period of years, the identical reservation temporarily designated for them. Should their stay be limited to five years, but poor encouragement will be held out to them to engage in agricultural pursuits, and the improvements and expenditures which may in that time be made, will in a great measure be lost. The people of Minnesota, I am convinced, would gladly have the right of occupancy secured to the Indians for fifty years, the term during which by treaty they are entitled to receive annuities.

In a former message, I suggested the policy of cultivating friendly relations with the Indian tribes within our borders; and I cannot refrain from again in this place alluding to the subject. Large sums are annually disbursed among the several Indian tribes in Minnesota, and these sums, entering annually into circulation, furnish an important medium for trade. The Indians are well disposed towards the whites, and the few offences committed by them have generally given as much dissatisfaction to their own as to our people. In savage communities, as in civilized, a majority of the wrongs committed may be distinctly traced to the influence of ardent spirits, which in spite of the denunciations of law and the disapprobation of public opinion, are still stealthily sold to the Indian. I am of opinion, however, that this debasing traffic is at present carried on to a much less extent than formerly.

The very just order of the Bureau of Indian Affairs, transferring from St. Louis to this point the future letting of contracts for the supply of provisions to the Indian tribes in the Territory, will increase the value of our agricultural surplus, and favorably affect the whole community.

The system by which the public lands shall in future be administered, is a subject which at the present time challenges the fullest attention of American legislators, and affects more intimately than any other the interests and convenience of the West. I congratulate you, gentlemen, upon the improved prospect of such alterations in the land legislation of the country, as will secure liberal grants for railroads and other improvements, and give to each citizen one hundred and sixty acres of land, upon condition of occupancy and cultivation of the same.

The general Government, from the earliest days of its existence, has made provision for the promotion and protection of the *foreign* commerce of the country by light-house systems, by pilot systems, by consular systems, and by coast survey systems.

It has done this by naval establishments, by the establishment of fortifications, breakwaters, sea-walls, beacons and buoys upon the bays and harbors of our sea-coast, and by the systematic encouragement of American tonnage. In view of the infinitely greater value of the internal commerce of the country, it seems strange that the care of Government should so long have been principally confined to external affairs, to the neglect of interior improvements, not within the scope or ability of voluntary association or of any one State, yet calculated to unite different sections of the country, to open a better, shorter and cheaper way between the producer and consumer, and to be also of the highest advantage to the Government itself.

Channels of transport should possess three qualities—certainty, celerity and cheapness. The whole value of so much human labor as is expended in carrying commodities from one place to another, beyond what is absolutely necessary, is a total loss; and he who devises and supplies cheap routes of transportation is a public benefactor, standing in the same relation to the commercial world, as do those who save property from destruction by fire. It is the duty of a wise Government to give effective aid and encouragement to enterprises which tend, like railways, to approximate distant parts of the country, to bind together our political union, and to promote that more substantial union, whose best cement must be derived from mutual intercourse and reciprocal interchanges.

A railroad of one hundred miles, of easy and cheap construction, would connect the navigable waters of the Mississippi with the navigable waters of the Red River of the North. Another road of one hundred miles would wed the Mississippi to Lake Superior. Already roads are in contemplation which will unite Minnesota to the tide waters of the Atlantic and the Gulf, bringing the best market to the door of the producer, and giving to our agriculturists, at all seasons of the year, the choice of an Eastern or Southern market.

A road is also projected from St. Paul to Green Bay. This will bring us within ten hours of Lake Michigan, and as soon as the road from Toronto to Georgian Bay is completed, within fifty-six hours of Toronto. In addition to the arguments usually urged in favor of grants of public lands to railroad and other improvements, two particular reasons apply in this case, which should induce the federal government to aid the enterprise. The road will run through an unsettled and unsurveyed tract of country, and will open it to settlement. Few other roads are so situated. It will terminate in a Territory of the United States, and will so expedite its settlement, as to shorten the period of its territorial existence, and relieve the federal treasury of the burden of its support. Hitherto railroads have been constructed because the settlement and business of their respective localities were supposed to demand them. The experiment of building a road, in order to settle a country and make a business, is yet to be tried. Mr. Whitney proposed such an experiment in his Pacific scheme; and if we reflect what the Erie canal and the railroad upon its banks have done for the settlement of the Northwest, we have a significant hint of the efficacy of such means.

The construction of the various improvements to which allusion has been made, must to some extent require assistance from the general government, and it might be well for the Legislative Assembly, at its present session, to memorialize Congress for grants of public land in aid of each of these enterprises. Especially would I commend to your consideration the expediency of suitably memorializing Congress for such gift of the public domain as will insure the construction of so much of the projected Louisiana and Minnesota Railroad, as lies within our Territorial limits.

The federal government is the largest landed proprietor in the world. Of the area embraced within the limits of the United States, it has been estimated that only about one-third is in the possession of private individuals. Merely, then, as a revenue measure, the policy is defensible which seeks to grant land to the landless and pass the public domain rapidly into the hands of the cultivators. For unless direct taxation be resorted to, the chief source of federal revenue must be duties on foreign imports. As importations increase, revenues will increase. Hence a system which multiplies the number of agricultural producers by putting western land under culti-

vation, multiplies also the number of import consumers, and at the same time increases their ability to purchase for consumption. In this way the federal treasury derives annually, even at the present time, a much greater revenue from the cultivation of the new States and Territories, than from the sales of lands within them.

The whole country, as a unit, and in all its parts, has the deepest interest in increasing the amount of this cultivation; and the most effectual way of doing this would seem to be by gratuitous grants of land in limited quantities to actual settlers. To the new States and Territories the extinction of the federal title to the lands lying within them, is only secondary in importance to the extinction of the Indian title. And in considering the practical bearings of a liberal land system upon the old States, which contain no public lands, I am of opinion that equivalents will be found, fully or more compensating them for any loss they will sustain by it. What is it that has caused the Atlantic States to vie with each other in extending their public works to the West? It is to make these works the channels, and their cities the marts of western trade. The surplus of the West is agricultural; and every one knows that the greatest profit or loss is not made or sustained in the mere production of this surplus, but in the carrying and exchange trades arising from it. These profits must always to a great extent be monopolized by the old States; and the greater our production, the greater the profit realized by them. The West, too, is a valuable customer of the old States; a purchaser and consumer of the fabrics of the East, and of the productions of the South. Every axe applied to the forest in Minnesota, every plough to our prairies, sinking its share in the wild grasses in which they abound, increases our ability to purchase, and adds to the general wealth of the whole country. In the proportion western population and production are increased, in like progressive and corresponding proportion are the interests of the manufacturing and commercial States advanced.

The third public sale of lands lying in the Territory of Minnesota, was held at Stillwater in November last. The whole number of acres disposed of in the year 1852, is 33,391. Of this aggregate 29,555 acres have been located by military land warrants. The number of acres pre-empted in the same period is 27,871.

By act of Congress of August 26, 1852, the military reserve at Fort Snelling is so contracted as to embrace only a small fraction of the north-west angle made by the Mississippi and Minnesota rivers. The lands heretofore included in the reserve are annexed to and made apart of the Chippewa land district, and will at an early day be sold at public sale, under the direction of the President of the United States. Thus will be opened to cultivation a body of choice land, convenient to the growing cities and villages, that in this vicinity decorate the borders of the noblest river of our country.

The policy which has been pursued in the application of the several appropriations made for the construction of roads in Minnesota, by act of Congress of July 18, 1850, has been—firstly, to make the surveys, and prepare maps and estimates for the use of the Department at Washington having control of the appropriations—secondly, to apply the unexpended balances to the construction, as far as possible, of the roads.

The surveys of the several roads have been completed, with the exception of the contemplated one from Mendota to the mouth of the Big Sioux river. The appropriation for this improvement is considered inadequate to the work, and an additional appropriation is required before the survey will be entered upon.

The road from Wabashaw to Mendota has been surveyed, but the unexpended balance of the appropriation is insufficient to justify the commencement of operations in its construction.

The road from Point Douglas to Fort Ripley has been rendered available at all seasons of the year; and bridges, with suitable approaches, have been built over Coon creek, Elk river and Rock creek. This road is a military and commercial thoroughfare, by which the Chippewa and Winnebago Indians, the troops at Fort Ripley, and the traders at Pembina and Selkirk receive their supplies.

The road from the Mississippi river to Long Prairie, heretofore almost impassible in seasons of high water, has been much improved; and bridges have been built at the two crossings of Swan river.

Twenty-four miles of the Point Douglas and St. Louis river road have been constructed, opening from Stillwater northward, for that distance, a good highway. The extension of this road is required to bring into market the extensive and richly-wooded, but inaccessible region, lying north of the Marine Mills, and open to settlement and enterprise of our lumbermen tracts of valuable land now lying waste for want of means of communication with them.

At the last session of Congress, a bill passed the House of Representatives making further appropriations for these various works, but it was not reached in the Senate. Late advices, however, from Washington, bring the welcome information of its passage the present session, in that body.

The circumstances by which we are disappointed in the occupancy of the Capitol this winter are much to be regretted. The Commissioners, both of the old and new boards, have used every effort to hasten the completion of the building; and inasmuch as money has at all times been in hand applicable to the payment of the work as it progressed, there should have been no avoidable delay.

The contractors for the erection of the territorial prison at Stillwater, have fulfilled their contract; and as far as examination has been had of the work, it appears highly creditable to them.

There has been drawn from the capitol fund, in payment of work upon the building and salary of commissioners, secretary, &c., the sum of \$17,936 82; leaving a balance of \$2,063 18 in the hands of the present treasurer.

From the prison fund there has been expended, in purchase of a site, construction of building, and expenses of commissioners, the sum of \$17,888 75, showing in the hands of the present treasurer a balance of \$2,111 25.

Inclosing the prison ground, filling up the low land between the front wall and the lake, erecting a few necessary work-shops, and constructing some half-dozen more cells, will require an additional appropriation of eight or ten thousand dollars. To complete the Capitol according to the original plan, and inclose and ornament with trees the surrounding grounds, will also require a further appropriation of ten thousand dollars. These sums it was the generous purpose of Congress to appropriate at its late session. A bill for this purpose passed the House of Representatives, but from mere want of time, it is believed, was not acted on by the Senate.

The report of the board of building commissioners will soon be laid before you. I respectfully refer you to it for more detailed information in regard to the expenditure of the funds and the condition of the buildings.

The reports of the Auditor and Treasurer will present you a full statement of the financial condition of the Territory. Returns from the entire Territory are as yet incomplete; but the following table sufficiently indicates the increase in the assessment of 1852 over that of the preceeding year:

Counties.	Taxable property, 1851.	Taxable property, 1852.	Territorial Tax, 1851.	Territorial Tax, 1852.
Ramsey,	\$782,113 00	\$1,060,820 00	\$782 11	\$1,060 82
Benton,	64,775 00	103,170 00	64 78	103 17
Washington,	335,173 00	343,760 00	335 17	343 76
Chisago,	[new county.]	46,890 00		46 89
Hennepin,	[new county.]	43,525 00		43 53
Totals,	\$1,182,060 00	\$1,598,165 00	\$1,182 06	\$1,598 17

It is estimated that the amount of warrants issued in 1852 will not exceed in sum \$885,00, leaving in the treasury a considerable surplus, if we consider the uncollected taxes as assets.

Prudence and rigid economy in the affairs of a State are as essential to its financial prosperity as they are indispensable to success in individual transactions; and if the past policy of the Territory in this regard be adhered to, Minnesota, when the proper

time arrives, will enter the confederacy of States free of debt. I am of opinion that the light taxation at present imposed for Territorial purposes, will be sufficient to meet all necessary expenses of government, unprovided for by Congress.

To the adjutant-general's report I beg leave to refer you for information in regard to the condition of the militia of the Territory. The act of Congress of April 23, 1808, appropriates the annual sum of two hundred thousand dollars for the purpose of providing arms and military equipments for the whole body of the militia of the United States; and requires the issue to be made "in proportion to the number of effective militia in each State and Territory." Any advances of arms or equipments, not due, are prohibited by regulation. There is no authority but this law for issuing arms and accoutrements to the States and Territories by the general government; and the quantity of arms to which the new States and Territories are entitled under it, is so small as to be of no practical advantage. In view of the insufficiency of the provision for arming the militia of new territories which have not participated in the issues heretofore made, the Secretary of War, in his annual report of 1851, brought the subject to the attention of Congress, and recommended that authority be given the Department to increase their supply, or at all events to issue in advance their quota for several years. The recommendation has not yet been acted upon; and as the public arms which are lying idle in the depots, are much needed to encourage the formation of a local militia upon our exposed frontier, it would be well for the Legislative Assembly, by memorial to Congress, to second the recommendation of the Secretary. The importance to us of a well-organized and well-equipped militia force is obvious; and I hope it will be the pleasure of the Legislature to afford every facility and encouragement to the perfection of this arm of service.

The report of the superintendent of common schools will detail the practical operations of our school system, and will probably suggest some amendments to be made to the existing school laws. I doubt not that they will be such as will commend themselves to your consideration.

The interests of our common and public schools are especially entrusted to the Legislature, and among the various duties which devolve upon you, no one more justly demands your attention and fostering care. The importance of a general system of public instruction, all-searching and pervading, is daily attested in the lives of men, whom education has lifted from obscurity—from turning the sods of the valley to become the ornament of letters, the pride of science, the defence of religion, and the pillars of state. Intelligence generally diffused is the very basis of our form of government, and the school house is the ark of our safety. The munificent gift by Congress of two sections of land in each township for the support of schools, if properly husbanded and judiciously managed, will place the schools of Minnesota upon a most liberal and firm foundation.

The report of the librarian will exhibit the state of the Territorial library. Including duplicates, some three hundred volumes have been added during the past year to the collection of books. The narrow accommodations furnished by the building temporarily rented for the library, render the early completion of the capitol, in which more spacious room will be provided, highly desirable.

I renew the recommendation made in a former message, for the appropriation annually of a moderate sum to be expended in the purchase of books, and to keep up the series of United States and State reports. The Territory, also, has an interesting collection of maps and charts, and may be expected each year to receive many more. These require to be placed in a shape to be easy of examination and reference.

The expediency of providing for the more general circulation, by sale or otherwise, of the Revised Statutes and Annual Session Laws, is submitted to your consideration. At present provision is only made for the distribution of these volumes among certain civil officers.

A modification is also much needed of that feature of the criminal code, which requires that persons convicted of capital crime shall be kept in solitary confinement for the period of one year after conviction. When the several counties of the Territory shall possess secure places of confinement, it may be well to recur to this provision; but at present it is unsafe, inconvenient and expensive.

Complaints are frequent of the insufficiency of the compensation allowed by law to assessors in the unorganized counties. If, upon examination, these complaints shall appear to be well founded, I recommend that further provision be made for the recompense of these officers.

It is represented that the day designated by law for holding general elections in the several precincts of the Territory, is fixed at a season of the year highly inconvenient to the citizens of Pembina county. As the inhabitants of this county are mostly absent in the autumn upon their annual buffalo hunts, it would seem just, so far as they are concerned, to designate a different day for holding elections.

The Legislature will doubtless see the necessity of preparing, at the present session, a code of regulations for the government of the territorial prison, and providing for the appointment of a superintendent, or warden, of the same. At present, the whole subject is without any regulation whatever, by public authority; and no authority but that of the Legislature is competent to establish proper enactments. I am not prepared to suggest what provisions it may be proper to adopt. These it will be your business to consider and arrange. It may be well, in cases of offences of great enormity, to allow the use of the prison to such counties as have not within their own limits safe places of confinement. You will have the benefit of the legislation of other States upon the same subject, and will doubtless agree upon a suitable and economical system.

The increase of population in the recent Sioux purchase, and the further increase which will certainly take place prior to the next meeting of the legislative assembly, indicate a necessity for organizing new counties upon the west bank of the Mississippi, and in the valley of the Minnesota, so as to bring to the threshold of each settler, so far as the dispersed character of the population will admit, the full protection and advantages of county institutions. This duty must be regarded as of an interesting and delicate nature; and I commend the subject to your early attention.

It affords me pleasure, among other topics of remark, to be able to congratulate you and your constituents upon the happy condition of our national affairs. Under the just government of the present chief magistrate of the Union, our relations at home and abroad are of the most satisfactory character.

Within our borders jarring elements have been harmonized, and our wise institutions, the work of revered ancestors, insured a long continuance; while foreign states have had as great reason to honor us for our just observance of international rights, as they before had to respect us for our national prowess.

In a word, to be a constituent part of this great republic, is every year a matter of renewed felicitation to all its members, even to us who are upon the extreme north-western verge of its civilization. Our remoteness from the central government has not occasioned our infant commonwealth to be neglected by those who wield its authority. In evidence of this we can point to the liberal aid for various improvements which Minnesota, in common with other territories, has from time to time received at the hands of the President and of Congress, without being able at present to make any other return than the hearty gratitude of her hardy pioneers, than whom, I take it upon me to assert, in no part of the country, is there a more patriotic people, or one more fondly attached to the constitution, or to the glorious Union, which it originated and cements.

In concluding this my last annual message, permit me to observe that it is now a little over three years and six months since it was my happiness to first land upon the soil of Minnesota. Not far from where we now are, a dozen framed houses, not all completed, and some eight or ten small log buildings, with bark roofs, constituted the capital of the new territory, over whose destiny I had been commissioned to preside. One county, a remnant from Wisconsin territorial organization, alone afforded the ordinary facilities for the execution of the laws; and in and around its seat of justice resided the bulk of our scattered population. Within this single county were embraced all the lands white men were privileged to till; while between them and the broad rich hunting grounds of untutored savages, rolled, like Jordan through the Promised Land, the River of Rivers, here as majestic in its northern youth, as in its more southern maturity. Emphatically new and wild appeared every thing to the in-comers from older communities; and a not least novel feature of the scene was the motley humanity

partially filling these streets—the blankets and painted faces of Indians, and the red sashes and moccasins of French *voyageurs* and half-breeds, greatly predominating over the less picturesque costume of the Anglo-American race. But even while strangers yet looked, the elements of a mighty change were working, and civilization with its hundred arms was commencing its resistless and beneficent empire. To my lot fell the honorable duty of taking the initial step in this work by proclaiming, on the 1st of June, 1849, the organization of the Territorial government, and consequent extension of the protecting arm of law over these distant regions. Since that day, how impetuously have events crowded time! The fabled magic of the eastern tale that renewed a palace in a single night, only can parallel our reality of growth and progress.

In forty-one months, the few bark-roofed huts have been transformed into a city of thousands, in which commerce rears its spacious warehouses, religion its spired temples, a broad capitol its swelling dome, and luxury and comfort numerous ornamented and substantial abodes; and where nearly every avocation of life presents its appropriate follower and representative. In forty-one months have condensed a whole century of achievements, calculated by the old world's calendar of progress—a government proclaimed in the wilderness, a judiciary organized, a legislature constituted, a comprehensive code of laws digested and adopted, our population quintupled, cities and towns springing up on every hand, and steam with its revolving wings, in its season, daily fretting the bosom of the Mississippi, in bearing fresh crowds of men and merchandize within our borders.

Nor is that the least among the important achievements of this brief period, which has enabled us, by extinguishing the Indian title to 40,000,000 acres of land, to overleap the Father of Waters, and plant civilization on his Western shore. Broad and beautiful, by universal concession, are these newly acquired lands—the very garden spot of the Northwest, as explorers have pronounced them—and it is scarcely surprising, though less than six months have elapsed since the ratification of the treaties by the Senate, that the keen-eyed enterprise of our race has within them already planned towns, built mills, opened roads, commenced farms, the nucleus of many a happy home.

But it is, however, in their initiatory stages only, we can consider the present growth and advancement of our Territory in all the constituents of national and individual prosperity. Our brief, though energetic past foreshadows but faintly the more glorious and brilliant destiny in store for us in the future; nor is prophetic inspiration necessary to foretell it. It is written so plainly that he who runs may read it. It is written in the advantages nature has so liberally bestowed upon us; by a beautiful country, unqualified by the drawback of much waste land, with an universally fertile soil, where prairies, “that blossom as the rose,” with groves and woods are proportionately intermingled; while dotting it over, in refreshing profusion, are gem-like lakes, and intersecting its map, at convenient distances, are crystal streams, whose precipitous waters afford elements out of which to create future Lowells and Manchesters.

It is written in our geographical position, in the center of our continent, at the head of the Mississippi valley, and enfolding either bank of the great river with its very head springs, even as its delta is embraced on both sides by our sister Louisiana. It is written in our proximity to Superior's inland sea, and the abundant mines of rich ores possessed alike by its northern, as by its southern shores—mines, whose workmen it will be our inevitable lot to feed and clothe, and whose rough products our manufacturing skill will ultimately fit for the markets of the world. It is written in the fact that nearly half a million of people, from the old world and the elder portion of the new, are every year seeking homes in our broad West—a tide of migration that must speedily engross the fertile fields of Minnesota, invitingly spread open to their possession, almost “without money and without price.” And it is written, likewise, on a thousand features of interest and advantage incident to our Territory; in our extensive pineries, the livelihood of hardy lumbermen, and a future chief resource for building purposes of the people of the great valley below us; in the many opportunities for manufactur-

ing establishments offered by our magnificent water powers, and the ease with which the Mississippi enables us to procure the material, and export the products of factory labor; in our salubrious climate, insuring a healthy, hardy and numerous population, and in the immediate advantage to our early growth and prosperity, which follows the expenditure of a quarter of a million of dollars annually by the national Government, for the benefit of the Indian tribes in our midst.

That which is written is written—the life of a short generation will realize it. In ten years a State—in ten more years half a million of people—are not extravagant predictions. In our visions of that coming time, rise up in magnificent proportions, one or more capitals of the North, Stockholms and St. Petersburgs, with many a town besides, only secondary to these in their trade, wealth and enterprise. Steam on the water and steam on the land, everywhere, fills the ear and sight. Steamboats crowd our waters, and railroads, intersecting in every direction, interlink remotest points within and without our Territory. The blue waters of Lake Superior and the red-tinged floods of the Mississippi are united by iron bands, and a south-eastern line connects St. Paul direct with Lake Michigan. The great New Orleans and Minnesota Railroad pours into its depot, somewhere on the upper Minnesota river, passengers and products from the far sunny South, to receive in return, for ultimate ocean transit perhaps, furs and merchandize from the polar circle, which steamboats on the Red River of the North, or a railroad on its banks have just brought from Selkirk, or the plains of distant Athabasca. Let none deem these visions improbable, or their foreshadowing impracticable. Man, in the present age disdains the ancient limits to his career; and in this country, especially, all precedents of human progress, growth of States, and march of Empires, are set aside by an impetuous originality of action, which is at once both fact and precedent. Doubtless an overruling Providence, for inscrutable purposes, has decreed to the American nation this quicker transition from the wilderness of nature to the maturity of social enjoyments—this shorter probation between the bud and green tree of empire; and it well becomes us, therefore, in our gratulations upon present prosperity, and in our speculations upon greater power and happiness in the early future, to render humble, yet fervent thanks “unto Him who holdeth nations in the hollow of his hand,” and shapes out the destinies of every people.

ALEX. RAMSEY.

ST. PAUL, January 26, 1853.

Mr. Wells moved that the Joint Convention do now adjourn, to meet at the Hall of the House of Representatives, at 2 o'clock P. M.

And the yeas and nays being called for and ordered, there were yeas 4, nays 23.

Those who voted in the affirmative were

Messrs. McKee, Rolette, Truax and Wells—4.

Those who voted in the negative were

Messrs. Babcock, Farrington, Forbes, Greely, Kittson, Larned, Loomis, Lowry, McLeod, Ames, Dutton, Gingras, Ludden, Lott, Murray, Noot, Oliver, Randall, Russell, Ramsey, Stimson, Wilcox and Speaker—23.

So the Convention refused to adjourn.

Mr. Farrington moved that the Joint Convention do now proceed to the election of a Printer or Printers.

And the yeas and nays being called for and ordered, there were yeas 13, nays 14.

Those who voted in the affirmative were

Messrs. Babcock, Farrington, Forbes, Kittson, Loomis, McLeod, Gingras, Ludden, Randall, Rolette, Ramsey, Wilcox and Speaker—13.

Those who voted in the negative were

Messrs. Greely, Larned, Lowry, Ames, Dutton, Lott, Murray, McKee, Noot, Oliver, Russell, Stimson, Truax and Wells—14.

On motion of Mr. Loomis,
The Joint Convention adjourned, to meet immediately at the Hall of the House of Representatives.

The Joint Convention again met in the Hall of the House of Representatives.

The roll was called and all the members answered to their names.

The Joint Convention then, in pursuance of law, proceeded to vote *viva voce* for a Printer or Printers, for the ensuing year; and

On the first vote

- Mr. Babcock voted for Owens & Moore and J. R. Brown.
- " Farrington voted for Owens & Moore and J. R. Brown.
- " Forbes voted for Owens & Moore and J. R. Brown.
- " Greely voted for D. A. Robertson.
- " Kittson voted for Owens & Moore and J. R. Brown.
- " Larned voted for D. A. Robertson.
- " Loomis voted for Owens & Moore and J. R. Brown.
- " Lowry voted for D. A. Robertson.
- " McLeod, *Pres't*, voted for Owens & Moore and J. R. Brown.
- " Ames voted for John C. Rives.
- " Dutton voted for D. A. Robertson.
- " Gingras voted for Owens & Moore and J. R. Brown.
- " Ludden voted for Owens & Moore and J. R. Brown.
- " Lott voted for D. A. Robertson.
- " Murray voted for D. A. Robertson.
- " McKee voted for Owens & Moore and J. R. Brown.
- " Noot voted for D. A. Robertson.
- " Oliver voted for D. A. Robertson.
- " Randall voted for Owens & Moore and J. R. Brown.
- " Russell voted for D. A. Robertson.
- " Rolette voted for Owens & Moore and J. R. Brown.
- " Ramsey voted for Owens & Moore and J. R. Brown.
- " Stimson voted for D. A. Robertson.
- " Truax voted for Owens & Moore and D. A. Robertson.
- " Wells voted for Owens & Moore and J. R. Brown.
- " Wilcox voted for Owens & Moore and J. R. Brown.
- " Speaker voted for Owens & Moore and J. R. Brown.

The result of the vote was then declared as follows :

Messrs. Owens & Moore and J. R. Brown received	15 votes.
Mr. D. A. Robertson received	10 votes.
Mr. John C. Rives received	1 vote.
Messrs. Owens & Moore and D. A. Robertson received	1 vote.

Whole number of votes, 27

Messrs. Owens & Moore and J. R. Brown having received a majority of all the votes cast, were declared to have been elected Territorial Printers for one year, and until their successors are elected and qualified.

On motion of Mr. Murray,

The Joint Convention then proceeded to vote for a Binder, and

On the first vote

- Mr. Babcock voted for J. McIntosh.
- " Farrington voted for Capt. Holcombe.
- " Forbes voted for J. McIntosh.
- " Greely voted for Wm. Holcombe.
- " Kittson voted for J. McIntosh.
- " Larned voted for Wm. Holcombe.
- " Loomis voted for J. McIntosh.
- " Lowry voted for Wm. Holcombe.

Mr. McLeod, *Pres't*, voted for J. McIntosh.
 " Ames voted for S. B. Lowry.
 " Dutton voted for Wm. Holcombe.
 " Gingras voted for J. McIntosh.
 " Ludden voted for J. McIntosh.
 " Lott voted for Wm. Holcombe.
 " Murray voted for Wm. Holcombe.
 " McKee voted for J. McIntosh.
 " Noot voted for Wm. Holcombe.
 " Oliver voted for Wm. Holcombe.
 " Randall voted for J. McIntosh.
 " Russell voted for Wm. Holcombe.
 " Rolette voted for J. McIntosh.
 " Ramsey voted for J. McIntosh.
 " Stimson voted for Wm. Holcombe.
 " Truax voted for J. McIntosh.
 " Wells voted for J. McIntosh.
 " Wilcox voted for J. McIntosh.
 " Speaker voted for J. McIntosh.

The result of the vote was then declared, as follows :

J. McIntosh received	15	votes.
Wm. Holcombe	10	"
S. B. Lowry	1	"
Capt. Holcombe	1	"

Whole number of votes,

27

J. McIntosh having received a majority of all the votes cast, was declared to have been duly elected to do the Binding for the Territory for one year, and until his successor shall have been elected and qualified.

Mr. Lott moved that the Joint Convention do now adjourn *sine die* ;
 Which motion was lost.

Mr. Babcock moved that the Joint Convention do now adjourn *sine die*, and that each House assemble in their respective halls,

Which motion prevailed, and

The Joint Convention adjourned *sine die*.

The House was called to order by the Speaker, and

The roll being called, a quorum answered to their names.

Mr. Murray moved that the House do now adjourn until 2 o'clock this afternoon,

Mr. Ramsey moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 13 and nays 4.

Those who voted in the affirmative were

Messrs. Gingras, Ludden, Lott, McKee, Randall, Russell, Rolette, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—13.

Those who voted in the negative were

Messrs. Ames, Murray, Noot and Oliver—4.

So the House adjourned.

THURSDAY MORNING, 10 o'clock.

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

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

On motion of Mr. Wells,

The reading of the Journal of yesterday was dispensed with.

Mr. Lott presented a petition and accompanying documents from Henry Buel, for a divorce from his wife, Susan Buel.

The petition was read, and with the accompanying documents, were referred to a Select Committee, consisting of Messrs. Lott, Wilcox and Noet.

The following communication, lying on the Speaker's desk, was then read, viz :

ST. PAUL, Jan. 27, 1853.

To the Speaker of the House of Representatives:

DEAR SIR:—Accompanying this note you will find my Second Annual Report as Superintendent of Common Schools, which you will please present at your earliest convenience to the body over which you have the honor to preside.

Very truly, Yours,

E. D. NEILL.

DR. DAVID DAY.

On motion of Mr. Randall, the accompanying report was laid on the table and ordered to be printed in the daily slips of the Journal of this day's proceedings, and is as follows, viz :

REPORT OF THE SUPERINTENDENT OF COMMON SCHOOLS.

To the Legislative Assembly of the Territory of Minnesota:

Among the first educational efforts in the Atlantic States, were the establishment of schools for the education of Indian children. The distinguished British philosopher, Robert Boyle, gave a considerable sum to render the present college at Williamsburgh, Va., subservient to the education of the children of the Aborigines. Dartmouth College, which now enrolls as alumni, Choate, Woodbury and Webster, was, in its infancy, nothing more than an Indian Charity School.

As far as can be ascertained, the first school of any description in the Territory was taught at the trading house of the late Mr. Aitkin, at Sandy Lake, in the year 1832, by Mr. F. Ayer, now principal of a school at Belle Prairie, in Benton county. He was succeeded by Mr. E. F. Ely, now of St. Paul.

In 1833, the Rev. W. T. Boutwell opened a school at Leech Lake, and in 1834, Mr. Ely taught at Fond du Lac. In 1837, a school was opened by Mr. Ayer at Lake Pokagema.

The first school in Minnesota, west of the Mississippi, was taught by Miss S. Poage, now Mrs. Gideon H. Pond, in 1835, at Lac-qui-Parle. The next year, Rev. Sam'l W. Pond taught at the Dakota village at Lake Harriet, west of St. Anthony. In 1837, a school was opened at Kaposia, and in 1840 it was moved to Red Rock. In 1842, a school was commenced at the mouth of the St. Croix.

If we are not misinformed, one of the early teachers in the Indian country, and two of the pupils of those teachers, have been members of past Legislative Assemblies.

SCHOOLS IN THE WHITE SETTLEMENTS.

The Rev. T. S. Williamson, M. D., late of Kaposia, discovering that there were a number of children, mostly of mixed blood, growing up in entire ignorance, in the vicinity of the small Indian trading houses that have since expanded into the capital of Minnesota, applied to the friends of education in the States for a teacher.

Through the aid of the National Board of Popular Education, the services of Miss H. E. Bishop were secured; and in the spring of 1848, in a decayed log hut, with bark roof, that stood on or near the site of the First Presbyterian Church, she commenced the first regular English school in Minnesota, the army school at Fort Snelling, excepted. It was composed of nine children, chiefly half breeds. Shortly after, another English school was opened at Stillwater, by a lady, under the auspices of the National Educational Society. During the summer of 1849, another lady from the same Board, now a teacher among the Choctaws, taught the first school at St. Anthony, in a building at present used as a stable.

In 1848, a school house was erected at Stillwater, and also at St. Paul. The building at the latter place is now used as a lawyer's office, and adjoining the First Presbyterian Church.

The Legislative Assembly of 1849, enacted a law for the establishment and support of Common Schools, but owing to the fact that the citizens failed to elect school trustees at the general election, no organizations according to law were effected that year.

The first meeting of citizens in reference to education was held at St. Paul on the evening of Dec. 1, 1849, at which a Provisional Committee on Schools was appointed.

In the "Chronicle and Register" newspaper of December 15, 1849, the following is published:

SCHOOL COMMITTEE MEETING.

At a meeting of the Provisional Committee on Schools, at the office of the Secretary of the Territory, in St. Paul, on the evening of the 4th of December, 1849, there were present, Rev. Mr. Hoyt, Rev. Mr. Parsons, Rev. Mr. Neill, Hon. Wm. H. Forbes and Mr. E. Rice.

Hon. Wm. H. Forbes was appointed to the Chair, and E. Rice was appointed Secretary.

Rev. Mr. Neill, from the committee appointed to ascertain what amount of indebtedness existed for building the school house occupied by Miss Bishop and Miss Scofield, and whether, if the same should be paid, a title to the land on which the house is erected can be procured, reported verbally, that they had conferred with Mr. Irvine, the owner of the land, who informed him that there remained unpaid, to Mr. Pomeroy, about \$80, for the building of the house, and that Mr. Irvine would execute a deed of the land to the proper persons, when that indebtedness has been paid. Whereupon, said committee was discharged.

Rev. Mr. Parsons moved that said debt be assumed, and that the Secretary draft a subscription paper, and that each member of the Provisional Committee take active measures in circulating the same, to the end that said indebtedness may be discharged by subscription; which motion prevailed.

Rev. Mr. Neill moved that three schools be established in St. Paul the present winter, as follows: one at the school house in the upper end of town, one at the school house about to be erected at the lower end of town, and another at the brick church; which was agreed to.

Rev. Mr. Parsons moved that the committee employ upon just and equitable terms, the Rev. Mr. Hobart to teach at the brick church, and Miss Bishop to teach at the school house at the upper end of town, and Miss Scofield to teach at the house to be erected at the lower part of town; and the motion was adopted.

Rev. Mr. Neill moved that Rev. Mr. Hoyt confer with Rev. Mr. Hobart, and Rev. Mr. Parsons confer with Miss Bishop and Miss Scofield, on the subject of teaching school, agreeable to the preceding motion; and the motion was adopted.

And on further motion, the committee adjourned to meet at 7 o'clock next Saturday evening, at the same place.

WM. H. FORBES, Chairman.

EDMUND RICE, Secretary.

Saturday Evening, Dec. 6, 1849.

Committee met pursuant to adjournment. Present the Chairman and Secretary, Rev. Messrs. Hoyt and Parsons, B. W. Brunson and J. Snow, Esqs.

Proceedings of last meeting read and approved. A subscription paper, agreeable to previous directions, was presented by the Secretary.

Rev. Mr. Hoyt reported that he had conferred with Mr. Hobart in regard to teaching school the present winter, who offered to teach at the rate of three dollars per scholar by the quarter; under general superintendence of the Provisional Committee.

Rev. Mr. Parsons made a like report in regard to his conference with Miss Bishop and Miss Scofield. Mr. Brunson moved that they be employed upon the terms reported, until such time as a legal organization of one or more school districts shall take place, but not to exceed three months; and the motion was agreed to.

Rev. Mr. Hoyt moved that teaching five days shall be considered equivalent to a week, and sixty days to a quarter; and further, that the necessary fuel for the several schools be obtained by subscription, and when delivered, that the young men of the place be requested to meet at a given time and cut the same for use; and the motion was agreed to.

On motion of the Secretary, Rev. Mr. Hoyt was appointed to request Mr. Hobart to commence his school on Monday, Dec. 10th; and Rev. Mr. Parsons was appointed to request Miss Bishop and Miss Scofield to commence their schools respectively on Monday, Dec. 24th; and the motion was adopted.

Rev. Mr. Parsons moved that the proceedings of the committee be published in the "Pioneer," and "Chronicle and Register;" carried.

Whereupon the committee adjourned, subject to meet by a call of the Chairman.

WM. H. FORBES, Chairman.

EDMUND RICE, Secretary.

SCHOOL HOUSES.

During the past year there has been little increase in the number of school edifices. Last autumn the Trustees of school district number three in town of St. Paul, purchased a new school building in one of the most eligible situations of the town. Two stories in height, well ventilated and lighted, it affords the most capacious school rooms in the Territory, and will answer the increasing wants of the district for some time.

The Superintendent would again call attention to the importance of the proprietors of new village sites, such as Hastings, Mendota, Le Sueur, Mankato, Traverse des Sioux, and other places on the recently ceded Dakota lands, setting apart at least one acre of ground, near the centre of the town plat, to be reserved forever as a site for a school edifice. In order that the ground might not be defaced by some log hut offensive to the eye, the land might be deeded to the school Trustees, on the condition that it should not be occupied until the inhabitants would erect a building of correct proportions, that would answer the purposes of a school house on six days of each week, and a sanctuary on the seventh, to those branches of the Church that might desire to worship therein, until they were sufficiently numerous to go forth and build a temple for their own use. Much harm has often been done to the cause of education, and the common Christianity of the land, by a sectarian zealot, hastening into a new settlement, and circulating a subscription among men of various religious professions for the erection of a house for his particular denomination, when that settlement is as yet without a respectable school house, or common place of worship.

It appears to be the duty of every enlightened citizen in a new land, to contribute first to the erection of a school edifice which can be appropriately used on the Sabbath

by the Roman, Episcopal, Methodist, Baptist and Presbyterian branches of the Holy Catholic Church, as a place for their devotions, and then contribute to the erection of as many distinct church edifices as means, opportunity and inclination prompt.

SCHOOL TRUSTEES.

These as a body, appear to have been faithful in the discharge of their duties. But owing to the apathy that prevails upon this vital interest of education, and the almost entire failure of influential citizens to attend the annual school meeting, their unrewarded labors have not only been unappreciated, but they have been obliged, in some cases, to receive the censure of the citizens, because they have endeavored to be true to their trust, and collect taxes levied by law, and keep the schools in operation.

SCHOOL MONEYS.

The pay of teachers is expressly provided for by the school law. Section first, Article first, says that it shall be the duty of the Commissioners of each county "to lay an annual tax of one-fourth of one per cent. on the ad valorem amount of the assessment rolls, made by the county assessors for the same year, and to include the same in their warrant to the collector; and the said collector shall proceed to collect the said tax in the same manner the county tax is collected; and the said moneys so collected, shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts."

Though collected at the same time and in the same manner, the school tax is entirely distinct from the county tax. The school moneys can only be appropriated by law to one purpose, the hire of school teachers. Though the law is plain, some of the instructors of our schools have been much embarrassed, by the failure of the Treasurer to meet the orders of the school trustees. Some females who taught a year ago, still remain unpaid. The Superintendent is required by law to give in his Report to the Legislative Assembly, "estimates on accounts and expenditures of the school moneys," but he is wholly unable to comply with the requisition, as he has failed to learn from the proper officers anything in relation to the school moneys. The cause of education would be greatly promoted by making a separation of the office of County and School Treasurer.

Appended will be found the School Law as amended by the last Legislative Assembly, with forms for the use of school trustees.

The Superintendent does not, in the infancy of our Territory, deem it advisable to make any new suggestions in relation to education. The law which we now have in our Statute book is sufficient for our present wants. The great amendment needed, is that our citizens should remedy their indisposition to comply with its provisions.

All of which is respectfully submitted.

E. D. NEILL.

January 27, 1853.

APPENDIX—SCHOOL LAW.

SEC. 1. That for the purpose of establishing and maintaining Common Schools, it shall be the duty of the Commissioners of each County:

1. To divide such portion of their County as shall be inhabited into convenient school districts, to define the boundaries, numbers and file a copy of the same in the office of the clerk of the Board of County Commissioners, to lay an annual tax of one-fourth of one per cent. on the ad valorem amount of the assessment rolls, made by the County assessors for the same year, and to include the same in their warrant to the collector; and the said collector shall proceed to collect the said tax in the same manner the County tax is collected; and the said moneys so collected, shall be paid over to the County Treasurer, to be appropriated for the hire of school teachers in the several districts, to be drawn in manner hereinafter prescribed: *Provided*, That any school district upon petitioning to the County Commissioners, by a majority of the legal

voters thereof, may be altered and divided by the said Commissioners, so as best to suit the convenience of the people of said district.

SEC. 2. For the better support of Common Schools and the general diffusion of education, there shall be set apart by the County Treasurer, twenty-five per cent. of all moneys paid into the County Treasury, arising from licenses for the sale of spirituous or other liquors, and the proceeds of all fines for a breach of any penal laws of this Territory, not otherwise appropriated by law.

SEC. 3. Whenever any school district shall be formed by the County Commissioners, it shall be the duty of the clerk of the Board of County Commissioners, within twenty days thereafter, to prepare a notice in writing, of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have petitioned for the formation of the same, whose duty it shall be within two weeks after the receipt of such notice, to notify the other inhabitants of the district, of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted in three public places in the district, at least ten days previous to the time of meeting.

SEC. 4. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble at a district meeting when so notified; or in case any district having been formed and organized in pursuance of such notice, shall afterwards be dissolved; such notice shall be renewed by the clerk of the Board of County Commissioners, upon the application being made to the said clerk by any taxable inhabitant of such district, and served in the manner above described.

SEC. 5. Every inhabitant over the age of twenty-one years, who shall have resided in any school district for three months immediately preceding any district meeting, and who shall have paid or shall be liable to pay any taxes, except road tax, in said district, shall be allowed to vote at such meeting, and no other person shall vote at such meeting.

SEC. 6. The inhabitants entitled to vote in such district, or any portion of them not less than five in number, when lawfully assembled in any district, in any district meeting, shall have power by a majority of the votes of those present:

1. To appoint a moderator.
2. To adjourn from time to time as occasion may require.
3. To choose a district clerk and three trustees, whose term of office shall continue for one year, and until their successors are duly elected and qualified, and as often thereafter as such offices or either of them shall become vacant.
4. To designate a site for the district school house.
5. To levy such tax (not exceeding six hundred dollars in any one year,) on the taxable property in the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and keep in repair and furnish the same with necessary fuel and appendages.
6. To repeal, alter, or modify their proceedings from time to time, as occasion may require.
7. To levy an additional tax on the district, not exceeding twenty dollars, in any one year, for the purchase or increase of a district library, globes, maps, and such apparatus as the interest and well being of the school shall require. The library shall consist of such books as the district meeting shall direct. The intention to propose such tax shall be stated in the notice required to call such meeting.

8. To designate the number of months a school shall be kept during the year; and when said district is organized as above provided, it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools and school houses in their own district, according to the provisions of this chapter.

SEC. 7. The teacher of the district school, or such other person as the legal voters of the district may at their annual meeting designate or appoint, shall be librarian of the district, and shall have the care and custody of the library, under such regulations as the said voters may adopt.

SEC. 8. All district taxes shall be assessed by the trustees according to the valuation of property, made for the assessment of county taxes, and shall be col-

lected by the clerk of the district, with an addition of five per cent. on the same, which he shall receive for his services; and the said clerk shall give bond to the trustees, which shall be approved by a majority of them, with one or more sureties, conditioned for the faithful performance of his duties as collector, and that he will pay over to the trustees of the district, all moneys that may come into his hands: *Provided*, That any person aggrieved by an excessive assessment of the trustees of any school district, may have the same reduced by his own affidavit or any competent testimony.

SEC. 9. In each school district, an annual meeting shall be held at the time and place previously appointed, and at each annual meeting, the time and place of holding the next annual meeting shall be fixed; special meetings may be held whenever called by the trustees or any two of them; and all notices of annual or special meetings shall be in writing, signed by the trustees or clerk of the district, and shall state the object for which the meeting is called; and shall be posted up in three public places in the district at least six days previous to the time of holding such meeting.

SEC. 10. It shall be the duty of the clerk of each school district:

1. To record the proceedings of his district in a book to be provided for that purpose by the district.

2. To give notice of annual or special meetings.

3. To procure a list of all persons in the district between the ages of four and twenty-one years, and furnish a copy of such list to the Board of County Commissioners, at their annual meeting in January.

4. To pay over to the trustees of his district, or one of them, all moneys when collected, which he shall be required by warrant to collect within the time limited in such warrant for its return; and he shall have the same authority to enforce the collection of such tax as the County Collector.

5. To retain a copy of all reports made to the Board of County Commissioners, relating to the affairs of the district.

SEC. 11. It shall be the duty of the County Commissioners, at their annual meeting of January of each year, to make an apportionment of the school funds in the County Treasury, among the several school districts in which a school has been taught for three months the preceding year, in their respective Counties, in proportion to the number of persons in the district over the age of four and under the age of twenty-one years, and certify the amount due the trustees of each district; which amount shall be subject to the draft of said trustees, in favor of any person to whom such moneys may be due, for services as teacher or teachers of said district.

SEC. 12. It shall be the duty of the trustees of every school district:

1. To call special meetings of the inhabitants of the district liable to pay taxes, whenever they shall deem it necessary and proper.

2. To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant, set opposite his name.

3. To annex to such tax list, a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including the five per cent., for the fees of said clerk.

4. To purchase or lease a site for the district school house, as designated by a meeting of said district, and to build, hire, or purchase, keep in repair, and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to them for such purposes, and to have the custody and safe keeping of the district school house.

5. 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 be first examined and found qualified, in moral character and ability to teach a district school.

6. To pay the wages to such teachers out of the moneys in the County Treasury belonging to their district by drafts in favor of such teachers.

SEC. 13. The trustees of each district shall, on the expiration of their term of office, render to their successors in office, and to the district, at a district meeting, a just and true account in writing, of all moneys received by them respectively, for the use of

their district, and the manner in which the same shall have been expended, which account shall be delivered to the district clerk and be filed by him.

SEC. 14. Any balance of moneys remaining in the hands of the trustees, or either of them, at the time of rendering such account, shall immediately be paid over to one or more of their successors in office; and every trustee who shall refuse or neglect to render such account, or to pay over any balance remaining in his hands, shall for each offence, forfeit the sum of twenty-five dollars, which, together with such balance in his hands, may be sued for and collected by his successor in office.

SEC. 15. In case the clerk shall neglect or refuse to pay over to the trustees any moneys belonging to the district, the trustees of the district may sue in their name of office, and shall be entitled to recover the same with interest and costs.

SEC. 16. Whenever the apportionment of the school fund in the County Treasury shall be insufficient for the payment of the necessary expenses incurred in the maintenance of a school in any district, it shall be the duty of the trustees of the district to call a meeting, by giving at least ten days previous notice thereof, for the purpose of levying the balance upon the taxable property of the district, or may levy a tax of fifty cents on each male inhabitant between the ages of twenty-one and fifty-five years, as a majority of the voters of the district then present shall determine, which tax so voted to be levied by such meeting, shall be assessed by the trustees and collected by the clerk, as hereinbefore provided for the collection of a district tax.

SEC. 17. In case the clerk of any school district, regularly organized agreeably to the provisions of this chapter, refuse or neglect to make a return to the Board of County Commissioners, of a list of the persons in such districts, over the age of four and under the age of twenty-one years, or in case any district which shall have been established under the provisions of this chapter, shall neglect to organize according to law, then in that case, it shall be lawful for any inhabitant of such district to make out and return under oath to the Board of Commissioners such list; and the Commissioners shall take the same into consideration, the same as though the district was regularly organized, and the amount due such district under the apportionment, shall be retained in the hands of the County Treasurer until such district shall be legally organized.

SEC. 18. The trustees of any two or more school districts may, by a concurrent vote, agree to establish a grammar school for the older and more advanced children of such districts.

SEC. 19. Every teacher of a common school shall keep a register of all scholars attending school, their ages, names of parents or guardians, the time when such scholar enters and leaves such school, and the branches of study pursued, a copy of which, at the expiration of every three months, he shall forward to the Superintendent of Common Schools.

SEC. 20. All acts of the Legislative Assembly of the Territory of Minnesota, connecting common schools with chartered institutions of learning, are hereby repealed.

FORMS FOR SCHOOL DISTRICTS.

Petition to the County Commissioners for the Organization of a School District.

(See Art. 1, Sec. 1, School Law.)

We, the undersigned, citizens of _____ election precinct, _____ county, respectfully petition the County Commissioners to form a School District, which shall be bounded as follows:

Notice of First Meeting in School District.

(Section 3d, School Law.)

The Commissioners of _____ County, having formed a School District bounded as follows: _____ the inhabitants entitled to vote at school meetings, within said district, are hereby notified that there will be a meeting on _____ day _____ at _____ to organize a district.

Forms of Minutes of proceedings of District Meetings to be kept the Clerk.

(Sec. 1, School Law.)

At a meeting of the legal voters of School District number _____ in _____ held pursuant to adjournment, at _____ on the _____ of _____ 18—.

(Or if at an annual meeting say.)

At an annual meeting, etc., held pursuant to public notice, _____ being Moderator, and _____ being Clerk.

Resolved, _____

Notice for Annual Meeting.

(Sec. 9, School Law.)

Notice is hereby given that the annual meeting of School District _____, will be held at _____ on _____ day at _____ o'clock.

Dated _____, 18—.

_____ Dist. Clerk.

Order of Trustees for Teacher's Wages.

(Art. 6, Sec. 12, School Law.)

To _____ Esq., Treasurer of _____ county. Pay to _____, a teacher duly employed by us, _____ dollars, that being the amount which he is entitled to receive out of the moneys in your hands, applicable to the payment of teachers' wages, and appropriated to our District.

Dated _____, this _____ day of _____, 18—.

A. B. } Trustees of
C. D. } District
E. F. } No. _____

District Tax List, and Warrant for its Collection.

(Sec. 12, Art. 2 and 8, School Law.)

List of taxes apportioned by the Trustees of District number _____, on the real estate lying within the District, and on the personal property thereof.

Names of inhabitants or corporation.	Description of land.	Valuation.	Personal Property Valuation.	Amount School tax.	Collector's tax.
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Warrant for Collection.

To the Collector of School District No. —, in _____ County:—

You are hereby commanded to collect from each of the taxable inhabitants and corporations named in the foregoing list, and of the owners of real estate therein, the several sums mentioned as school tax opposite to the persons and corporations so named, and to the several tracts of land so described, together with the per centage allowed by law for your fees; and in case any person upon whom such tax is imposed shall neglect or refuse to pay the same, you are to proceed in the same manner as the County Collector; and you are to make a return of this warrant within _____ days after the delivery thereof to you, and within that time to pay over all the moneys collected by virtue hereof to the Trustees of the said District, some or one of them; and if any tax shall be unpaid at the time when you are required to return this warrant, you are to deliver to the Trustees of the said District an account thereof according to law.

Given under our hands this _____ day of _____, 18—.

A. B. } Trustees of
C. D. } District
E. F. } No. _____

List of persons between the ages of four and twenty-one.

(Art. 3, Sec. 10, School Law.)

To the Board of County Commissioners :

Enclosed is a list of all persons in School District _____, between the ages of 4 and 21 years.

<u>Name of person.</u>	<u>Age.</u>	<u>Parent or Guardian.</u>
		_____ Dist. Clerk.

Teachers' Quarterly Register.

(Sec. 19, School Law.)

To the Superintendent of Common Schools in Minnesota Territory.

Below you will find a list of scholars who have attended District School _____ within the last three months, their age, name of parent or guardian, the time of entrance and leaving school, and the branches of study pursued.

<u>Time of entrance.</u>	<u>Name of Scholar.</u>	<u>Age.</u>	<u>Parent's or Guardian's name.</u>	<u>Branches of study.</u>
			_____	_____, Teacher of District School No. —.

Mr. Lott presented a petition and accompanying documents from George Egbert, contesting the seat in this House of Hon. John McKee, the sitting member from Benton County.

The petition and accompanying documents having been read,

Mr. Murray moved that the petition and accompanying documents be referred to the Committee on the Judiciary;

Which motion was decided in the negative, ayes 6, nays 9.

On motion of Mr. McKee,

The petition and accompanying documents were referred to a Select Committee consisting of Messrs. Lott, Ludden and Wells.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER : The Council have passed C. F. No. 1, a bill to incorporate Hennepin Lodge No. 4, I. O. of O. F., in which the concurrence of the House of Representatives is respectfully requested.

The Secretary then withdrew.

On motion of Mr. Wells,

The House then resolved itself into a Committee of the Whole, Mr. Lott in the Chair, for the consideration of the Message of his Excellency the Governor.

After some time passed therein, the Committee rose, and by the Chairman reported progress and asked leave to sit again.

Leave was granted.

Mr. Ramsey moved that the House do now adjourn;

And the yeas and nays being called for and ordered, there were yeas 12, nays 6.

Those who voted in the affirmative were,

Messrs. Dutton, Giagras, Ludden, McKee, Noot, Randall, Rolette, Ramsey, Stinson, Truax, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Ames, Lott, Murray, Oliver, Russell and Wells—6

So the House adjourned.

FRIDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

The Journal of yesterday was then read.

Mr. Ames asked and obtained leave to present No. 1, (H. of R.) "A memorial to Congress relative to the construction of a Railroad,"

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

Mr. Ames asked and obtained leave to introduce No. 1, (H. of R.) "A bill for laying out a Territorial Road from the Falls of St. Anthony to Lac-qui-Parle,"

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

On motion of Mr. Ames,

The Annual Report of the Superintendent of Common Schools of the Territory of Minnesota was taken from the table and referred to the Committee on Schools.

On motion of Mr. Wells,

The House resolved itself into a Committee of the Whole, Mr. Wilcox in the Chair, for the further consideration of the Message of his Excellency the Governor.

After some time passed therein, the Committee rose, and by the Chairman, reported a series of resolutions, and requested the concurrence of the House therein.

The question then recurring on the adoption of the report of the Committee of the Whole,

Mr. Lott asked that the question be taken on the resolutions separately;

Which was ordered,

And the first resolution having been read, as follows:

1. *Resolved*, That the portion of the Governor's Message alluding to the Revised Statutes and Annual Session Laws be referred to the Committee on Printing, Was adopted by the House.

The question then recurring on the adoption of the second resolution, it was read as follows:

2. *Resolved*, That so much of the Governor's Message, relative to the mode of increasing the Territorial Library, be referred to the Committee on Territorial Expenditures,

And was adopted by the House.

The question then recurring on the adoption of the third resolution, it was read as follows:

3. *Resolved*, That so much of the Governor's Message as relates to Common Schools, be referred to the Committee on Schools,

And was adopted by the House.

The question then recurring on the adoption of the fourth resolution, it was read as follows:

4. *Resolved*, That so much of the Governor's Message as relates to Assessors in the unorganized Counties, be referred to the Committee on Estates and Escheats.

And the ayes and noes having been called for on the adoption of the resolution and ordered, there were ayes 11, noes 7.

Those voting in the affirmative were,

Messrs. Ames, Dutton, Lott, Murray, Oliver, Randall, Russell, Stimson, Traax, Wilcox and Speaker—11.

Those voting in the negative were,

Messrs. Gingras, Ludden, McKee, Noot, Bolette, Ramsey and Wells—7.

So the resolution was adopted.

The question then recurring on the adoption of the fifth resolution, it was read as follows :

5. *Resolved*, That so much of the Governor's Message as refers to Territorial Buildings be referred to the Committee on Public Buildings,

And was adopted by the House.

The question then recurring on the adoption of the sixth resolution, it was read as follows :

6. *Resolved*, That so much of the Governor's Message as relates to the modification of the Criminal Code, and to the regulations of the Prison Discipline, be referred to the Committee on the Judiciary,

And was adopted by the House.

The question then recurring on the adoption of the seventh resolution, it was read as follows :

7. *Resolved*, That so much of the Message as relates to a change of day for holding General Elections in the several precincts of the Territory be referred to the Committee on the Judiciary,

And was adopted by the House, ayes 12, nays not counted.

The question then recurring on the adoption of the eighth resolution, it was read as follows :

8. *Resolved*, That so much of the Governor's Message alluding to the Militia be referred to the Committee on the Militia,

And was adopted by the House.

The question then recurring on the adoption of the ninth resolution, it was read as follows :

9. *Resolved*, That so much of the Governor's Message as refers to Territorial Roads be referred to the Committee on Territorial Roads,

And was accepted by the House.

The question then recurring on the adoption of the tenth resolution, it was read as follows :

10. *Resolved*, That so much of the Governor's Message as refers to the formation of new Counties be referred to the Committee on Territorial Affairs.

Mr. Lott moved to amend the resolution by striking out the words "Territorial Affairs" and inserting in lieu thereof "Agriculture and Manufactures."

And the ayes and noes being called for and ordered, there were ayes 4, noes 14.

Those voting in the affirmative were,

Messrs. Lott, Murray, Noot and Oliver—4.

Those voting in the negative were

Messrs. Ames, Dutton, Gingras, Ludden, McKee, Randall, Russell, Rolette, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—14.

So the House refused to adopt the amendment.

The question then recurring and being put upon the adoption of the resolution,

It was decided in the affirmative, and the resolution was adopted.

The question then recurring on the adoption of the eleventh resolution, it was read as follows :

11. *Resolved*, That as much of the Governor's Message as relates to agricultural improvements be referred to the Committee on Agriculture and Manufactures,

And was adopted by the House.

The question then recurring on the adoption of the twelfth resolution, it was read as follows :

12. *Resolved*, That so much of the Governor's Message alluding to the Sioux Indian Reserve be referred to the Committee on Incorporations.

Mr. Murray moved to amend the resolution by striking out the word "Incorporations" and inserting in lieu thereof the words "Territorial Affairs,"

And the ayes and noes being called for and ordered, there were ayes 8, noes 10.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Murray, Oliver, Russell, Stimson and Truax—8.

Those voting in the negative were,
Messrs. Ames, Gingras, McKee, Noot, Randall, Rolette, Ramsey, Wells, Wilcox and Speaker—10.

So the House refused to adopt the amendment.

The question then recurring, was put upon the adoption of the resolution, and it was decided in the affirmative.

So the resolution was adopted.

Mr. Randall, from the Committee on Schools, asked and obtained leave to report No. 2, (H. of R.,) "A bill to incorporate the Baldwin School, in the City of St. Paul,"

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

Mr. Murray moved that the House do now adjourn until 2 o'clock this afternoon, Which motion was lost.

Mr. Wells moved that the House do now adjourn until 2 o'clock on Monday next. And the ayes and noes being called for and ordered, there were ayes 12, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Noot, Randall, Rolette, Ramsey, Stimson, Truax, Wells and Wilcox—12.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Oliver, Russell and Speaker—6.

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

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker in pursuance to adjournment.

Prayer by the Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

The Journal of Friday was then read.

Mr. Rolette presented a petition from the Legislative representation from the county of Pembina, asking for a change in the time of holding the annual election in said county.

Mr. Lott moved that said petition be referred to the Committee on the Judiciary; Which motion was lost.

Mr. Ludden moved that the petition be referred to a select committee of three; Which motion prevailed, and

Messrs. Ludden, Rolette and Noot were appointed said committee.

Mr. Murray offered the following resolution, which was read and adopted, viz:

Resolved, That the Chief Clerk be instructed to procure the printing of fifteen hundred copies of the Governor's Message.

Mr. Murray gave notice that on to-morrow, or some subsequent day, he would introduce a Bill granting to Victor Chatel the right to establish and maintain a ferry across the Minnesota river.

Also, a Bill to amend an Act incorporating the town of St. Paul.

Also, a Bill authorizing the laying out of a Territorial Road from St. Paul to the Falls of St. Croix.

Mr. Lott, from the select committee to which was referred the petition of Henry Buel, for a divorce from his wife, Susan Buel, made the following report:

The committee to whom was referred the petition of Henry Buel, praying to be divorced from his wife, Susan Buel, would respectfully report, that they have had the same under consideration, and are of opinion that the prayer of the petitioner should be granted.

Your committee would therefore recommend the passage of the following Bill :

B. W. LOTT,
N. GREENE WILCOX, } Committee.
WILLIAM NOOT,

No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel," reported by the above select committee was then read a first and second time and laid on the table to be printed.

The testimony accompanying the petition of Henry Buel was then called for and read.

Mr. Ames, agreeably to previous notice, asked and obtained leave to introduce No. 4, (H. of R.) "A Bill to incorporate the Minnesota Central Railroad Company,"

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

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole,

Mr. Ames in the Chair,

Having under consideration,

No. 1, (C. F.) "A Bill to incorporate Hennepin Lodge No. 4, I. O. of O. F."

After some time the Committee rose, and by the Chairman reported the Bill back to the House without amendment, and with a recommendation that the Bill pass.

The report of the Committee of the Whole was accepted.

No. 1, (C. F.) "A Bill to incorporate the Hennepin Lodge No. 4, I. O. of O. F.,"

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

On motion of Mr. Ames,

The Rules of the House requiring bills and memorials to lie on the table one day after printing, was suspended, and

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole,

Mr. Ludden in the Chair,

Having under consideration,

No. 1, (H. of R.) "Memorial to Congress relative to the construction of a Railroad."

After some time passed therein, the Committee rose, and by the Chairman reported the Memorial back to the House with sundry amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole.

It was decided in the negative.

The question then recurring on ordering the Memorial to be engrossed for a third reading.

Mr. Ludden moved to strike out the words "via St. Paul and the Falls of St. Anthony."

Which motion was lost; ayes 6, noes 7.

Mr. Randall moved to strike out the words "bands of iron."

Which was decided in the affirmative; ayes 8, noes 5.

Mr. Ludden moved to strike out the words "St. Paul and."

Which motion was lost.

Mr. Murray moved to strike out the words "and the Falls of St. Anthony."

Which motion was lost.

Mr. Randall moved that the memorial be referred to the Committee on Territorial Affairs.

Which motion was lost; ayes 6, noes 7.

Mr. Murray moved that the words "Little Canada," be inserted after the words "St. Paul."

Which motion was lost.

Mr. Randall moved that the Memorial be engrossed and read a third time to-morrow. Which motion was negatived; ayes 7, noes 8.

Mr. Lott moved that the Memorial be laid on the table.

Which motion was decided in the negative.

Mr. Ludden moved that the Memorial be engrossed and read a third time on the fourth of July next.

Which was not agreed to.

Mr. Murray moved that the Memorial be referred to a select committee of three.

Which motion prevailed, and

Messrs. Murray, Ludden, and Ames were appointed on said committee.

Mr. Ames asked to be excused from serving on the committee.

Mr. Murray moved that Mr. Ames be excused from serving on the committee.

Which motion was lost.

Mr. Murray moved that the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 8, nays 8.

Those who voted in the affirmative were

Messrs. Gingras, Ludden, Murray, McKee, Noot, Randall, Rolette, and Stimson—8.

Those voting in the negative were

Messrs. Ames, Lott, Oliver, Russell, Ramsey, Truax, Wilcox, and Speaker—8.

So the House refused to adjourn.

Mr. Russell moved that the House do now adjourn until to-morrow at 2 o'clock P. M.

Which motion was lost.

Mr. Lott moved that the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 9, and nays 7.

Those who voted in the affirmative were,

Messrs. Ludden, Lott, Murray, Randall, Ramsey, Rolette, Truax, Wilcox, and Speaker—9.

Those who voted in the negative were,

Messrs. Ames, Gingras, McKee, Noot, Oliver, Russell, and Stimson—7.

So the House adjourned.

TUESDAY MORNING, 10 O'CLOCK.

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

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The Journal of the proceedings of the House on yesterday was then read.

Mr. Ames offered the following preamble and resolutions, which were read, viz:—

WHEREAS, Hon. H. H. Sibley, the Delegate in Congress from this Territory, was selected as the Representative from that portion of Wisconsin Territory not included within the limits of the State, to proceed to Washington to secure the passage of an act for the organization of the Territory of Minnesota, and

WHEREAS, Hon. H. H. Sibley has been the Delegate in Congress from the Territory of Minnesota from its organization until the present time, therefore,

1. *Resolved*, by the House of Representatives of the Territory of Minnesota, That the course pursued by our Delegate at Washington city, has been entirely satisfactory to the people of this Territory.

2. *Resolved*, That the untiring exertions of the Delegate has secured for this Territory large appropriations for education, for roads, for public buildings, and for the transportation of the mails.

3. *Resolved*, That through the exertions of the Delegate, the Indian title has been extinguished to millions of acres of fertile land within our Territory, not inferior in all the elements necessary for agriculture or manufactures, to any portion of the American Union.

4. *Resolved*, That to the unremitting exertions of our Delegate, may be attributed much of the wide-spread knowledge of our Territory abroad, which has led to our present Territorial prosperity.

5. *Resolved*, That it is believed the Delegate from this Territory has been more successful than any Delegate from any other Territory, having obtained from Congress all the appropriations that the people of the Territory, through the Legislature, have asked for.

6. *Resolved*, therefore, That the thanks of the people of this Territory are due, and by their immediate Representatives in the popular branch of the Legislature, are hereby tendered to the Hon. H. H. Sibley, the Delegate in Congress from this Territory, for the ability and impartiality with which he has performed his duties, and for his high-minded and honorable deportment at Washington, which has raised up many warm and fast friends to our Territory, as well as in the several departments of our General Government, as in the Senate and House of Representatives of the United States.

7. *Resolved*, That the Chief Clerk of this House be instructed to transmit a copy of the above preamble and resolutions to the Hon. H. H. Sibley.

The question then recurring on the adoption by the House, of the preamble and resolutions,

Mr. Ames moved a call of the House, which was ordered, and the roll being called,

Messrs. Randall and Russell were reported absent, and

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

Mr. Russell having taken his seat,

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

Which motion was lost, ayes 7, noes 9.

Mr. Lott moved that the House do now adjourn;

Which was decided in the negative.

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

Which motion prevailed.

On motion of Mr. Murray,

The preamble and resolutions were laid on the table for the action of the House on to-morrow, and ordered to be printed.

Mr. Ludden, from the Select Committee to which was referred the petition from the Legislative delegation from Pembina county, relative to a change in the time of holding the General Election in said county, made the following report:

The committee to whom was referred the petition of the Representatives from Pembina, beg leave to report, that they have had the same under consideration, and are of opinion that the prayer of the petitioners should be granted.

JNO. D. LUDDEN,
JOS. ROLETTE,
WM. NOOT.

No. 5, (H. of R.) "A Bill to change the time of holding the General Election in the several Precincts in the County of Pembina,"

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

On motion of Mr. Ames,

No. 1, (H. of R.) "A Bill providing for laying out a Territorial Road from the Falls of St. Anthony, to Lac-qui-Parle,"

Was taken from the table and referred to the Committee on Territorial Roads.

On motion of Mr. Murray,

No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel,"

Was taken up for the action of the Committee of the Whole, and

On motion of Mr. Lott,

The House resolved itself into a Committee of the Whole,

Mr. Ramsey in the Chair,

Having said Bill under consideration.

After some time the Committee rose, and by the Chairman reported said Bill back to the House without amendment.

The report of the Committee was accepted.

The question then recurring on ordering the Bill to be engrossed and read a third time,

Mr. Ames moved that the Bill be referred to the Committee on the Judiciary, with the following instructions, viz :

Resolved, That the Committee on the Judiciary are hereby instructed to examine into the constitutionality of this Legislature to abolish marriage contracts, and report to this House as early as practicable.

Which motion prevailed.

On motion of Mr. Murray,

No. 2, (H. of R.) "A Bill to incorporate the Baldwin School in the city of St. Paul,"

Was taken from the table, and

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole,

Mr. McKee in the Chair,

Having said Bill under consideration.

After some time passed therein the Committee rose, and by the Chairman reported the Bill back without amendment. And

On motion of Mr. Ludden,

Said Bill was referred to the Committee on Schools.

Mr. Ames asked, and obtained leave, to introduce the following resolution, which was read and adopted, viz :

Resolved, That the Committee on the Judiciary are hereby instructed to report to this House, at as early a day as possible, a Bill for a General Act of Incorporation for Schools, Colleges and Seminaries.

On motion of Mr. Rolette,

The House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

The journal of the proceedings of the House on yesterday was then read.

Mr. McKee offered the following resolution, which was read, viz :

Resolved, That the Sergeant-at-Arms, Messenger and Fireman of this House be each allowed ten dollars' worth of stationery.

The question then recurring on the adoption of the resolution,

Mr. Dutton moved a call of the House, which was ordered; and the roll having been called,

Messrs. Murray and Russell were reported absent.

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

Mr. Murray having taken his seat,

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

And the ayes and noes being called for and ordered, there were ayes 10, noes 7.

Those who voted in the affirmative were

Messrs. Ames, Gingras, Ludden, McKee, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—10.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Randall and Stimson—7.

So further proceedings under the call of the House were dispensed with, and the question recurring on the adoption of the resolution,

Mr. Dutton moved to amend the resolution by striking out the word "ten" and inserting in lieu thereof the word "five,"

And the yeas and nays being called for and ordered, there were yeas 6, nays 12.

Those voting in the affirmative were,

Messrs. Dutton, Lott, Murray, Oliver, Randall and Russell—6.

Those voting in the negative were,

Messrs. Ames, Gingras, Ludden, McKee, Noot, Rolette, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

So the amendment did not prevail.

The question again recurring on the adoption of the resolution,

And the ayes and nays having been called for and ordered, there were ayes 12, nays 6.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Noot, Rolette, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Oliver, Randall and Russell—6.

So the resolution was adopted.

Mr. Ames, from the committee on Schools reported,

No. 2, (H. of R.) "A bill to incorporate the Baldwin School, in the City of St. Paul,"

Back to the House without amendment.

The report of the Committee was accepted.

Mr. Wells, from the committee on the Militia, asked and obtained leave to report by bill, and

No. 6, (H. of R.) "A bill to authorize Gabriel Renville to establish and keep a ferry across the Minnesota river." and

No. 7, (H. of R.) "A bill to authorize James M. F. Hall, W. P. Hall, and A. P. Hall to establish and maintain a Ferry across the Mississippi river,"

Were severally read a first and second time and laid on the table to be printed.

Mr. Ames called up the Preamble and Resolutions which were laid on the table on yesterday, to be printed,

The question then recurring on the adoption of the Preamble and Resolutions,

Mr. Ames asked and obtained leave to correct the Resolutions, by striking out the word "entirely," from the first resolution, and by striking out the fifth resolution.

The Preamble and Resolutions were then read :

Whereas, Hon. H. H. Sibley, the Delegate in Congress from this Territory, was selected as the representative from that portion of Wisconsin Territory not included within the limits of the State, to proceed to Washington to secure the passage of an act for the organization of the Territory of Minnesota ;

And Whereas, Hon. H. H. Sibley has been the Delegate in Congress from the Territory of Minnesota from its organization until the present time ; therefore,

1. *Resolved*, by the House of Representatives of the Territory of Minnesota, That the course pursued by our Delegate at Washington city has been satisfactory to the people of this Territory.

2. *Resolved*, That the untiring exertion of the Delegate has secured for this Territory large appropriations for education, for roads, for public buildings, and for the transportation of the mails.

3. *Resolved*, That through the exertions of the Delegate, the Indian title has been extinguished to millions of acres of fertile lands, within our Territory, not inferior in all the elements necessary for agriculture and manufactures, to any portion of the American Union.

4. *Resolved*, That to the unremitting exertions of our Delegate, may be attributed much of that wide-spread knowledge of our Territory abroad, which has led to our present Territorial prosperity.

5. *Resolved, therefore*, That the thanks of the people of this Territory are due, and by their immediate representatives in the popular branch of the Legislature, are hereby tendered to the Hon. H. H. Sibley, the Delegate in Congress from this Territory, for the ability and impartiality with which he has performed his duties, and for his high-minded and honorable deportment at Washington, which has raised up many warm and fast friends to our Territory, as well in the several departments of our General Government, as in the Senate and House of Representatives of the United States.

6. *Resolved*, That the Chief Clerk of this House be instructed to transmit a copy of the above Preamble and Resolutions to the Hon. H. H. Sibley.

The question then recurring on the adoption of the Preamble and Resolutions, And the yeas and nays being called for and ordered, there were yeas 11, nays 7.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Randall, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—11.

Those voted in the negative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

So the Preamble and Resolutions were adopted.

No. 2, (H. of R.) "A bill to incorporate the Baldwin School in the city of St. Paul,"

Then coming up in the order of business, and the question then recurring,

"Shall the bill be engrossed and read a third time?"

It was decided in the affirmative, and the bill was ordered to be engrossed.

Mr. Ludden asked and obtained leave to present the petition of Orange Walker and

thirty-two others from the Marine Mills precinct, requesting the re-enactment of the "Minnesota Liquor Law."

The petition was ordered to be laid on the table until the subject shall come before the House.

The Speaker laid before the House the following communication, which was read :

To the Speaker of the House of Representatives :

DEAR SIR :—The Historical Society of Minnesota requests the use of the Hall of the House on next Monday evening, for the Anniversary meeting.

E. D. NEILL, Sec'y.

Mr. McKee moved that the Hall of this House be tendered to the Minnesota Historical Society, for a meeting of said Society, on Monday evening next ;

Which motion prevailed.

On motion of Mr. Wells,

The House adjourned.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker in pursuance of adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, a quorum answered to their names.

The Journal of the proceedings of the House of yesterday was then read.

Mr. Dutton offered the following resolution :

Resolved, That the Chaplain of this House be allowed ten dollars worth of stationery ;

Which was read and adopted by the House.

Mr. Ames gave notice that he would on to-morrow, or some future day, ask leave to introduce a Bill relative to organizing counties west of the Mississippi.

Mr. Murray, pursuant to previous notice, asked and obtained leave to introduce, No. 8, (H. of R.) "A Bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix. And

No. 9, (H. of R.) "A Bill granting to Victor Chatel the right to establish and maintain a ferry across the Minnesota river.

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

Mr. Truax asked and obtained the unanimous consent of the House to introduce No. 10, (H. of R.) "A Bill to establish additional Road Districts in the Territory of Minnesota,"

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

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

No. 2, (H. of R.) "A Bill to incorporate the Baldwin School in the city of St. Paul."

The following message from the Council was then received by A. T. C. Pierson, Esq., the Secretary thereof :

MR. SPEAKER : The report of the Auditor of the Territory has been laid before the Council, and 100 copies thereof ordered to be printed.

The Secretary then withdrew.

No. 2, (H. of R.) "A Bill to incorporate the Baldwin School in the city of St. Paul,"

Then coming up under the rules, and

The question then recurring on ordering the Bill to be read the third time,

It was decided in the affirmative.

The Bill was then passed and the title agreed to.

No. 5, (H. of R.) "A Bill to change the time of holding the General Election in the several Precincts in the County of Pembina,"

Then coming up under the rules,

Mr. Wells moved that the House go into Committee of the Whole for the consideration of said Bill.

Pending the question,

Mr. Lott moved a call of the House,

Which was ordered.

And the roll being called,

Messrs. Murray, McKee and Randall were reported absent.

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

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

Which motion was lost, ayes 5, noes 7.

The Sergeant-at-Arms reported Mr. Murray in his seat, and that the other absentees were not to be found.

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

Which motion prevailed.

The question then recurring,

"Shall the House resolve itself into a Committee of the Whole?"

It was decided in the affirmative, and

The House then resolved itself into a Committee of the Whole,

Mr. Wells in the Chair,

Having under consideration,

No. 5, (H. of R.) "A Bill to change the time of holding the General Election in the several Precincts of the County of Pembina."

After some time passed therein, the Committee rose, and by the Chairman reported the Bill back to the House without amendment.

The report of the committee was accepted.

The question then recurring on ordering the Bill to be engrossed for a third reading,

Mr. Murray moved that the Bill be referred to a select committee of three;

And the yeas and nays being called for and ordered, there were yeas 7, nays 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

So the motion did not prevail.

The question then again recurring on ordering the Bill to be engrossed for a third reading,

Mr. Murray moved to amend the Bill by inserting the words, "Ramsey and" before the word "Pembina," and changing the word county to the plural.

And the yeas and nays being called for and ordered, there were yeas 7, nays 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

So the amendment did not prevail.

Mr. Murray moved to amend the Bill by inserting between the words "second" and "Tuesday," the words "and third."

Which motion was negatived.

Mr. Lott moved to insert in the third line, between the words "elections" and "on the," the words, "for county and precinct officers."

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

So the amendment did not prevail.

Mr. Lott moved to amend the first line of the second section as follows:

Strike out all after the word "after" and insert as follows:

"The first day of January, 1854."

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

So the amendment did not prevail.

Mr. Murray moved to amend as follows:

To strike out the word "as" in the third line before the word "valid," and all after the word "purposes" in the third and fourth lines, to the words, "any law."

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells Wilcox and Speaker—9.

So the amendment was lost.

Mr. Murray then moved a call of the House, which was ordered.

And the roll being called,

Messrs. McKee and Randall were reported absent.

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

On motion of Mr. Ludden,

Further proceedings under the call of the House were dispensed with.

And the question again then recurring on ordering

No. 5, (H. of R.) "A Bill to change the time of holding the general election in the several Precincts in the County of Pembina,"

To be engrossed for a third reading.

Mr. Lott moved to amend the second line of section 1, as follows:

"Insert after the word "year" the words, "after the year A. D. 1853."

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

Mr. Murray then moved to amend the Bill by striking out in the first section the words, "County of Pembina," and inserting in lieu thereof the words "the different counties of this Territory."

The ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

So the amendment was lost.

Mr. Ames moved the previous question, which was ordered, and the question then being put,

"Shall this Bill be engrossed and read the third time?"

And the ayes and noes being called for and ordered, there were ayes 9, noes 7.

Those voting in the affirmative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—9.

Those voting in the negative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

So the Bill was ordered to be engrossed.

Mr. Ames asked leave to introduce a Bill at this time, which was not granted.

Mr. Ames then gave notice that he would on to-morrow, or some future day, ask leave to introduce a Bill to incorporate the Hennepin County Agricultural Society.

Mr. Wilcox moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 8, noes 8.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Rolette, Ramsey, Stimson, Wells, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Ames, Gingras, Lott, Murray, Noot, Oliver, Russell and Truax—8.

So the House refused to adjourn.

Mr. Rolette moved that the House do now adjourn until two o'clock this afternoon; and pending the question,

Mr. Murray moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 12, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Murray, Oliver, Russell, Rolette, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Ames, Gingras, Lott and Noot—4.

So the House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

The Journal of the proceedings of the House on yesterday was then read.

Mr. Wells introduced a petition praying for the re-enactment of the Maine Liquor Law, signed by John W. Hancock and sixteen others, citizens of Red Wing, Wabasha county.

On motion of Mr. Wells,

The petition was laid on the table until the subject is brought before the House.

Mr. Noot asked and obtained the unanimous consent of the House to introduce No. 2, (C. F.) "A memorial to Congress relative to school lands;"

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

Mr. Ames presented a petition relative to the location of the county seat of Hennepin county, which,

On motion of Mr Dutton,

Was referred to a select committee, consisting of Messrs. Dutton, Ludden and McKee.

Mr. Ames, agreeably to previous notice, asked and obtained leave to introduce

No. 11, (H. of R.) "A bill to incorporate the Hennepin County Agricultural Society;"

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

Mr. Rolette, from the committee on Engrossed Bills, reported as correctly engrossed, No. 5, (H. of R.) "A bill to change the time of holding the general elections in the several precincts in the county of Pembina."

Mr. Ames, from the committee on Territorial Affairs, made the following report:

The committee on Territorial Affairs, to which was referred so much of the Governor's Message as relates to the formation of new counties, report: That they have had the said Message under consideration and have ordered me to report by bill.

A. E. AMES,

Chairman Com. Ter. Affairs.

No. 12, (H. of R.) "A bill to organize the counties herein named,"

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

No. 5, (H. of R.) "A bill to change the time of holding the general elections in the several precincts of the county of Pembina,"

Then coming up under the rules, and the question recurring on ordering the bill to be read a third time,

And the yeas and nays being called for and ordered, there were yeas 9 and nays 7.

Those who voted in the affirmative were

Messrs. Ames, Gingras, Ludden, McKee, Rolette, Ramsey, Wells, Wilcox and Speaker—9.

Those who voted in the negative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, and Stimson,—7.

So the bill was ordered to a third reading, and was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were yeas 10, nays 6.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Gingras, Ludden, McKee, Rolette, Ramsey, Wells, Wilcox and Speaker—10.

Those who voted in the negative were,

Messrs. Lott, Murray, Noot, Oliver, Russell and Stimson—6.

So the bill passed.

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

Mr. Murray moved to amend the title of the bill by adding thereto the words "for the purpose of giving to the citizens of Selkirk an opportunity of exercising the rights of American citizens."

Which motion was lost, and the title of the bill was then agreed to.

On motion of Mr. Murray,

The House then resolved itself into a Committee of the Whole, Mr. Lott in the Chair, having under consideration

No. 6, (H. of R.) "A bill to authorize Gabriel Renville to establish and keep a ferry across the Minnesota river," and

No. 7, (H. of R.) "A bill to authorize James M. F. Hall, W. P. Hall and A. P. Hall to establish and maintain a ferry across the Mississippi river."

After some time passed therein, the Committee rose, and by the Chairman, reported the bills back to the House with a recommendation that the bills be indefinitely postponed.

The question then recurring on the adoption by the House of the report of the Committee of the Whole,

Mr. Wells moved a call of the House, which was ordered, and the roll being called, Messrs. Murray, Randall and Truax were reported absent.

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

On motion of Mr. Ludden,

Further proceedings under the call of the House were dispensed with.

The question again recurring on the adoption of the report of the Committee of the Whole,

And the ayes and noes being called for and ordered, there were ayes 8, noes 7.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Gingras, Ludden, Lott, Russell, Stimson and Speaker—8.

Those who voted in the negative were

Messrs. McKee, Noot, Oliver, Rolette, Ramsey, Wells and Wilcox—7.

So the bills were indefinitely postponed.

On motion of Mr. Lott,

The rule requiring bills to lay on the table one day after being printed, was dispensed with.

On motion of Mr. Lott,

The House resolved itself into a Committee of the Whole, Mr. Wells in the Chair, for the consideration of

No. 9, (H. of R.) "A bill granting to Victor Chatel the right to establish and maintain a ferry across the Minnesota river."

After some time passed therein, the Committee rose, and by the Chairman reported the bill back to the House, and recommended the indefinite postponement thereof.

The question then recurring on the adoption of the report of the Committee of the Whole,

And the ayes and noes being called for and ordered, there were ayes 9, noes 7.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Gingras, Ludden, McKee, Russell, Rolette, Stimson and Speaker—9.

Those who voted in the negative were

Messrs. Lott, Murray, Noot, Oliver, Ramsey, Wells and Wilcox—7.

So the report of the Committee of the Whole was adopted, and the bill was indefinitely postponed.

Mr. Ludden, from the Select Committee to which was referred the petition of George Egbert, contesting the seat in this House of John McKee, asked and obtained leave to make the following report, viz :

The undersigned, members of your Committee, to whom was referred the petition of George Egbert, would respectfully report :

That no testimony has been offered to prove the truth of the assertions set forth in the petition ; and that although the Committee have met twice on different days, in accordance with notice given, to consider the petition, neither the petitioner nor any other person has appeared before them or furnished any information concerning said petition.

The undersigned would therefore ask to be excused from a further consideration of the petition, and would recommend the adoption by the House of the following resolution, viz :

Resolved, That the further consideration of the petition of George Egbert, claiming the right to a seat in this House be indefinitely postponed.

All of which is respectfully submitted.

J. D. LUDDEN, }
JAMES WELLS, } *Committee.*

The question recurring on the adoption of the report, a division of the question was called for and ordered.

Mr. Murray moved that the report be laid on the table, which was lost, ayes 7, noes 8.

The question then again recurring on the adoption of the report,
It was decided in the affirmative.

The question then recurring on the adoption of the resolution accompanying the report ;

Mr. Lott moved to amend the resolution by striking out the word "indefinitely" and adding after "postponed" the words "until Tuesday next."

And the ayes and noes being called for and ordered, there were ayes 7, noes 8.

Those who voted in the affirmative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell and Stimson—7.

Those who voted in the negative were

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Wells, Wilcox and Speaker—8.

So the amendment did not prevail.

Mr. Lott moved a call of the House, which was ordered ; and the roll being called, Messrs. Randall and Truax were reported absent.

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

The Sergeant-at-Arms reported that the absentees could not be found.

Mr. Wilcox moved that further proceedings under the call of the House be dispensed with ; and pending the question,

Mr. Lott moved that the House do now adjourn until Monday next, at two o'clock P. M.

Which motion was negatived.

Mr. Lott moved that the House do now adjourn.

Which motion was lost.

The question then recurring on dispensing with further proceedings under the call of the House,

It was decided in the affirmative.

The question then again recurring, and being put upon the adoption of the resolution,

And the ayes and noes being called for and ordered, there were ayes 9, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, Rolette, Ramsey, Stimson, Wells, Wilcox and Speaker—9.

Those who voted in the negative were,
Messrs. Dutton, Lott, Murray, Noot, Oliver and Russell—6.

So the resolution was adopted.
Mr. Murray moved that the House do now adjourn ;
Which motion was lost.

Mr. Rolette moved that the House do now adjourn until two o'clock P. M., on Monday next.

And the ayes and noes being called for and ordered, there were ayes 9, noes 7.

Those who voted in the affirmative were,
Messrs. Ames, Dutton, Gingras, Ludden, McKee, Noot, Russell, Rolette and Speaker—9.

Those who voted in the negative were,
Messrs. Lott, Murray, Oliver, Ramsey, Stimson, Wells and Wilcox—7.

So the House adjourned until Monday next, at two o'clock P. M.

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker in pursuance to adjournment.

Prayer by the Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

The journal of the proceedings of the House on Friday last was then read.

Mr. Ludden introduced a petition praying for the re-enactment of the Maine Liquor Law, signed by W. H. C. Folsom and 36 others, and moved that it be laid upon the table until the subject is brought before the House ;

Which motion prevailed.

Mr. Ramsey introduced a petition from Wm. C. Gibbs and 39 others, asking the laying out of a county to be called Lafayette, which petition was read, and

On motion of Mr. Ramsey,

Was referred to the committee on Territorial Affairs.

Mr. Murray introduced the following resolution, which was read and adopted by the House, viz:

Resolved, That the Treasurer, Librarian, Commissioners of Public Buildings and the Board of Regents of Minnesota University, be requested to lay before this House, immediately, their annual reports, and that the Chief Clerk be instructed to notify them of the adoption of this resolution.

Mr. Murray introduced the following resolution of the two Houses, which was read and adopted by the House of Representatives, viz :

Resolved, The Council concurring, that the two Houses will meet in Convention to-morrow, at 11 o'clock, A. M., for the purpose of electing four Regents for the Minnesota University.

Mr. Lott, from the committee on the Judiciary, reported back to the House No. 3, (H. of R.) "A bill to dissolve the marriage contract existing between Henry Buel and Susan Buel,"

Accompanied by the following report :

The Judiciary Committee to which was referred the petition of Henry Buel, with instructions to report upon the constitutionality of legislative divorces, would report :

They have given the subject such attention as the time which they have been enabled to bestow upon it would allow, and are of the opinion that the legislative authority of the Territory has full power under the act of Congress organizing the Territory, to pass acts dissolving marriage contracts, and that such acts when passed, are of full force and effect.

In the establishment of the government the United States, our system of jurisprudence was taken principally from that adopted and practised in England, where up to the time of the American Revolution, divorces were not granted but by a special legislative act.

In the State of New York for more than one hundred years before the Revolution, and for a long time after new York became an independent State, there was no lawful mode for dissolving a marriage contract, but by a special act of the legislature.

In nearly all the States of the Union, the legislative power of the States has granted divorces, even where adequate provisions had been made for dissolving the marriage contract by judicial proceedings.

In the States of New York and Connecticut, where ample provisions are made by the statutes for granting divorces by the judicial authorities of the States, divorces were granted by acts of the legislatures, in the years 1839 and 1840. And it has been held that the aid of the legislature was properly invoked in extraordinary cases, or at least in those cases where the remedy provided by the existing statutes is not clearly adequate to meet the case before the legislature.

The Supreme Court of the United States incidentally decided that legislative divorces were constitutional, and in the case reported in the eighth volume of Connecticut reports, the supreme court of that State adjudged that legislative divorces were constitutional and valid.

In our Territory there is no provision of constitutional law which in the opinion of your committee, restrains the Legislature from granting divorces, and therefore with the precedents which have been set us by all, or nearly all the States of the Union, as well as the Territories, we are decidedly of the opinion that such divorces are constitutional and valid.

B. W. LOTT,
W. P. MURRAY, } Committee.
J. D. LUDDEN, }

The report of the Committee on the Judiciary having been read, was accepted by the House.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER: The Council has passed

No. 4, (C. F.) "A Bill for an act granting to Oliver Ames and his associates the right to establish and maintain a ferry across the Minnesota river, near Traverse des Sioux,"

In which the concurrence of the House of Representatives is respectfully requested. Also has passed with an amendment,

No. 5, (H. of R.) "A Bill to change the time of holding the general election in the several Precincts in the County of Pembina."

The Secretary then withdrew.

No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel,"

Then coming up under the rules, and the question recurring on ordering the Bill to be engrossed for a third reading,

On motion of Mr. Lott,

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

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Wilcox in the Chair, having under consideration,

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix," and

No. 10, (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota."

After some time passed therein, the Committee rose, and by their Chairman, reported

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix,"

With amendments; and

No. 10, (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota,"

Without amendment.

The report of the Committee of the Whole was adopted by the House.

On motion of Mr. Ludden,

No. 8, (H. of R.) "A bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix,"

Was laid on the table.

The question then recurring on ordering to be engrossed for a third reading,

No. 10, (H. of R.) "A bill to establish additional road districts in the Territory of Minnesota."

On motion of Mr. Gingras,

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

The Speaker then read the following communication, which had been laid on the Speaker's desk, viz:

SAINT PAUL, February 7, 1853.

To the House of Representatives of the Legislative Assembly of Minnesota Territory:

GENTLEMEN:—Your attendance is requested this evening at the anniversary exercises of the Historical Society, to be held in the Hall of the House.

In behalf of the Society,

E. D. NEILL, Secretary.

Mr. Murray moved that the 37th rule of the House be so far suspended, as to permit the House to take up for consideration in Committee of the Whole,

No. 12, (H. of R.) "A bill to organize the Counties herein named,"

Which was decided in the negative, ayes 2, noes 8.

Mr. Gingras moved a call of the House, which was ordered, and pending the calling of the roll,

On motion of Mr. Randall,

The House adjourned.

7 Feb 9
TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker in pursuance of adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, a quorum answered to their names.

The Journal of yesterday was then read.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary thereof:

MR. SPEAKER: The Council has passed the resolution of the House of Representatives, requesting the Council to meet the House of Representatives in convention tomorrow at 11 o'clock. Also has passed,

No. 1, (C. F.) "A memorial to Congress for the establishment of a Military Post at or near the Pembina river."

The Secretary then withdrew.

Mr. Murray asked and obtained leave to introduce,

No. 13, (H. of R.) "A Bill to amend an act to incorporate the town of St. Paul, in the county of Ramsey,"

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

Mr. Ames asked and obtained the unanimous consent of the House to introduce

No. 14, (H. of R.) "A Bill to prohibit the circulation of small bank bills,"

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

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

No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel."

No. 10, (H. of R.) "A Bill to establish additional Road Districts in the Territory of Minnesota."

Messages from the Council now being in order,

No. 5, (H. of R.) "A Bill to change the time of holding the General Election in the several Precincts in the County of Pembina,"

Returned from the Council with an amendment, then coming up in the order of business, and the amendment proposed by the Council having been read as follows:

Insert in line four, between the words "annual" and "elections," the word "general."

And the question then recurring on the concurrence of the House in said amendment,

It was decided in the affirmative.

So the amendment was concurred in.

No. 1, (C. F.) "A memorial to Congress for the establishment of a Military Post at or near the Pembina river,"

Was then read a first and second time, and laid on the table for the action of the House in Committee of the Whole.

Pending the reading thereof, the following message was received from the Council by A. T. C. Pierson, Esq., Secretary, viz:

MR. SPEAKER: The Council has passed

No. 2, (H. of R.) "A Bill to incorporate the Baldwin School in the city of St. Paul."

And also has passed

No. 3, (C. F.) "A Bill for the relief of Joseph R. Brown."

And I herewith transmit documents relative to said Bill, in which the concurrence of the House of Representatives is respectfully requested.

The Secretary then withdrew.

No. 4, (C. F.) "A Bill for an act granting to Oliver Ames and his associates, the right to establish and maintain a ferry across the Minnesota river." And

No. 3, (C. F.) "A Bill for the relief of Joseph R. Brown,"

Were then severally read a first and second time, and laid on the table for the action of the House in Committee of the Whole.

The messages from the Council having been disposed of, and Bills ready for a third reading now being in order,

No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel,"

Was ordered to a third reading, and read a third time.

The question then recurring on the passage of the Bill,

Mr. Wilcox moved a call of the House, which was ordered. And the roll being called,

Messrs. Oliver and Rolette were reported absent.

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

On motion of Mr. Murray,

Further proceedings under the call of the House were dispensed with.

The question then again recurring on the passage of

No. 3, (H. of R.) "A bill to dissolve the marriage contract existing between Henry Buel and Susan Buel,"

And the ayes and noes being called for and ordered, there were ayes 8, noes 6.

Those who voted in the affirmative were

Messrs. Dutton, Lott, Murray, Noot, Ramsey, Stimson, Wells and Wilcox—8.

Those who voted in the negative were

Messrs. Ludden, McKee, Randall, Russell, Truax and Speaker—6.

So the Bill passed and the title was then agreed to.

No. (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota,"

Being next in order, and the question recurring on ordering the Bill to a third reading,

On motion of Mr. Murray,

The Bill was ordered to be re-committed to the Committee of the Whole House.

On motion of Mr. Ames,

The House then resolved itself into a Committee of the Whole, Mr. Randall in the Chair, having under consideration,

No. 11, (H. of R.) "A bill to incorporate the Hennepin County Agricultural Society."

After some time passed therein, the Committee rose, and by the Chairman reported the Bill back to the House without amendment.

The report of the committee was accepted, and the bill was ordered to be engrossed for a third reading.

Mr. Randall asked and obtained leave to introduce the following resolution, which was read and adopted, viz :

Resolved, That 500 copies of the Annual Report of the Superintendent of Common Schools, together with the Appendix, be printed in pamphlet form ; 250 copies to be for the members of the House, and 250 copies to be deposited with the said Superintendent, to be disposed of as he may think proper.

Mr. Murray, from the Select Committee, to whom was referred

No. 1, (H. of R.) "A Memorial to Congress relative to the construction of a Railroad," asked and obtained leave to make the following report :

A majority of the committee to whom was referred No. 1, (H. of R.) "A Memorial to Congress relative to the construction of a railroad," report the same back to the House and recommend its passage.

MURRAY, }
AMES, } Committee.

On motion of Mr. Randall,

A committee of two, consisting of Messrs. Randall and McKee, was appointed to wait upon and inform the Council that seats have been prepared in the Hall of the House of Representatives, and the House is now ready to receive the Council in Joint Convention for the purpose of electing four Regents of the University of Minnesota.

Mr. Ludden moved that the report of the Select Committee, and No. 1, (H. of R.) "A Memorial to Congress relative to the construction of a railroad, be laid on the table. And

Pending the question,

Mr. Ames moved a call of the House, which was ordered, and the roll being called, Messrs. Oliver and Rolette were reported absent.

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

On motion of Mr. Murray,

Further proceedings under the call of the House were dispensed with.

The question again recurring on laying the report of the committee and the Memorial on the table,

It was decided in the negative, ayes 4, noes 6.

The Council was then announced and took their seats.

The roll was called and a quorum answered to their names,

When the Speaker of the House declared the Convention organized for business.

On motion of Mr. Murray,

The Convention then proceeded to vote for four Regents of the University of Minnesota, and on the first vote,

Mr. Babcock voted for W. R. Marshall, John H. Stevens, H. M. Rice and Socrates Nelson.

" Farrington voted for J. G. Riheldaffer, John H. Stevens, H. M. Rice and Socrates Nelson.

" Forbes voted for J. G. Riheldaffer, John H. Stevens, H. M. Rice and Socrates Nelson.

" Kittson voted for J. G. Riheldaffer, John H. Stevens, H. M. Rice and Socrates Nelson.

" Larned voted for Dr. H. Fletcher, C. T. Stearns, W. R. Marshall and H. M. Rice.

" Loomis voted for J. G. Riheldaffer, John H. Stevens, H. M. Rice and Socrates Nelson.

" President voted for J. G. Riheldaffer, John H. Stevens, H. M. Rice and Socrates Nelson.

" Ames voted for H. M. Rice, H. Fletcher, C. T. Stearns and W. R. Marshall.

" Dutton voted for H. M. Rice, Socrates Nelson, B. H. Randall and W. R. Marshall.

" Gingras voted for J. G. Riheldaffer, J. H. Stevens, H. M. Rice and Socrates Nelson.

" Ludden voted for H. M. Rice, J. G. Riheldaffer, J. H. Stevens and Socrates Nelson.

" Lott voted for H. M. Rice, W. R. Marshall, W. H. Forbes and Socrates Nelson.

" Murray voted for H. M. Rice, W. R. Marshall, J. G. Riheldaffer and H. Fletcher.

" McKee voted for H. M. Rice, W. R. Marshall, Socrates Nelson and B. H. Randall.

" Noot voted for H. M. Rice, W. R. Marshall, Socrates Nelson and J. G. Riheldaffer.

Mr. Randall voted for H. M. Rice, W. R. Marshall, Socrates Nelson and C. T. Stearns.

“ Russell voted for H. M. Rice, W. R. Marshall, H. Fletcher and C. T. Stearns.

“ Ramsey voted for H. M. Rice, J. G. Riheldaffer, J. H. Stevens and Socrates Nelson.

“ Stimson voted for H. M. Rice, J. G. Riheldaffer, J. H. Stevens and Socrates Nelson.

“ Truax voted for H. M. Rice, J. G. Riheldaffer, John H. Stevens and Socrates Nelson.

“ Wells voted for H. M. Rice, J. G. Riheldaffer, John H. Stevens and Socrates Nelson.

“ Wilcox voted for H. M. Rice, W. R. Marshall, John H. Stevens and Socrates Nelson.

“ Speaker voted for H. M. Rice, J. G. Riheldaffer, John H. Stevens and Socrates Nelson.

The result of the vote shows that

	Council.	House.	Total.
H. M. Rice received	7	16	23 votes.
J. G. Riheldaffer do	5	9	14 “
John H. Stevens do	6	8	14 “
Socrates Nelson do	6	13	19 “
Dr. H. Fletcher do	1	3	4 “
C. T. Stearns do	1	3	4 “
Wm. R. Marshall do	2	9	11 “
B. H. Randall do	0	2	2 “
W. H. Forbes do	0	1	1 “

Messrs. H. M. Rice, J. G. Riheldaffer, John H. Stevens, and Socrates Nelson, having received a majority of all the votes cast, were declared to be duly elected Regents of the University of Minnesota, for the term prescribed by law.

On motion of Mr. Forbes,

The Convention adjourned *sine die*, and the Council withdrew to the Council Chamber.

The House then resumed its session, when,

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

The Joint Committee on Enrolled Bills respectfully report, that they have examined and found correctly enrolled,

A bill, entitled “An act to incorporate Hennepin Lodge, No. 4, I. O. O. F.”

G. W. FARRINGTON, Council,
J. D. LUDDEN, House.

Said bill was then signed by the Speaker of the House of Representatives.

Mr. Murray moved a call of the House, which was ordered, and the roll being called,

Messrs. Lott, McKee, Oliver, Rolette and Ramsey were reported absent.

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

Mr. Gingras moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 6, noes 8.

Those who voted in the affirmative were,

Messrs. Gingras, Ludden, Randall, Ramsey, Wells and Speaker—6.

Those who voted in the negative were,

Messrs. Ames, Dutton, Murray, Noot Russell, Stimson, Truax and Wilcox—8.

So the House refused to adjourn.

On motion of Mr. Murray,

The House adjourned to meet again at two o'clock, P. M.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.

Mr. Ludden moved that the House do now adjourn;

Which motion was lost—ayes 2, noes 6.

Mr. Ames moved a call of the House, which was ordered; and the roll being called,

Messrs. Gingras, Lott, McKee, Noot, Oliver, Randall, Rolette and Wells were reported absent.

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

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

And the yeas and nays being called for and ordered, there were yeas 7, and nays 4.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Murray, Russell, Stimson, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Ludden, Ramsey, Truax and Speaker—4.

So further proceedings under the call of the House were dispensed with.

Mr. Ames asked and obtained leave to present a petition from Alex. McNair, and 24 others, praying for the re-location of the county seat of Hennepin county.

On motion of Mr. Ames,

The petition, without being read, was referred to the select committee to which a petition on the same subject is already referred.

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, having under consideration,

No. 12, (H. of R.) "A bill to organize the counties herein named."

After some time passed therein, the Committee rose and by the Chairman reported the bill back to the House with amendments.

The question then recurring on the adoption of the amendments proposed by the Committee of the Whole.

Pending the question,

On motion of Mr. Russell,

The House adjourned—ayes 8, noes 4.

Feb 9"
WEDNESDAY MORNING, 10 O'CLOCK.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Wilcoxson.

The roll was then called and a quorum answered to their names.

The reading of the Journal of the proceedings of the House on yesterday being in order,

Pending the reading,

On motion of Mr. Lott,

The reading was dispensed with.

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

A Bill to provide for laying out Territorial roads in the Territory of Minnesota.

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

A Bill to amend the Revised Statutes of this Territory.

Mr. Stimson, from the Committee on Territorial Roads, submitted the following report, which was read and accepted, viz :

Your Committee to which was referred the petition of John H. Stevens and 170 others, praying for a Territorial road from St. Anthony Falls to Lac-qui-Parle, have had the same under consideration and would recommend that the prayer of the petitioners should be granted.

Your Committee also had under consideration

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle,"

And would report the same back to the House and recommend its passage.

ALBERT STIMSON,

JOHN McKEE,

Committee on Territorial Roads.

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle,"

Was then laid on the table for the action of the House in Committee of the Whole.

Mr. Ames, from the Committee on Territorial Affairs, submitted the following report, which was read, viz :

The Committee on Territorial Affairs, to which was referred the petition of Wm. C. Gibbs and 39 others, have had the same under consideration, and would beg leave to report the same back to the House, and ask to be discharged from the further consideration of said petition.

A. E. AMES, *Chairman.*

The question then recurring on the adoption of the report of the Committee on Territorial Affairs,

It was decided in the negative.

And the petition of Wm. C. Gibbs and 39 others was returned to the Committee on Territorial Affairs.

The Council File of bills now coming up in the order of business,

No. 3, (C. F.) "A Bill for the relief of Joseph R. Brown,"

Was referred to the Committee on Territorial Affairs, and the accompanying documents were ordered to be printed for the use of the House, ayes 6, noes 4.

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. Ames in the Chair, having under consideration,

No. 4, (C. F.) "A Bill for an act granting to Oliver Ames and his associates the right to establish and maintain a ferry across the Minnesota river, near Traverse des Sioux,"

After some time passed therein, the Committee rose, and by the Chairman, reported the bill back to the House with a recommendation that the bill be indefinitely postponed.

The question then recurring on the adoption by the House of the recommendation of the Committee of the Whole,

It was decided in the affirmative.

And the bill was indefinitely postponed, ayes 10, noes 1.

On motion of Mr. Randall,

The House resolved itself into a Committee of the Whole, Mr. Randall in the Chair, having under consideration

No. 1, (C. F.) "A Memorial to Congress for the establishment of a military post at or near Pembina river."

After some time passed therein, the Committee rose, and by the Chairman reported the Memorial back to the House without amendment.

The question then recurring on ordering the Memorial to a third reading,

It was decided in the affirmative, and the Memorial was read a third time.

The Memorial was then passed, and the title agreed to.

On motion of Mr. Ames,

The House then resolved itself into a Committee of the Whole, Mr. Ludden in the Chair, having under consideration

No. 1, (H. of R.) "A Bill providing for laying out a Territorial Road from the Falls of St. Anthony to Lac-qui-Parle," and

No. 10, (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota."

After some time passed therein, the Committee rose, and by the Chairman reported

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle,"

Without amendment, and

No. 10, (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota,"

With an amendment.

The question then again recurring on the adoption of the report of the Committee of the Whole,

It was decided in the affirmative.

No. 10, (H. of R.) "A Bill to establish additional road districts in the Territory of Minnesota,"

Was then ordered to be engrossed and read a third time on to-morrow.

The question then recurring on ordering,

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle,"

To be engrossed for a third reading,

Mr. McKee moved that the said Bill be laid on the table.

And the yeas and nays being called for and ordered, there were yeas 7, nays 8.

Those who voted in the affirmative were,

Messrs. Lott, McKee, Noot, Ramsey, Truax, Wilcox and Speaker—7.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Murray, Randall, Russell, Stimson and Wells—8.

So the House refused to lay the Bill on the table.

The question then recurring on ordering the Bill to be engrossed for a third reading, Mr. Lott moved to amend the Bill by adding the following:

Sec. 3. This Bill shall take effect and be in force from and after the year 1860.

Mr. Lott asked and obtained leave to withdraw his amendment, and

On motion of Mr. Ames,

The Bill was laid on the table and made the special order of the day for Monday next.

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Murray in the Chair, having under consideration

No. 2, (H. of R.) "A memorial to Congress relative to school lands."

After some time passed therein the Committee rose, and by their Chairman reported the Memorial back to the House without amendment.

The Memorial was then ordered to be engrossed for a third reading.

No. 12, (H. of R.) "A bill to organize certain counties herein named,"

Then coming up in order, and the question recurring on the concurrence by the House in the amendments proposed by the Committee of the Whole,

The reading of the amendments was called for, and Mr. Randall asked that the question should be taken on the amendments separately, which was ordered, and

The first amendment being then read as follows :

In the first section, fourth line, after the word "fork," insert the words "as laid down on Nicollet's map."

The amendment was concurred in.

The second amendment was then read as follows :

Strike out in the second line, section 2, the word "La Grange," and insert in lieu thereof the word "Goodhue."

The House concurred therein.

The third amendment being then read as follows :

In the second section in line four, strike out the word "five" and insert "seven."

The House concurred therein.

The fourth amendment being then read as follows :

Add in the fourth line of Section 2, after the word "Sand Point," the words, "to the middle of said lake,"

The House concurred therein.

The fifth amendment was then read as follows :

Sec. 2, line four, after the words "thence up," insert the words "the middle,"

The House concurred therein.

The sixth amendment being then read as follows :

Strike out the word "La Grange" wherever it occurs in Sec. 3, 7, 8 and 9, and insert in lieu thereof the word "Goodhue,"

The House concurred therein.

The seventh amendment was then read as follows :

In second line of fourth Section, strike out the word "Minnesota," and wherever it occurs as the name of a County in the bill, and insert in lieu thereof the word "Fillmore,"

The House concurred therein.

The eighth amendment being then read as follows:

Strike out the word "Homes" where it occurs in the bill as the name of a County, and insert in lieu thereof the word "Scott,"

The House concurred therein.

The ninth amendment being then read as follows :

Section 5, line sixth, strike out all after the word "shall be at" and insert "Homesville."

The House concurred therein.

The tenth amendment being then read as follows :

Strike out the word "Tasauga" in second line of Section 7, and also where the word occurs in the bill, and insert in lieu thereof the word "Rice."

The House concurred therein.

The eleventh amendment being read as follows :

Strike out in Section 8, and wherever it occurs in the bill, the words "Blue Earth" and insert in lieu thereof the word "Webster."

The House refused to concur therein.

The twelfth amendment being then read as follows :

Add to Section 11, the words "the County seat shall be at Lac-qui-Parle,"

The House concurred therein.

The thirteenth and last amendment proposed by the Committee of the Whole being then read as follows :

Amend the 16th Section by inserting between the words "County" and "purposes" the words "and financial,"

The House concurred therein.

The question then recurring on ordering the Bill to be engrossed for a third reading,

Mr. Ames moved to amend the Bill as follows :

Add a new section as follows :
Sec. 8. That so much territory as is contained within the following boundaries be

and the same is hereby created into the County of Douglas, to wit: Beginning at Sakatah Lake, thence along the south line of LeSueur County to Tewapa Tankiyan Lake, thence south to the Iowa State line, thence east on said line to the south-west corner of Rice County, thence north on said County line to the place of beginning. The County seat shall be at the Tewapa Tankiyan Lake.

To Sec. 12, add the following: "That the County of Douglas shall be and is hereby attached to the County of LeSueur for judicial purposes."

In Sections 13 and 16, after the word "Pierce" insert the word "Douglas."

Pending the question on the adoption of the first amendment,

Mr. Ramsey moved that the House do now adjourn.

And the yeas and nays being called for and ordered, there were yeas 8, nays 7.

Those who voted in the affirmative were

Messrs. Ludden, McKee, Noot, Randall, Russell, Ramsey, Stimson and Truax—8.

Those voting in the negative were

Messrs. Ames, Dutton, Lott, Murray, Wells, Wilcox and Speaker—7.

So the House adjourned.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

On motion of Mr. Wells,

The reading of the Journal of yesterday was dispensed with.

Mr. Murray presented the petition of D. Farribault and others for a ferry at Traverse de Sioux.

Mr. Oliver from the committee on engrossed bills, made the following report.

The committee on engrossed bills have examined and found correctly engrossed, the following bills and memorial:

No. 11, (H. of R.) "A bill to incorporate the Hennepin County Agricultural Society."

No. 10, (H. of R.) "A bill to establish additional road districts in the Territory of Minnesota," and

No. 2, (H. of R.) "A memorial to Congress relative to school lands."

LOUIS M. OLIVER.

Mr. Wilcox, from the committee on Territorial expenditures made a report, accompanied by depositions, and

No. 3, (C. F.) "A bill for the relief of Joseph R. Brown,"

The report was read as follows:

The committee on Territorial expenditures, to which was referred No. 3, (C. F.) "A bill for the relief of Joseph R. Brown." Report,

That from the testimony laid before the committee, it appears that Joseph R. Brown, in conformity of a law of the Territory of Wisconsin, which the organic law of Minnesota Territory continued in force, in Minnesota, did furnish the persons designated to

do the public printing of the first session of the Legislature, with a copy of the Journal of the Council, that he also superintended the printing of the Journal, and affixed thereto a copious index.

Your committee have also ascertained that an appropriation of two hundred dollars to said Joseph R. Brown, was contained in an appropriation bill which passed the House of Representatives, at the second session of the Minnesota Legislature, for the performance of said duties. The appropriation bill aforesaid was read the third time in the Council, but failed to pass, owing to the representation of the then Secretary of the Territory, that no appropriation passed by the Legislature would be regarded in the disbursements of the moneys appropriated to defray the expenses of the Legislature.

The testimony of Mr. Owens also shows that the sum of two hundred dollars would not be more than three dollars per day, for the time required to perform the duties of furnishing copy, superintending the printing, and affixing index, as assigned by the statutes.

Your committee would further state, that the said Joseph R. Brown was the Secretary of the Council during the second session of the Legislative Assembly, and that in pursuance of a law of this territory, furnished the copy of the Journal, superintended the printing thereof, and affixed an index thereto. That the testimony shows that the sum of three hundred dollars would not be equal to three dollars per day for the time required in furnishing the copy, superintending the printing and affixing an index to said Journal, the second session of the Legislature having continued ninety days, and no appropriation has been heretofore made to said Joseph R. Brown for the performance of said duties.

Your committee further state that after the close of every session of the Legislature, it is made the duty of the Secretary of the Council and Chief Clerk of the House, to bring up the proceedings and enrol the same in the Journal; also, to file all books and papers pertaining to their respective bodies, with the Secretary of the Territory, and that the committee are satisfied that an allowance of five days for said service is fair and reasonable.

Your committee are also satisfied that the said Joseph R. Brown has not received any remuneration for the performance of the duties which the law and his oath of office require him to perform, and after a careful examination of the subject, respectfully recommend the passage of the bill.

All of which is respectfully submitted.

N. GREENE WILCOX,
J. C. RAMSEY,
R. P. RUSSELL.

The following depositions accompanied the report:

TERRITORY OF MINNESOTA, }
Ramsey County. } ss.

I, John P. Owens, do solemnly swear, that I was the person designated to print the Council Journal for the first and second sessions of the Legislature. And further:— That Joseph R. Brown was the Secretary of the Council during those sessions, and after the adjournment, said Brown furnished the copy, superintended the printing, and affixed an index to each of the said Journals.

I do further state, that the sum of two hundred dollars would not be a compensation of three dollars per day for the time necessary for transcribing the copy of the Journal, superintending the printing, and affixing index thereto, for the session of sixty days; and the sum of three hundred dollars would not be a compensation of three dollars per day for the time necessary for transcribing the copy of the Journal, superintending the printing thereof and affixing an index thereto for the session of ninety days.

JOHN P. OWENS.

Sworn and subscribed before me this 1st day of February, 1858.

TRUMAN M. SMITH,
Justice of the Peace.

TERRITORY OF MINNESOTA, }
Ramsay County. } ss.

I, B. W. Lott, do solemnly swear that the time required to bring up the Journal of the last day's session of the Council or House of Representatives, to transcribe the same into the Journal and to arrange and file with the Secretary of the Territory, the books and papers as required by law would be equal to five Legislative days.

My knowledge is obtained from having performed the duties, as Chief Clerk of the House of Representatives during the second session of the Legislative Assembly.

B. W. LOTT.

Sworn and subscribed before me, this 31st day of January, 1853,

W. P. MURRAY,

Notary Public.

Bills from the Council, on their second reading, being in order,

No. 3, (C. F.) "A bill for the relief of Joseph R. Brown,"

Was then taken up, and Mr. Ames moved,

That the House do now resolve itself into a committee of the whole for the consideration of the bill,

Which motion prevailed.

Mr. Ramsey being called to the chair, he asked to be excused, and

Mr. Murray moved, that Mr. Ramsey be excused from taking the chair in the committee of the whole.

Which motion was lost, ayes 4, noes 6.

The House resolved itself into a committee of the whole, Mr. Ramsey in the chair having under consideration,

No. 3, (C. F.) "A bill for the relief of Joseph R. Brown."

After some time passed therein, the committee rose and by the Chairman reported the bill back to the House without amendment, and recommended its passage.

The bill was then ordered to be read a third time, and

On motion of Mr. Wilcox,

The rule was suspended by a two-thirds vote, and the bill read a third time by its title.

The bill was then passed and the title was agreed to.

House bills ready for a third reading being now in order, and

No. 2, (H. of R.) "A memorial to Congress relative to school lands,"

Then coming up for a third reading,

On motion of Mr. Murray,

The rules were suspended by a two-thirds vote, and the Memorial was read the third time by its title.

The Memorial was then passed and the title agreed to.

No. 10, (H. of R.) "A Bill to establish additional Road Districts in the Territory of Minnesota."

Then coming up for a third reading,

On motion of Mr. Ames,

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

The bill was then passed and the title agreed to.

No. 11, (H. of R.) "A Bill to incorporate the Hennepin County Agricultural Society."

Then coming up for a third reading, it was read the third time, passed, and the title agreed to.

Bills which have been considered in Committee of the Whole, being now in order,

No. 12, (H. of R.) "A Bill to organize certain Counties herein named,"

Was then taken up, and the question then recurring on the adoption of the amendment pending at the adjournment on yesterday,

The amendment was read as follows: Add a new section, as

SEC. 8. That so much territory as is contained within the following boundaries be and the same is hereby created into the County of Douglas, to wit: Beginning at

Sakatah Lake, thence along the south line of Le Sueur county to Tewapa Tankiyan Lake, thence south to the Iowa State line, thence east on said line to the south-west corner of Rice County, thence north on said County line to the place of beginning.—The County seat shall be at the Tewapa Tankiyan Lake.

To Sec. 12, add the following: "That the County of Douglas shall be and is hereby attached to the County of Le Sueur for judicial purposes."

In Sec. 13 and 16, after the word Pierce insert the word "Douglas."

Mr. Murray moved to amend the amendment by inserting in section eight, between the words "county to," and "Tewapa Tankiyan," the words "Lake Douglas heretofore known as,"

Which motion prevailed.

Mr. Murray moved further to amend the amendment by inserting between the word "shall be at," and "the Tewapa Tankiyan," the words "Lake Douglas, heretofore known as,"

Which motion prevailed. Ayes 8, noes 3.

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

It was decided in the affirmative.

The following message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz:

Mr. SPEAKER:—The report of the Territorial Librarian has been laid before the Council, and one hundred copies thereof ordered to be printed.

The report of the Commissioners of Public Buildings has likewise been received and one hundred copies thereof ordered to be printed.

The Secretary then withdrew.

Mr. Wells moved to amend, No. 12, (H. of R.) "A Bill to organize certain counties herein named," as follows:

Inserting the following after Sec. 11:

SEC. 12. That so much of that portion of the Territory as lies southerly of a line drawn from a point on the Mississippi river, one mile above the north-east corner of the town plat of Winona, in the late county of Wabasha, south-west to the Iowa State line, be and the same is hereby created into the county of Wilkin. The county seat shall be at at Minneolua or Bunnell's Landing.

And the ayes and nays being called for and ordered. There were ayes 13, nays 2.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Gingras, Ludden, Lott, Murray, Noot, Oliver, Randall, Ramsey, Truax, Wells and Wilcox—13.

Those who voted in the negative were,

Messrs. Stimson and Speaker—2.

So the amendment was adopted.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Truax presented a remonstrance or protest against the passage of the bill.

Which was then read.

Mr. Randall moved that the remonstrance or protest be referred to the Committee on Estates and Escheats.

Mr. Ludlen moved to amend the motion by inserting after the word "protest" the words "together with No. 12, (H. of R.) "A bill to organize certain counties herein named.

And the ayes and noes being called for and ordered, there were, ayes 5, noes 10.

Those who voted in the affirmative were

Messrs. Dutton, Ludden, Oliver, Stimson and Truax—5.

Those who voted in the negative were,

Messrs. Ames, Gingras, Lott, Murray, Noot, Randall, Ramsey, Wells, Wilcox and Speaker—10.

So the motion to amend was negatived.

The question then recurring on the adoption of the motion to refer.

And the yeas and noes being called for and ordered, there were yeas 6, and noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Lott, Murray, Randall and Wells—6.

Those who voted in the negative were

Messrs. Dutton, Ludden, Noot, Oliver, Ramsey, Stimson, Wilcox and Speaker—9.

So the motion was negatived.

Mr. Murray moved that the remonstrance or protest, and No. 12, (H. of R.) "A Bill to organize certain counties herein named," be laid on the table and indefinitely postponed.

Mr. Ludden called for a division of the question,

Which was ordered ;

The question then being taken on the motion to lay the remonstrance or protest and the bill on the table,

It was decided in the negative, yeas 5, noes 7.

The question then recurring on ordering bill No. 12, (H. of R.) "A Bill to organize certain counties herein named," and the remonstrance or protest to be indefinitely postponed,

And the yeas and nays being called for and ordered, there were yeas 5 and nays 10.

Those who voted in the affirmative were

Messrs. Ames, Lott, Murray, Randall and Wells—5.

Those voted in the negative were

Messrs. Dutton, Gingras, Ludden, Noot, Oliver, Ramsey, Stimson, Truax, Wilcox and Speaker—10.

So the motion was negatived

Mr. Wilcox moved that the remonstrance or protest together with No. 12, (H. of R.) "A Bill to organize certain counties herein named," be referred to the committee of the whole House, and

Pending the question,

Mr. Murray moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 6, nays 9.

Those who voted in the affirmative were,

Messrs. Ludden, Murray, Noot, Randall, Stimson and Truax—6.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Lott, Oliver, Ramsey, Wells, Wilcox and Speaker—9.

So the House refused to adjourn.

The question then recurring on referring the remonstrance and bill No. 12, (H. of R.) "A Bill to organize certain counties herein named," to a committee of the whole House.

The motion was lost.

On motion of Mr. Ames,

The remonstrance or protest was laid on the table, and

No. 12, (H. of R.) "A bill to organize certain counties herein named,"

Was taken up.

The question then again recurring on ordering said bill to be engrossed for a third reading.

Mr. Wilcox moved to amend the bill as follows: That Section 1 shall read as follows:—

SEC. 1. That the territory contained within the following boundaries, be and the same is hereby created into the county of Dakota, to wit: Beginning in the middle

of the Minnesota river, at the mouth of the Credit River; thence up said Credit river to its head; thence in a direct line to intersect the heretofore line of Wabasha county immediately above the site of the former Indian village, at Pine Bend, on the Mississippi river; thence up the Mississippi to the mouth of the Minnesota, and up the last named river to the place of beginning. The county seat shall be at Mendota.

SEC. 2. That the territory contained within the following boundaries, be and the same is hereby created into the county of Vermillion, to wit: Beginning on the Mississippi nearly opposite Diamond Bluff, at a point half way between Vermillion Falls and Red Wing; thence in a direct line to intersect the lower or main forks of Cannon river; thence up the middle of the south branch twelve miles; thence northwardly to intersect the southwest corner of the line of Dakota county, thence along said line to the Mississippi, and down the Mississippi to the place of beginning. The county seat shall be at such point within a mile of the left bank of the Vermillion river at its mouth, as the County Commissioners may determine.

Change Sec. 2 to Sec. 3.

And change in the third line "Dakota county," to "Vermillion county;" the remainder of the section to read as before.

Change Sec. 3 to 4,
do " 4 to 5,
do " 5 to 6,
do " 6 to 7,
do " 7 to 8,
do " 8 to 9,
do " 9 to 10,
do " 10 to 11.

And in the fifth line strike out the word "at" and insert "within half-a-mile west or southwest of."

Change Sec. 11 to 12,

Change Sec. 12 to 13, and in the first line insert the word "Vermillion," after the words "county of."

Change Sec. 13 to 14,

do " 14 to 15,
do " 15 to 16,
do " 16 to 17, and insert the word "Vermillion," after the words "county of."

And the yeas and nays having been called for on the adoption of the amendment and ordered, there were, yeas 9, nays 6.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Noot, Oliver, Ramsey, Truax, Wilcox and Speaker—9.

Those who voted in the negative were,

Messrs. Ames, Gingras, Murray, Randall, Stimson and Wells—6.

So the amendment was adopted.

The question again recurring on ordering the bill to be engaged for a third reading, Mr. Lott moved to amend the 12th section as follows:

"Strike out of the 12th section, the words "old landing."

Which motion prevailed, yeas 7, nays 6.

Mr. Ames moved that the bill be laid on the table until the fourth day of July next.

And the yeas and nays being called for and ordered, there were yeas 8, nays 7.

Those who voted in the affirmative were

Messrs. Ames, Gingras, Ludden, Murray, Randall, Stimson, Wells, and Speaker—8.

Those who voted in the negative were,

Messrs. Dutton, Lott, Noot, Oliver, Truax and Wilcox—7.

So the bill was laid on the table.

Mr. Murray moved that the House do now adjourn ;

And the yeas and nays being called for and ordered, there were yeas 5, nays 10.

Those who voted in the affirmative were,

Messrs. Murray, Noot, Randall, Stimson, and Wells—5.

Those voting in the negative were,

Messrs. Ames, Dutton, Gingras, Ludden, Lott, Oliver Ramsey, Truax, Wilcox and Speaker—10.

So the House refused to adjourn.

Mr. Ludden moved to reconsider the vote by which the House laid on the table until the fourth of July next, No. 12 (H. of R.) "A bill to organize certain counties herein named ;"

And the yeas and nays being called for and ordered, there were yeas 8, nays 7.

Those voting in the affirmative were,

Messrs. Ames, Lott, Noot, Randall, Ramsey, Stimson, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Dutton, Gingras, Ludden, Murray, Oliver, Truax, and Wells—7.

So the vote was reconsidered.

The question then again recurring on ordering the bill to be laid on the table until the fourth of July, next.

It was decided in the negative.

Mr. Murray moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 7, nays 8.

Those who voted in the affirmative were

Messrs. Gingras, Ludden, Noot, Randall, Stimson, Truax and Wells—7.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Murray, Oliver, Ramsey, Wilcox and Speaker—8.

So the House refused to adjourn.

On motion of Mr. Murray,

No. 12, (H. of R.) "A Bill to organize certain counties herein named,"

Was referred to a Select Committee consisting of Messrs. Ames, Murray and Ludden.

On motion of Mr. Randall,

The House adjourned, yeas 8, nays 5.

FRIDAY MORNING, 10 O'CLOCK.

The House was called to order by the Speaker in pursuance to adjournment.

Prayer by the Rev. Mr. Chamberlain.

The roll was then called and a quorum answered to their names.

The reading of the journal of the proceedings of the House on yesterday being in order,

On motion of Mr. Ames.

The reading of the Journal of yesterday was dispensed with.

Mr. Ames presented a remonstrance relative to the location of the County Seat of Hennepin County, signed by Emanuel Case and 82 others, citizens of Hennepin county.

Which was referred to the select Committee, to which petitions for the change of the county seat of Hennepin County had been previously referred.

Mr. Randall presented a petition relative to schools, signed by P. Bottineau, and 101 others, citizens of St. Anthony and vicinity, and

Mr. Oliver presented a petition on the same subject from F. Cazeau and 139 others of St. Paul and vicinity.

Which petitions were read.

Mr. Murray moved that said petitions be referred to a select committee of three.

Mr. Ludden moved to amend the motion by striking out the words "a select Committee of three," and insert in lieu thereof, the words "the Committee on Schools."

Mr. Randall moved to amend the motion to amend, by striking out the word "Schools," and inserting in lieu thereof the words, "the Judiciary."

The question being taken on the motion to amend the amendment,

It was negatived.

The question then recurring on the adoption of the amendment,

It was negatived.

The original motion was then adopted, and Messrs. Murray, Ludden and Oliver were appointed said Committee.

Mr. Russell presented a petition from G. W. Prescott and 75 others, for a change in the road between Stillwater and St. Anthony,

Which petition being read,

On motion of Mr. Russell,

Was referred to the committee on Territorial roads.

Mr. Dutton offered the following resolution, which was read, viz :

Resolved, That the Chief Clerk is hereby authorized to procure the printing of 1000 copies of the Message of his Excellency the Governor, and the accompanying documents for the use of the House.

The question then recurring on the adoption of the resolution,

Mr. Murray moved to strike out "1000," and insert in lieu thereof, "1500."

Which motion prevailed.

The resolution as amended was then adopted.

Mr. Murray, in pursuance of previous notice, asked and obtained leave to introduce No. 15, (H. of R.) "A bill to amend the revised Statutes,"

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

Mr. Ames from the select committee to which was referred No. 12, (H. of R.) "A bill to organize certain counties herein named, made the following report :

The select committee to which was referred No. 12, (H. of R.) "A bill to organize certain counties herein named, would respectfully report :

That the committee have had the subject under consideration, and have found much difficulty in approximating to anything that will give universal satisfaction.

Your committee have found but very little objections to the boundaries of the counties when they did not destroy the prospects of securing county seats to all the various settlements in the county. As the location of the county seats in the several counties created, is the most fruitful subject of contention, every point claiming a superiority over all others, and as your committee believe that the county seats should of right be located in such a manner as to accommodate the most numerous portion of the inhabitants of the country, and as the people can best judge of their own interests, your committee have brought the location of the county seats, as near as possible to a direct vote of the people.

Your committee have not changed the boundaries from those laid down in the original bill—believing those lines to be the best that could be adopted, taking into consideration that the counties must, at no distant period, as the population may demand, again be divided. Your committee would suggest that the division of the Territory at this time, into counties with lines intended to be permanent, would be an act of injustice to those who may in future locate in the Territory.

Your committee has been guided entirely by a desire to administer to the wants of the present settlements, without doing any injury to the future settlements. Under the existing judicial organization of the Territory west of the Mississippi river, the inhabitants in a great measure, are virtually debarred all the benefits which our institutions guarantee to every individual. To avoid this, and to accommodate the present wants of the population, the lines have been adopted, and it is believed that under the provisions of the present bill, but a few individuals, if any, will be required to travel more than from twenty-five to thirty miles to court, or to do county business, (if the county seats are located near the central part of the county.) Whereas at this time, large settlements are located more than one hundred and twenty miles from the only point where they can be supplied with that most necessary article of man's consumption—the law.

Your committee therefore report a substitute for the bill as amended, in which the concurrence of the House is respectfully requested.

A. E. AMES,
W. P. MURRAY, } Committee.

The substitute accompanying the report was then read.

The following Message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER:—The Council has passed No. 3, (C. F.) “A memorial to Congress memorializing for a grant of land to aid in constructing the Louisiana and Minnesota Railroad,” in which the concurrence of the House of Representatives is respectfully requested.

The Secretary then withdrew.

Messages from the Council being now in order,

No. 3, (C. F.) “A memorial to Congress memorializing for a grant of land to aid in constructing the Louisiana and Minnesota Railroad,”

Was taken up and read the first and second time and laid on the table for the action of House, in committee of the Whole.

Bills on the second reading being now in order,

The report of the select committee to which was referred No. 12, (H. of R.) “A Bill to organize certain counties herein named,”

Was then taken up,

And the question then recurring on the adoption by the House, of the substitute proposed by the committee of the whole.

Mr. Ludden moved the report of the committee be laid on the table,

Which motion was lost.

The question being then taken on the adoption of the substitute,

It was decided in the affirmative.

No. 12, (H. of R.) “A Bill to organize certain counties herein named ;”

Was then read a second time under the rules.

On motion of Mr. Murray,

No. 12, (H. of R.) "A Bill to organize certain counties herein named,"

Was laid on the table, ordered to be printed, and made the special order of the day for Monday next.

No. 13, (H. of R.) "A Bill to amend an act to incorporate the town of St. Paul in the county of Ramsey,"

Now coming up in order ;

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Ludden in the chair, for the consideration of said Bill ;

After some time passed therein, the committee rose, and by the chairman, reported the bill back to the House with an amendment.

The House concurred in the amendment proposed by the committee of the Whole.

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

Mr. Randall moved to amend the first section of the bill by striking out the word "they" between the words "street and" and "being so," and insert in lieu thereof the words "any twenty persons, property holders on said street."

And the ayes and noes being called for and ordered, there were ayes 7, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, Randall, Ramsey, Truax and Speaker—7.

Those who voted in the negative were,

Messrs. Dutton, Murray, Noot, Oliver, Russell and Wilcox—6.

So the amendment was adopted.

The question again recurring on ordering the bill to be engrossed for a third reading.

Mr. Ludden moved that the bill be laid on the table,

Which motion he subsequently by leave withdrew.

Mr. Ames, moved that the bill be referred to the Committee on the Judiciary.

Which motion was lost.

Mr. Ludden moved that the Bill be laid on the table.

And the ayes and noes being called for and ordered, there were ayes 6, noes 7.

Those who voted in the affirmative were,

Messrs. Gingras, Ludden, Randall, Ramsey, Truax and Speaker—6.

Those who voted in the negative were,

Messrs. Ames, Dutton, Murray, Noot, Oliver, Russell, and Wilcox—7.

So the House refused to lay the Bill on the table.

Mr. Ames moved that the Bill be referred to a select committee, consisting of the members from St. Paul and Little Canada, and the member from Mendota,

Which was agreed to and the bill was so referred.

No. 14, (H. of R.) "A bill to prohibit the circulation of small bank bills,"

Then coming up in order,

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. Wilcox in the chair, having said bill under consideration ;

After some time passed therein, the Committee rose, and by their Chairman, reported the Bill back to to the House with amendments.

The House then concurred in the amendments proposed by the Committee of the Whole.

The question then recurring on ordering said bill to be engrossed for a third reading,

Mr. Randall moved that the bill be laid on the table ;

And the yeas and nays being called for and ordered, there were yeas 7, nays 6.

Those who voted in the affirmative were

Messrs. Ludden, Randall, Russell, Ramsey, Trnax, Wilcox and Speaker—7.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Murray, Noot, and Oliver—6.

So the bill was laid on the table.

Mr. Ramsey asked and obtained leave to present a petition from H. B. Stoll, and 60 others, asking that a county be new laid off to be called Minneowah,

Which petition, after being read,

On motion of Mr. Ramsey,

Was referred to the Committee on Territorial Affairs.

Mr. Randall moved that the House do now adjourn, until two o'clock, on Monday next.

Mr. Oliver moved that the House do now adjourn,

Which motion was negatived.

The question then recurring and being put on the motion to adjourn until two o'clock on Monday next.

It was decided in the affirmative.

So the House adjourned until two o'clock on Monday next.

MONDAY AFTERNOON, 2 o'clock.

The House was called to order by the Speaker, in pursuance of adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The reading of the Journal of Friday being in order,

On motion of Mr. Ames,

The reading of the Journal of Friday was dispensed with.

Mr. Ames gave notice that he would, on to-morrow or some subsequent day, introduce a bill to incorporate the town of Mendota, in Dakota County.

Mr. Lott, from the Judiciary Committee to which was referred so much of the message of his Excellency the Governor, as relates to the Territorial prison, reported by bill, and

No. 16, (H. of R.) "A bill regulating the government of the Territorial prison,"

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

Mr. Ludden, from the Joint Committee on enrolled bills, reported that the Committee did, on the 11th of February, present to his Excellency the Governor, for his approval, a bill entitled "An Act to incorporate the Hennepin Lodge, No. 4, I. O. O. F."

Council bills ready for a committee of the whole, being now in order,

On motion of Mr. Wells,

The House resolved itself into a Committee of the Whole, Mr. Wells in the Chair, having under consideration

No. 3, (C. F.) "A memorial to Congress, memorializing for a grant of land to aid in constructing the Louisiana and Minnesota railroad."

After some time passed therein, the Secretary of the Council was announced, and the Speaker having taken the chair,

A. T. C. Pierson, the Secretary of the Council, delivered the following message:

Mr. SPEAKER—The report of the Board of Regents of the University of Minnesota, and also, the report of the Territorial Treasurer, have been laid before the Council,

and one hundred copies each thereof ordered to be printed, for the use of the Legislative Assembly.

His Excellency the Governor has informed the Council that he has examined and approved "An Act to incorporate Hennepin Lodge, No. 4, I. O. O. F."

The Secretary then withdrew, and the House again went into Committee of the whole.

After some time passed therein, the committee rose, and by the chairman reported No. 3, (C. F.) "A memorial to Congress, memorializing for a grant of land, to aid in constructing the Louisiana and Minnesota Railroad," back to the House without amendment.

The report was accepted, and the question then recurring on ordering the Memorial to a third reading,

On motion of Mr. Murray,
The Memorial was laid on the table.

Mr. Ludden, from the Joint Committee on enrolled bills, made the following report:

The Joint Committee on enrolled bills, beg leave to report: That they have examined and found correctly enrolled, the following bill and memorial, viz.:

A bill entitled "An Act for the relief of Joseph R. Brown,"
"Memorial to Congress for the establishment of a military post on or near the Pembina river."

G. W. FARRINGTON, Council,
J. D. LUDDEN, House.

Bills made the order of the day for this day, now coming up, and

No. 1, (H. of R.) "A bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle," being first in order, and

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

On motion of Mr. Ames,
The bill was referred to a Select Committee, consisting of Messrs. Ames, Ludden, and Murray.

No. 12, (H. of R.) "A bill to organize certain counties herein named," now coming up, and

The question then recurring on resolving the House into a Committee of the Whole, It was decided in the affirmative, and the House resolved itself into a Committee of the Whole, Mr. Murray in the chair, for the consideration of the said bill.

After some time passed therein, the Committee rose, and by their chairman reported the bill back to the House without amendment, and recommended its engrossment.

The report of the Committee was accepted, and, the question then recurring on ordering the bill to be engrossed for a third reading,

It was decided in the affirmative.
So the bill was ordered to be engrossed.

On motion of Mr. Murray,
No. 8, (H. of R.) "A bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix,"

Was taken from the table, and
On motion of Mr. Murray,

The bill was referred to the Select Committee to which was referred No. 1, (H. of R.) "A bill to provide for laying out a Territorial road from the Falls of St. Anthony to Lac-qui-Parle."

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary viz.:

MR. SPEAKER: The Council has passed (H. of R.) No. 11, "A bill to incorporate the Hennepin County Agricultural Society."

The Council has passed No. 10, (H. of R.) "A bill to establish additional road districts in the Territory of Minnesota."

The Council has passed, with sundry amendments, No. 2, (H. of R.) "A Memorial to Congress relative to School Lands."

The Secretary then withdrew.

Mr. Murray asked and obtained leave to offer the following resolution, which was read and adopted, viz.:

Resolved, That the chief clerk employ some suitable person or persons, to translate into the French and German, the Governor's message, and when so translated, have printed five hundred copies of each.

The Speaker of the House of Representatives then signed the following bill and memorial, viz.:

A bill entitled "An Act for the relief of Joseph R. Brown," and a "memorial to Congress for the establishment of a military post on or near the Pembina river."

Said bill and memorial was then laid on the table for transmission to the Council.

On motion of Mr. Ames,

No. 14, (H. of R.) "A bill to prohibit the circulation of small bank bills," was taken from the table,

And the question then recurring, on ordering the bill for a third reading,

Mr. Ames moved to amend the bill as follows:

Strike out in section 1, after the word "that," the words "any person or persons who shall offer or attempt to utter or pass in this Territory as or in lieu of money, any bank bill or note or bill of exchange, made or issued by any banking institution or individuals, of a less denomination, or for a less sum than five dollars, or any person who shall receive any bank bill or note," and insert in lieu thereof the words "no person or persons shall be permitted to utter or pass in this Territory, as, or in lieu of money, any bank bill or note made or issued by any banking institution, of a less denomination or for a less sum than five dollars."

Which motion prevailed.

Mr. Murray moved to amend the bill by adding to the second section the words, "Provided, That this act is not to apply to any member or ex-member of the Legislature."

And the yeas and ayes being called for and ordered, there were yeas 8, and nays 7.

Those who voted in the affirmative were,

Messrs. Ludden, Lott, Murray, McKee, Noot, Ramsey, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Oliver, Russell, Truax, and Wells—7.

So the amendment was adopted.

Mr. Murray moved that the bill be laid on the table,

And the ayes and noes being called for and ordered, there were yeas 4, noes 11.

Those who voted in the affirmative were

Messrs. Murray, Ramsey, Truax and Wilcox—4.

Those who voted in the negative were

Messrs. Ames Dutton, Gingras, Ludden, Lott, McKee, Noot, Oliver, Russell, Wells and Speaker—11.

Mr. Murray moved to consider the vote by which the House adopted a proviso to the second section;

Which motion prevailed—yeas 8, noes 5.

The question then recurring on the adoption of the proviso to the second section,

It was decided in the negative.

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

And the yeas and noes being called for and ordered, there were—yeas 10, and noes 5.

Those who voted in the affirmative were
Messrs. Ames, Dutton, Gingras, Lott, Murray, McKee, Noot, Russell, Truax and Wells—10.

Those who voted in the negative were
Messrs. Ludden, Oliver, Ramsey, Wilcox and Speaker—5.

So the bill was ordered to be engrossed.

On motion of Mr. Murray,
The 37th rule of the House was suspended by a two-thirds vote, and

On motion of Mr. Ramsey,
The House resolved itself into a Committee of the Whole, Mr. Lott in the chair, for the consideration of

No. 15, (H. of R.) "A bill to amend the revised Statutes."

After some time passed therein, the Committee rose, and by the chairman, reported the bill back to the House without amendment, and recommended its passage.

The report of the Committee of the Whole was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading, Mr. Ames moved to amend by striking out the last section of the bill,

And the yeas and noes being called for and ordered, there were—yeas 5, and noes 10.

Those who voted in the affirmative were,
Messrs. Ames, Gingras, McKee, Wells and Speaker—5.

Those who voted in the negative were,
Messrs. Dutton, Ludden, Lott, Murray, Noot, Oliver, Russell, Ramsey, Truax, and Wilcox—10.

So the amendment did not prevail.

Mr. Ames then moved to amend the bill as follows: Sec. 1, line 5, strike out the words "two years," and insert the words "one year."

And the yeas and nays having been called for and ordered, there were, yeas 3, nays 12.

Those who voted in the affirmative were,
Messrs. Ames, Gingras, and Wells—3.

Those who voted in the negative were,
Messrs. Dutton, Ludden, Lott, Murray, McKee, Noot, Oliver, Russell, Ramsey, Truax, Wilcox and Speaker—12.

So the amendment did not prevail.

The question again recurring on ordering the bill to be engrossed for a third reading.

Mr. Murray moved that the bill be ordered to be engrossed and read the third time on to-morrow;

And the yeas and nays being called for and ordered, there were yeas 8, nays 7.

Those who voted in the affirmative were
Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, Truax and Wilcox—8.

Those who voted in the negative were,
Messrs. Ames, Gingras, Ludden, McKee, Ramsey, Wells, and Speaker—7.

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

Mr. Lott moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 8, noes 7.

Those who voted in the affirmative were
Messrs. Dutton, Lott, McKee, Noot, Russell, Truax, Wells and Wilcox—8.

Those who voted in the negative were
Messrs. Ames, Gingras, Ludden, Murray, Oliver, Ramsey and Speaker.—7.

So the House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

The reading of the Journal of yesterday being in order,

On motion of Mr. Murray,

The reading of the Journal of yesterday was dispensed with.

Messages from the Council being now in order,

No. 2, (H. of R.) "A Memorial to Congress, relative to School Lands," reported back from the Council with sundry amendments, was taken up,

And the first amendment being read as follows: "Amend lines 9 and 10 by striking out 'Provision' and insert 'provision.'"

The amendment was concurred in.

The second amendment being read as follows, viz.: "Also in line 17, strike out 'theire,' and insert 'their.'"

The amendment was concurred in.

The third amendment being then read as follows, viz.: "Also in line 25, strike out 'prasperity,' and insert 'prosperity.'"

The amendment was concurred in.

The fourth amendment being then read as follows, viz.: "Strike out the word 'Legislature,' and insert the word 'Legislative;'"

And the ayes and nays being called for and ordered, there were ayes 12, nays 4.

Those who voted in the affirmative were,

Messrs. Ames, Ludden, Lott, McKee, Randall, Russell, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Gingras, Murray, Noot and Oliver—4.

So the amendment was adopted.

The fifth amendment being then read as follows, viz.: "And in line 34, strike out 'Bono fide,' and insert 'Bona fide.'"

The amendment was adopted.

Mr. Oliver, 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. 12, (H. of R.) "A Bill to organize certain Counties herein named,"

No. 14, (H. of R.) "A Bill to prohibit the circulation of small bank bills."

No. 15, (H. of R.) "A Bill to amend the Revised Statutes.

L. M. OLIVER, } Committee.
W. P. MURRAY, }

Bills ready for a third reading being now in order,

No. 12, (H. of R.) "A Bill to organize certain Counties herein named," then coming up in order, was read a third time, passed, and title agreed to.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz.:

MR. SPEAKER: The Council has passed No. 7, (C. F.) "A Bill to incorporate the St. Paul and St. Anthony Railroad Company.

The Council has passed No. 12, (C. F.) "A Bill for an Act to legalize the official acts of John W. Bell, a Justice of the Peace residing at Fond du Lac, Itasca County.

The Council has passed No. 1, (C. F.) "A Joint Resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society."

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

The Council has passed No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Henry Buel and Susan Buel."

The Secretary then withdrew.

No. 14, (H. of R.) "A bill to prohibit the circulation of small bank bills,"

Then coming up, was ordered to a third reading, read a third time, passed, and the title agreed to.

No. 15, (H. of R.) "A bill to amend the revised statutes,"

Then coming up, and the question recurring on ordering the bill to a third reading,

On motion of Mr. Ludden,

The bill was ordered to be re-committed to a committee of the whole House, ayes 7, noes 6.

Bills ready for a Committee of the Whole, being now in order;

Mr. Ames moved that the House do now resolve itself into a Committee of the Whole, for the consideration of

No. 15, (H. of R.) "A bill to amend the revised statutes;"

And the ayes and noes being called for and ordered, there were ayes 9, noes 8.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Randall, Ramsey, Wells, Wilcox and Speaker—9.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell Stimson, and Truax—8.

So the House resolved itself into a Committee of the Whole, Mr. Randall in the Chair, having said bill under consideration.

After some time passed therein, the committee rose and by the Chairman reported the bill back to the House with amendments, in which the concurrence of the House was requested.

The question then recurring on the adoption by the House of the amendments proposed by the committee of the whole;

Mr. Murray asked that the amendments be read, and the questions be taken on the amendments separately; which was ordered.

And the first amendment being read as follows:

Strike out in the third line the word "three," and insert in lieu thereof the word "six."

And the ayes and nays having been called for and ordered, there were ayes 11, nays 6.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Randall, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—11.

Those voting in the negative were,

Messrs. Dutton, Lott, Murray, Noot, Oliver, and Russell—6.

So the first amendment was agreed to.

The second amendment was then read as follows:

Strike out in the third line of section two, the word "September," and insert in lieu thereof the word "October."

And the ayes and noes being called for and ordered, there were ayes 9, noes 8.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Ludden, McKee, Randall, Ramsey, Stimson, Wells and Speaker—9.

Those who voted in the negative were,
Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, Truax, and Wilcox,—8.
So the amendment was adopted.
The question then again recurring on ordering the bill to a third reading ;
On motion of Mr. Ludden,
The bill was indefinitely postponed, ayes 9, noes 8.
On motion of Mr. Murray,
The House adjourned.

WEDNESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.
Prayer by Rev. Mr. Chamberlain.
The roll was then called and a quorum answered to their names.
The Journal of the proceedings yesterday was then read.
Mr. Ludden presented a petition from J. L. Taylor and 21 others, citizens of Chisago county, for a Territorial road from St. Paul to the Falls of St. Croix, which petition,
On motion of Mr. Ludden,
Was referred to the Select Committee to which petitions on the same subject was previously referred.
Mr. Lott gave notice that he would, on to-morrow, or some future day, ask leave to introduce a Bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory.
Mr. Wilcox gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill to amend the Revised Statutes of the Territory.
Mr. Randall gave notice that on to-morrow or some subsequent day he would ask leave to introduce a bill to change the political aspect of Benton county.
Mr. Ames, agreeably to previous notice, asked and obtained leave to introduce No. 17, (H. of R.) "A Bill to incorporate the town of Mendota in the county of Dakota."
The reading of the Bill being in order,
On motion of Mr. Ames,
The bill was read a first and second time by its title.
It was then laid on the table to be printed.
Mr. Murray, from the select Committee to which was referred sundry petitions for a change in the School Law, made the following report :

A majority of the Committee to whom was referred sundry petitions from the citizens of St. Anthony, St. Paul and Little Canada, praying a modification of the present School Law ; beg leave to report :

That while they have been unable to give the matters set forth in the petitions, that attention and investigation which their importance as affecting the rights and interests of so large and respectable a number of the citizens of this Territory, would demand, it is evident to them, that the petitioners have just grounds of complaint, and that the present school law is defective in this—that while a revenue is derived from every Tax payer of this Territory, to support and maintain common schools—more than one third of the entire population of this Territory, have never derived any benefit from the large amounts paid for that purpose.

Your Committee believing that duty demands a conciliation of law with individual liberty and freedom of conscience; and where any law does not by reason of its imperfections, meet the wants and situation, and the thousand circumstances which diversify human character and pursuits, or where it fails to benefit communities or denominations by reason of a conscientious belief in opposition thereto, in common with their fellow citizens, their case, of right ought to be provided for, by such legislation as is consistent with the welfare of every other citizen, and of the whole.

Your Committee, therefore, ask leave to introduce the accompanying bill and recommend its passage.

W. P. MURRAY, }
L. M. OLIVER, } Committee.

The report was accompanied by No. 18, (H. of R.) "A Bill amendatory of the School Law,"

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

Messages from the Council being now in order,

No. 1, (C. F.) "A joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society."

Was read a first and second time, and laid on the table for the action of the House, in Committee of the Whole.

The following message was received from the Council by A. T. C. Pierson, Esq., Secretary thereof:

MR. SPEAKER.—The Council has passed No. 6, (C. F.) "A Bill for an act to incorporate the Louisiana and Minnesota Railroad Company,"

And likewise, No. 9, (C. F.) "A bill to incorporate the St. Paul Mutual Insurance Company of St. Paul."

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

The Secretary then withdrew.

No. 7, (C. F.) "An act to incorporate the St. Paul and St. Anthony Railroad Company."

No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company."

No. 9, (C. F.) "A bill to incorporate the St. Paul Mutual Insurance Company of St. Paul, and

No. 12, (C. F.) "A bill for an act to legalize the official acts of John W. Bell, a Justice of the Peace residing at the Fond du Lac, Itasca County."

Were severally read a first and second time and laid on the table for the action of the House in Committee of the Whole.

Bills ready for a Committee of the Whole being now in order,

On motion of Mr. Ames,

The House resolved itself into a committee of the whole, Mr. Ames in the chair, for the consideration of

No. 16, (H. of R.) "A Bill regulating the government of the Territorial Prison."

After some time passed therein, the committee rose, and by the Chairman, reported the bill back to the House with progress made, and asked leave to sit again;

Leave was granted.

Mr. Murray moved that the House do now adjourn until two o'clock this afternoon, Which was decided in the negative; ayes 7, and nays 7.

Mr. Ramsey moved that the House do now resolve itself into a Committee of the Whole for the consideration of the Council file of Bills,

Which was decided in the negative; ayes 7, nays 7.

Mr. Wilcox moved that the House do now adjourn;

Which was not agreed to.

Mr. Wells moved that the House do now adjourn until two o'clock this afternoon.

And the ayes and noes being called for and ordered, there were ayes 9, noes 5.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Murray, McKee, Noot, Russell, Truax, Wells, Wilcox—9.

Those who voted in the negative were

Messrs. Lott, Oliver, Ramsey, Stimson and Speaker—5.

So the House adjourned until two o'clock this afternoon.

TWO O'CLOCK, P. M.

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

The roll was called, and a quorum answered to their names.

The following Message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

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

Resolved, That the Secretary of the Council be instructed to call upon the House of Representatives, and request them to return to the Council, House files, Nos. 3 and 10 for their further action.

The Secretary then withdrew, and

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Murray in the chair, having under consideration the Council file of bills.

During the session of the Committee the following Message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, when the Speaker resumed the chair for its reception, viz :

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

Resolved, (the House concurring,) That the Committee on public buildings, be, and are hereby instructed to visit and inspect the public buildings in connection with the Building Commissioners and to report to the Council as soon as convenient.

The Secretary having withdrawn, the Committee resumed its session,

And after some further time passed therein,

The Committee rose and by their Chairman reported back,

No. 1, (C. F.) "Joint resolution authorizing the Secretary of the Territory to purchase copies of the annals of the Minnesota Historical Society, and

No. 12, (C. F.) "A Bill for an act to legalize the official acts of John W. Bell, a Justice of the Peace, residing at Fond du Lac, Itasca county, without amendment, and

No. 9, (C. F.) "A bill to incorporate the St. Paul Mutual Insurance Company of St. Paul with an amendment, and

No. 7, (C. F.) "An act to incorporate the St. Paul and St. Anthony Railroad Company, and

No. 6, (C. F.) "A Bill for act to incorporate the Louisiana and Minnesota Railroad Company, with progress made, and asked leave to sit again.

Leave was granted.

The House then concurred in the amendment proposed by the Committee of the Whole, to

No. 9, (C. F.) "A bill to incorporate the Saint Paul Mutual Insurance Company, of St. Paul."

On motion of Mr. Ludden.

The message from the Council relative to returning certain Bills, was then taken up, when Mr. Ludden moved that the chief clerk of this House be instructed to transmit to the Council, House Bills, Nos. 3 and 10, for further consideration.

Pending the question,

Mr. Wilcox moved the call of the House, which was ordered, and the roll being called,

Messrs. Lott and Rolette were reported absent.

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

Mr. Randall moved that further proceedings under the call of the House, be dispensed with.

And the ayes and noes being called for and ordered, there were ayes 9, and noes 7.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, McKee, Ramsey, Randall, Russell, Stimson, Truax and Speaker—9.

Those who voted in the negative were,

Messrs. Ames, Gingras, Murray, Noot, Oliver, Wells and Wilcox—7.

So further proceedings under the call of the House, were dispensed with.

Mr. Murray moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 6 and nays 11.

Those who voted in the affirmative were

Messrs. Ames, Murray, Noot, Oliver, Wells and Wilcox—6

Those voted in the negative were

Messrs. Dutton, Gingras, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—10.

So the House refused to adjourn.

The question then recurring on the motion of instructions to the Chief Clerk,

Mr. Ames moved to lay the motion on the table.

And the yeas and nays being called for and ordered, there were yeas 7, nays 9.

Those voting in the affirmative were,

Messrs. Ames, Gingras, Murray, Noot, Oliver, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—9.

So the motion did not prevail.

Mr. Wells moved that the House do now adjourn;

And the yeas and nays being called for and ordered, there were yeas 7, nays 9.

Those who voted in the affirmative were,

Messrs. Ames, Gingras, Murray, Oliver, Wells and Wilcox—7.

Those voting in the negative were,

Messrs. Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—9.

So the House refused to adjourn.

Mr. Murray moved a call of the House,

Which was ordered, and the roll being called,

Messrs. Loti and Rolette were reported absent.

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

Mr. Randall moved that further proceedings under the call of the House be dispensed with,

And pending the question,

The Sergeant-at-Arms reported that the absent members were not to be found in town.

Mr. Murray moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 4, nays 12.

Those who voted in the affirmative were,

Messrs. Murray, Noot, Wells and Wilcox—4.

Those who voted in the negative were

Messrs. Ames, Dutton, Gingras, Ludden, McKee, Oliver, Randall, Russell, Ramsey, Stimson, Truax and Speaker—12.

So the House refused to adjourn.

The question again recurring on the motion to instruct the Chief Clerk,

Mr. Randall moved the previous question, and the question being put, "Shall the main question now be put?"

And the ayes and noes being called for and ordered, there were ayes 9, noes 7.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—9.

Those who voted in the negative were,

Messrs. Ames, Gingras, Murray, Noot, Oliver, Wells and Wilcox—7.

So the main question was ordered to be now put.

The question being on instructing the Chief Clerk, to return to the Council, House Bills Nos. 3 and 10 for further consideration,

And the ayes and noes being called for and ordered, there were ayes 9, noes 7.

Those voting in the affirmative were,

Messrs. Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—9.

Those voting in the negative were,

Messrs. Ames, Gingras, Murray, Noot, Oliver, Wells and Wilcox—7.

So the motion was carried.

Mr. Wells moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Ludden, McKee, Oliver, Randall, Ramsey, Truax and Speaker—7.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Murray, Noot, Russell, Stimson, Wells and Wilcox—9.

So the House refused to adjourn.

Mr. Ames moved that the Council file of Bills be now taken up.

Which motion prevailed, and

Mr. Ames moved that the House do now resolve itself into a Committee of the whole, for the further consideration of the Council file of Bills:

And the ayes and noes being called for and ordered, there were ayes 8, noes 7.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Gingras, Murray, Noot, Russell, Wells and Wilcox—8.

Those who voted in the negative were,

Messrs. Ludden, McKee, Randall, Ramsey, Stimson, Truax and Speaker—7.

So the motion prevailed.

Mr. Murray moved a re-consideration of the vote by which the House decided to go into Committee of the Whole,

And the ayes and noes being called for and ordered, there were ayes 8, noes 8.

Those who voted in the affirmative, were

Messrs. Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax and Speaker—8.

Those who voted in the negative were,

Messrs. Ames, Dutton, Gingras, Murray, Noot, Oliver, Wells and Wilcox—8.

So the House refused to re-consider the vote.

The House then resolved itself into a Committee of the Whole, Mr. Ames in the chair, for the further consideration of the Council file of Bills.

After some time passed therein, the Committee rose, and by their Chairman reported progress and asked leave to sit again.

Leave was granted.

Mr. McKee moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 8, noes 5.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Murray, McKee, Noot, Russell, Truax and Speaker—8.

Those who voted in the negative were,

Messrs. Oliver, Ramsey, Stimson, Wells and Wilcox—5.

So the House adjourned.

THURSDAY MORNING, 10 O'CLOCK.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The reading of the journal of the proceedings of yesterday being in order,

On motion of Mr. Wells,

The reading thereof was dispensed with.

Mr. Wilcox asked and obtained leave to introduce

No 19, (H. of R.) "A bill to amend the revised statutes;"

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

Mr. Lott asked and obtained leave to introduce

No. 20, (H. of R.) "A bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory,"

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

Mr. Dutton from the select committee to which was referred sundry petitions in relation to the removal of the county seat of Hennepin county, reported,

No. 21; (H. of R.) "A bill to provide for the election of special commissioners in the county of Hennepin,"

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

Mr. McKee moved a reconsideration of the vote by which the Chief Clerk was directed to return to the Council for further consideration, House bills Nos. 3 and 10.

Mr. Randall moved a point of order, that the motion at this time was not in order, and was a violation of the rule prescribing the order of business.

The chair decided the motion to be privileged and in order, from which decision Mr. Randall appealed.

And the ayes and noes being called for and ordered, there were ayes 10, noes 6.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Gingras, Lott, Murray, McKee, Noot, Oliver, Wells and Wilcox—10.

Those who voted in the negative were

Messrs. Ludden, Randall, Russell, Ramsey, Stimson and Truax—6.

So the House sustained the decision of the chair.

The question was then put upon the motion to reconsider, and it was decided in the affirmative.

The question then recurring on the motion to instruct the Chief Clerk to return to the Council for further consideration, House bills Nos. 3 and 10,

And the ayes and noes being called for and ordered, there were ayes 9, noes 8.

Those who voted in the affirmative were,

Messrs. Dutton, Gingras, Ludden, Randall, Russell, Ramsey, Stimson, Truax, and Speaker—9.

Those who voted in the negative were,

Messrs. Ames, Lott, Murray, McKee, Noot, Oliver, Wells, and Wilcox—8.

So the motion prevailed.

Council bills ready for a third reading being now in order,

No. 1, (C. F.) "Joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society," then coming up, was ordered to a third reading, and

On motion of Mr. Ames,

Was read a third time by its title, and was then passed and the title agreed to.

No. 12, (C. F.) "A bill for an acts to legalize the official acts of John W. Bell, a Justice of the Peace residing at Fond du Lac, Itasca county," then coming up.

Was ordered to a third reading, and read a third time.

The question then recurring on the passage of the bill,

On motion of Mr. Ludden,

The bill was laid on the table.

No. 9, (C. F.) "A bill to incorporate the St. Paul Mutual Insurance Company of St. Paul,"

Now coming up, was ordered to a third reading, and

On motion of Mr. Wells,

Was read a third time by its title.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 9, noes 8.

Those who voted in the affirmative were

Messrs. Gingras, Ludden, Murray, Noot, Oliver, Ramsey, Truax, Wells and Wilcox—9.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, McKee, Randall, Russell, Stimson and Speaker—8.

So the bill passed.

And the question then recurring on agreeing to the title of the bill.

Mr. Murray moved to amend the title by striking out the words "Mutual Insurance Company of St. Paul," and inserting in lieu thereof, the words "Fire and Marine Insurance Company."

Mr. Randall moved to amend the amendment by inserting after the word "Company," the words "bottomary and respondentia,"

Which motion was negatived.

The question then being taken on the amendment to the title.

It was decided in the affirmative.

So the title was amended, and the title as amended was agreed to.

Council bills in which the Committee of the Whole has made progress being now in order,

On motion of Mr. Randall,

The House resolved itself into a Committee of the Whole, Mr. Randall in the chair, for the further consideration of the Council file of Bills.

After some time passed therein, the Committee rose, and by the chairman, reported back to the House,

No. 6, (C. F.) "A bill to incorporate the Louisiana and Minnesota Railroads Company," and

No. 7, (C. F.) "An act to incorporate the St. Paul and St. Anthony Railroad Company."

With amendments,

The following message was received from the Council by A. T. C. Pierson, Esq., Secretary thereof :

MR. SPEAKER :—The Council has refused to order to a third reading, No. 14, (H. of R.) "A bill to prohibit the circulation of small bank bills," and the bill is herewith returned.

The Secretary then withdrew.

The question then recurring on the concurrence of the House in the amendments proposed by the Committee of the Whole, to No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company."

Mr. Wilcox called for the reading of the amendments,

Which was ordered.

And the amendments being read as follows, viz :

"Strike out in the first line, Section 11, the words "femme covert," and insert the words "covered women."

The House concurred therein—ayes 10, noes 6.

The question then recurring on ordering the bill to a third reading.

Mr. Ames moved to amend the first line of Section 11, by striking out the words, "non compos mentis," and insert in lieu thereof the word "fools."

Which motion prevailed.

Mr. Murray moved a reconsideration of the vote by which the House concurred in the amendment proposed by the Committee of the Whole ;

Which motion was lost.

The question again recurring on ordering the bill to a third reading,

Mr. Randall moved further to amend the bill by inserting after the words "fools," the words "or otherwise,"

Which motion was lost.

Mr. Ames then moved to amend the first section of the bill by inserting after the name of "A. M. Fridley," the names of "Caleb Dorr, Ard Godfrey, Charles King, Calvin A. Tuttle, Socrates Nelson."

Which motion prevailed.

Mr. Wilcox moved further to amend the bill by inserting after the name of "Socrates Nelson," the names of "Samuel Burkleo, Horace K. McKinstry,"

Which motion prevailed.

Mr. Wells moved further to amend the bill by striking out where they occur in the first and second lines of Section 11, the words "covered women" and "fools,"

Which motion prevailed.

Mr. Wells moved to fill the blank in the first line of the 11th Section, with the words "married women," and the blank in the second line of the same Section, with the word "idiot."

Which motion was adopted.

The question then again recurring on ordering the bill to a third reading.

It was decided in the affirmative and

On motion of Mr. Wells,

The bill was read a third time by its title.

The bill was then passed and the title agreed to.

The question then recurring on the concurrence of the House in the amendments proposed by the Committee of the Whole, to

No. 7, (C. F.) "An act to incorporate the St. Paul and St. Anthony Railroad Company."

Mr. Wilcox asked that the amendments be read, and the question taken on each amendment separately,

Which was ordered.

And the first amendment being read as follows :

Insert after the name of "George Johnson," the following: "Louis Roberts, W. P. Murray, R. M. Spencer, and the members of the Legislative Assembly.

The House refused to concur therein.

The second amendment was then read as follows: In Section 13, strike out "one" and insert "two."

The House concurred therein.

The third amendment being then read as follows: Strike out "an action of debt," and insert "a civil action,"

The House concurred therein.

The question again recurring on ordering the bill to a third reading,

Mr. Ames moved to amend the bill as follows: After the name of George Johnson, insert Jno. George Lennon, John Rollins, James Wells, C. Carli, Emanuel Case, Wm. P. Murray, William L. Larned, R. P. Russell.

Mr. Wilcox moved to amend the amendment, by adding the names of "R. M. Spencer, Alfred E. Ames,"

Which motion was agreed to.

The amendment as amended was then adopted.

The question then again recurring on ordering the bill to a third reading,

It was decided in the affirmative, and

On motion of Mr. Ames,

The bill was read a third time by its title.

The bill was then passed and the title was agreed to.

Mr. Wells moved that the House do now adjourn;

And the yeas and nays being called for and ordered, there were yeas 9, and nays 6.

Those who voted in the affirmative were,

Messrs. Dutton, Gingras, Ludden, Murray, Noot, Russell, Wells, Wilcox and Speaker—9.

Those who voted in the negative were

Messrs. Ames, McKee, Oliver, Ramsey, Stimson and Truax—6.

So the House adjourned.

FRIDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Wilcoxson.

The roll being called, a quorum answered to their names.

The reading of the Journal of yesterday being now in order,

On motion of Mr. Wells,

The reading of the Journal was dispensed with.

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

A bill relative to the passage of bills through the two Houses of the Legislative Assembly.

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

A bill to amend the revised statutes.

Messages from the Council being now in order, the following resolution was read, viz :

Resolved, (The House concurring,) That the Committee on public buildings be and are hereby instructed to visit and inspect the public buildings in connection with the Building Commissioners, and to report to the Council as soon as convenient.

The question then recurring on the adoption of the resolution,

Mr. Randall moved to amend the resolution by striking out the word "Council," and inserting in lieu thereof, the words "two Houses,"

Which motion prevailed.

The resolution as amended was then adopted by the House.

On motion of Mr. Ames,

No. 16, (H. of R.) "bill to regulate the government of the Territorial prison,"

Was then taken up for further consideration, and the question then recurring on ordering the House to resolve itself into a Committee of the Whole, for the further consideration of said bill.

On motion of Mr. Murray,

The bill was laid on the table.

Mr. Randall moved a re-consideration of the vote by which the House concurred in a resolution relative to visiting the public buildings,

Which motion prevailed.

The question then recurring on the adoption of the resolution,

Mr. Randall moved to amend the resolution by inserting after the words "Public buildings," where it first occurs in the resolution, the words "of the two Houses,"

Which motion prevailed.

The resolution as further amended was then adopted by the House.

Mr. Murray moved that the House do now adjourn until Monday next at 2 o'clock, Which was decided in the negative, ayes 6, nays 7.

Mr. Ludden, from the select Committee to which was referred,

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial Road from the Falls of St. Anthony to Lac qui Parle,"

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix," and the petition of J. L. Taylor and others for a road therein named,

Made the following report :

A majority of the Committee to which was referred No. 1, (H. of R.) would respectfully report the same back to the House, with some amendments and recommend that the Bill pass as amended.

Bill No. 8, referred to the same Committee is reported back without amendment.

The petition of J. L. Taylor and others, referred to the same Committee, is reported back with a bill in accordance with the prayer of the petitioners, with the recommendation that the same shall be passed by the House.

All of which is respectfully submitted,

A. E. AMES, }
J. D. LUDDEN, } Committee.

The amendments proposed to

No. 1, (H. of R.) "A Bill to provide for laying out a Territorial Road from the Falls of St. Anthony to Lac qui Parle,"

Were then read, as follows :

Amend the first section by striking out the last word in the section, viz : "Lac qui Parle," and insert "the western boundary of Sibley county,"

And to add to the second section the words, "and the necessary expenses incurred for laying out said road shall be paid from the Territorial Treasury, *Provided*, That the whole amount so paid shall not exceed one hundred dollars."

Also, amend the title of the bill by striking out the words "Lac qui Parle," and inserting the words "western boundary of Sibley county."

The amendments to the bill and the amendment to the title of the bill were concurred in.

No. 1, (H. of R.) "A Bill providing for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley county," was then read a second time under the rules, and laid on the table for the action of the House in Committee of the Whole.

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix,"

Was laid on the table for the action of the House in Committee of the Whole.

No. 22, (H. of R.) "A bill to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls,"

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

Bills ready for a Committee of the Whole being now in order,

On motion of Mr. Ramsey,

The House resolved itself into a Committee of the Whole, Mr. Ramsey in the Chair, having under consideration

No. 18, (H. of R.) "A bill amendatory of the School Law."

After some time passed therein, the committee rose, and by the Chairman, reported the bill back to the House, with an amendment.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

Pending the question, Mr Murray moved a call of the House, which was ordered.

And the roll being called, Messrs. Noot, Russell, Rolette and Truax were reported absent.

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

On motion of Mr. Ames,

Further proceedings under the call of the House were dispensed with.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary viz.:

MR. SPEAKER:—The report of the Adjutant General has been received by the Council, and one hundred copies thereof ordered to be printed for the use of the Legislative Assembly.

The Council has concurred in the amendment made by the House of Representatives, to

No. 9, (C. F.) "A Bill to incorporate the St. Paul Mutual Insurance Company of St. Paul, with an amendment to which the concurrence of the House is respectfully requested, and have concurred to the amendment to the title."

His Excellency, the Governor has informed the Council that he has examined and approved

"An act for the relief of Joseph R. Brown."

"A memorial to Congress for the establishment of a military post on or near Pembina river."

The Secretary then withdrew.

On motion of Mr. Ames,

No. 18, (H. of R.) "A bill amendatory of the school law,"

And the pending motion to concur in the amendment proposed by the Committee of the Whole, was laid on the table and made the special order of the day for Monday next.

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. Ames in the Chair, having under consideration,

No. 17, (H. of R.) "A bill to incorporate the town of Mendota, in the the county of Dakota,"

After some time passed therein, the Committee rose and by their chairman, reported the bill back to the House with a recommendation that the bill be indefinitely postponed.

The question then recurring on the adoption by the House of the report of the Committee of the whole. Pending the question,

On motion of Mr. Ramsey,
The bill and the pending motion was referred to the Committee on incorporations,
ayes 8, nays 5.

On motion of Mr. Ludden,
No. 12, (C. F.) "A bill for an act to legalize the official acts of John W. Bell, a
Justice of the Peace, residing at Fond du Lac, Itasca county,"

Was taken from the table,

And the question then recurring on the passage of the bill,

On motion of Mr. Ludden,

The bill was laid on the table.

On motion of Mr. Murray,
The Message of the Council was taken up, and an amendment made by the Council
to the amendment of the House, to

No. 9, (C. F.) "A bill to incorporate the St. Paul Mutual Insurance Company of
St. Paul,"

And the amendment to the amendment being then read as follows, viz: Strike out
2d line and insert 3d line.

The House concurred therein.

The following Message was received from the Council, by A. T. C. Pierson, Esq.,
the Secretary thereof:

Mr. SPEAKER:—The Council has refused to pass,
No. 3, (H. of R.) "A Bill to dissolve the marriage contract existing between Hen-
ry Buel and Susan Buel."

And the bill is herewith returned.

The Council has concurred in the first amendment made by the House of Represent-
atives, to

No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Rail-
road Company."

And have refused to concur in the second and last amendment.

The Council has concurred in the amendments made by the House to

No. 7, (C. F.) "An act to incorporate the St. Paul and St. Anthony Railroad Com-
pany,"

The Council has concurred in the amendments made by the House to the resolution
instructing the building committees to visit the public buildings.

The Secretary then withdrew.

On motion of Mr. Ames,

The last message from the Council was taken up, and the question then recurring on
the House receding from the second amendment proposed by the House, to

No. 6, (C. F.) "A Bill for act to incorporate the Louisiana and Minnesota Railroad
Company,"

It was decided in the negative.

So the House refused to recede from the amendment.

On motion of Mr. Murray,

The House adjourned until Monday next at two o'clock, P. M.

MONDAY AFTERNOON, 2 O'CLOCK.

The House was called to order by the Speaker, in pursuance of adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

The Journal of the proceedings of the House on Friday last was then read.

Mr. Wilcox presented a petition from Mr. D. Osborne, relative to payment for services as an assessor in Wabashaw County,

Which was read.

Mr. Wilcox moved that the resolution be referred to the Committee on Territorial Affairs.

Mr. Ames moved to amend the motion, by striking out the word "Affairs," and inserting, in lieu thereof, the word "Expenditures;"

And the ayes and noes being called for and ordered, there were ayes 9, noes 3.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Noot, Oliver, Randall, Russell, Ramsey, Truax and Wells—9.

Those who voted in the negative were,

Messrs. Lott, Wilcox and Speaker—3.

So the amendment prevailed.

The motion, as amended, was then agreed to.

Mr. Randall presented a petition from D. Brawley, and Henrietta and I. N. Goodhue, relative to a change in the rates of ferriage on the Mississippi, with certain letters relative to the subject.

The petition being read,

On motion of Mr. Randall,

The petition and letters were referred to the Committee on Estates and Escheats.

Mr. Wells gave notice that he would, on to-morrow, or some subsequent day, ask leave to introduce a bill for the laying out of a Territorial Road from Redwing to connect with the Wabashaw road, where it crosses the Cannon river.

Also,

A bill for laying out a Territorial Road from Mount Vernon, in Fillmore County, to Mankato, in Blue Earth County.

Mr. Ames, in pursuance to previous notice, asked and obtained leave to introduce No. 23, (H. of R.) "A bill relative to the passage of bills through the two Houses of the Legislative Assembly,"

Which was read a first and second time, and, Mr. Randall objecting to the bill,

And the question then recurring, "Shall the bill be rejected?"

And the ayes and noes being called for and ordered, there were ayes 4, noes 10.

Those who voted in the affirmative were,

Messrs. Randall, Russell Ramsey and Truax—4.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Lott, Noot, Oliver, Stimson, Wells, Wilcox and Speaker—10.

So the bill was not rejected, and was then read a second time and laid on the table to be printed.

Mr. Wilcox offered the following resolution, which was read, viz.:

Resolved, That the Chief Clerk of this House be instructed to call upon the Council and request that body to return to this House, (immediately) House bill No. 10, for its further action.

The question then recurring on the adoption of the resolution,
It was decided in the negative.

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

The Joint Committee on Enrolled Bills, beg leave to report that they have examined and found correctly enrolled the following entitled Joint Resolution, viz. :

“ Joint Resolution, authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society.”

G. W. FARRINGTON, } Com.
J. D. LUDDEN, }

The “ Joint Resolution, authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society,”

Was then laid on the Speaker's desk, and was signed by the Speaker.

Bills which have been considered in Committee of the Whole being now in order,
No. 18, (H. of R.) “ A bill amendatory of the School Law,”

Made the special order of the day for this day, now coming up, and the question then recurring on the concurrence of the House in the amendments proposed by the Committee of the Whole,

On motion of Mr. Ramsey,

The bill was laid on the table, and made the special order of the day for to-morrow.

Bills ready for a Committee of the Whole being now in order,

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. McKee in the Chair, having under consideration

No. 1, (H. of R.) “ A bill to provide for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley County,” and

No. 8, (H. of R.) “ A bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix.”

After some time passed therein, the Committee rose, and by the Chairman, reported the bill back to the House, without an amendment.

The question then recurring on ordering to be engrossed,

No. 1, (H. of R.) “ A bill providing for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley County,”

It was decided in the affirmative—ayes 10, noes not counted.

So the bill was ordered to be engrossed.

The question then recurring on ordering to be engrossed,

No. 8, (H. of R.) “ A bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix.”

Mr. Ludden moved that the bill be laid on the table,

And the ayes and noes being called for and ordered, there were—ayes 11, and noes 3.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, McKee, Noot, Oliver, Randall, Stimson, Truax, Wells and Speaker—11.

Those who voted in the negative were,

Messrs. Lott, Ramsey and Wilcox—3.

So the bill was laid on the table.

On motion of Mr. Wells,

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

No. 19, (H. of R.) “ A bill to amend the Revised Statutes.”

After some time passed therein, the Committee rose, and by the chairman, reported the bill back to the House without amendment.

The report of the Committee was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading, it was decided in the affirmative.

So the bill was ordered to be engrossed.

On motion of Mr. Ames,

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

No. 21, (H. of R.) "A bill to provide for the election of special commissioners in the County of Hennepin."

After some time passed therein, the Committee rose, and by their Chairman reported the bill back to the House with amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

Mr. Ames called for the reading of the amendments, and asked that the question be taken on the amendments separately,

Which was ordered,

And the first amendment being read as follows :

Sec. 2, line 4, after the word "be," strike out "as," and all after the word "thereby."

The House concurred therein.

The second amendment being then read as follows :

Sec. 4, line 1, after the word "day," insert "from the Treasury of the County of Hennepin."

The House concurred therein.

The third amendment being then read as follows :

Sec. 5, line 2, strike out the words "by the name of Hennepin," and insert in lieu thereof the words, "by such name as said commissioners shall designate."

And the ayes and noes having been called for and ordered, there were, ayes 7, noes 6.

Those who voted in the affirmative were

Messrs. Ludden, McKee, Neet, Stinson, Truax, Wilcox and Speaker.—7.

Those who voted in the negative were

Messrs. Ames, Dutton, Lott, Oliver, Ramsey and Wells—6.

So the amendment was adopted.

The question then recurring on ordering the bill to be engrossed for a third reading, it was decided in the affirmative.

So the bill was ordered to be engrossed.

On motion of Mr. Lott,

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

No. 20, (H. of R.) "A bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory."

After some time passed therein, the Committee rose, and by their Chairman reported the bill back to the House without amendments.

The report of the Committee of the Whole was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading, it was decided in the affirmative.

So the bill was ordered to be engrossed.

Mr. Randall moved that the House do now adjourn,

Which was decided in the negative.

The Speaker then laid before the House a communication, which was read as follows :

SAINT PAUL, Feb. 21, 1853.

To the Hon. House of Representatives :

The undersigned would most respectfully represent to your Hon. body, that at a large meeting of the citizens of St. Paul and St. Anthony, held in the Court House on Friday evening last, they were appointed a Committee to invite the executive, judicial, and legislative branches of the government to a Territorial Temperance Convention, to be held to-morrow, the 22d February, at 10 o'clock, in the Court House. Pursuant to their appointment they hereby extend the invitation to your honorable body.

J. H. SIMPSON,
E. D. NEILL,
T. R. CRESSEY.

Mr. Randall moved that the House do now adjourn,
Which motion was not agreed to.

On motion of Mr. Ludden,
No. 12, (C. F.) "A bill for an act to legalize the official acts of John W. Bell, a Justice of the Peace residing at Fond du Lac, Itasca county,"

Was taken from the table, and the question then recurring on ordering the bill to a third reading,

Mr. Randall moved that the bill be indefinitely postponed.

And the yeas and nays being called for and ordered, there were yeas 10, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Noot, Oliver, Randall, Ramsey, Stimson, Truax and Wilcox—10.

Those who voted in the negative were,

Messrs. Ames, McKee, Wells and Speaker—4.

So the bill was indefinitely postponed.

Mr. Oliver moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 10, nays 4.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Ludden, McKee, Noot, Oliver, Truax, Wells, Wilcox and Speaker—10.

Those who voted in the negative were,

Messrs. Lott, Randall, Ramsey and Stimson—4.

So the House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The reading of the journal of the proceedings of yesterday being now in order.

On motion of Mr. Wells,

The reading of the Journal of yesterday was dispensed with.

Mr. Wilcox moved a suspension of the rules of order to permit him to introduce a resolution now.

Pending the question,

Mr. Murray moved that the House do now adjourn until two o'clock this afternoon,

And, pending that question,

Mr. McKee moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 10, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Murray, McKee, Noot, Oliver, Ramsey, Stimson, Truax and Wells—10.

Those who voted in the negative were,

Messrs. Ames, Lott, Wilcox and Speaker—4.

So the House adjourned.

WEDNESDAY MORNING, 10 O'CLOCK.

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

Prayer by the Rev. Mr. Chamberlain.

The roll being called a quorum answered to their names.

The Journal of the proceedings of the House on yesterday was then read.

On motion of Mr. Murray,

The words "relative to an adjournment to permit the members of the House to attend the Temperance meeting," were ordered to be stricken from the Journal of yesterday.

Communications being in order, the following on the Speaker's desk was then read, viz:

EXECUTIVE DEPARTMENT, }
St. Paul, Feb. 22, 1853. }

To the Honorable, the Speaker of the House of Representatives,

SIR:—I enclose you herewith, that it may be brought to the attention of the Legislative Assembly, a communication from Mr. F. R. Delano, proposing to take charge of the Territorial Prison and the prisoners that may be sentenced to confinement therein, upon terms that seem to me to be favorable to the Territory.

Very respectfully,

Your obedient servant,

ALEX. RAMSEY.

The following letter accompanying the foregoing, was then read, viz:

STILLWATER, Feb. 24, 1853.

To Governor Alexander Ramsey,

SIR:—I herewith transmit through your hands, a proposal to the Territorial Legislature now in session, to take charge of and manage the Prison at Stillwater.

For a sum specified in the proposal, it will be seen that I am to furnish everything necessary to carry on the purposes of the Prison, and will, if the Legislature see fit to contract it, take it for the next five years, and pay therefor the sum of five hundred dollars per year.

In case my offer should be accepted, the bill introduced into the Council by Mr. Babcock, Feb. 10, would with slight alterations be adapted to this Prison.

Properly managed, the Prison should and will in a few years yield a revenue, and crime will be made to punish itself upon the person of the criminal rather than upon his victim.

Yours,

F. R. DELANO.

The proposal referred to was then read and referred to the committee on the Judiciary.

Mr. Wells gave notice that he would on to-morrow or some future day, ask leave to introduce a bill relative to removals from office.

Mr. Wells, pursuant to previous notice, asked and obtained leave to introduce

No. 24, (H. of R.) "A bill to provide for laying out a Territorial road from Red Wing to the crossing on Cannon river," and

No. 25, (H. of R.) "A bill to provide for laying out a Territorial road from Mount Vernon to the Minnesota river."

Which bills were severally read a first and second times and laid on the table to be printed.

Mr. Wells from the Committee on the militia, reported by the following bill, viz:

No. 26, (H. of R.) "A bill relative to the militia of this Territory,"

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

Mr. Ames from the Committee on Territorial affairs made a report by the following bills, viz:

No. 27, (H. of R.) "A Bill to incorporate colleges, seminaries, churches, lyceums, and libraries," and

No. 28, (H. of R.) "A bill to establish weights and measures,"

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

Mr. Randall from the committee on Legislative expenditures reported the following bill, viz:

No. 29, (H. of R.) "A bill to defray the expenses of the Legislative Assembly, and for other purposes."

Which was read a first and second time, and

On motion of Mr. Randall,

The bill was laid on the table.

Mr. Oliver from the Committee on engrossed bills made the following report;

Which was read, viz:

The Committee on engrossed bills have examined and found correctly engrossed, the following H. of R. bills:

No. 1, (H. of R.) "A bill providing for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley county.

No. 19, (H. of R.) "A bill to amend the revised statutes."

No. 20, (H. of R.) "A bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory."

No. 21, (H. of R.) "A bill to provide for the election of special commissioners in the county of Hennepin,"

L. M. OLIVER,

Committee.

Mr. Ludden from the Joint Committee on enrolled bills made the following report:

The Committee on enrolled bills have examined and found correctly enrolled the following:

No. 11, (H. of R.) "A Bill entitled an act to incorporate the Hennepin County Agricultural Society,"

No. 5, (H. of R.) "A bill entitled an act to change the time of holding the general election in the several election precincts in the county of Pembina."

No. 12. (H. of R.) "A bill entitled, an act to incorporate the Baldwin school in the city of St. Paul,"

No. 2. (H. of R.) "A memorial to Congress relative to school lands."

G. W. FARRINGTON, }
J. D. LUDDEN, } Committee.

The following bills and memorial were then laid on the Speaker's table, and were by him signed, viz:

A Bill entitled "an act to incorporate the Hennepin county Agricultural Society."

A bill entitled "an act to change the time of holding the general election in the several election precincts in the County of Pembina."

A bill entitled "an act to incorporate the Baldwin School in the city of St. Paul," and "A memorial to Congress relative to School lands."

Mr. Dutton from the Committee on incorporations to which was referred

No. 17, (H. of R.) "A bill to incorporate the town of Mendota, in the county of Dakota," made the following report, viz:

The Committee to which was referred the House bill No. 17, have had the same under consideration, and respectfully beg leave to report the bill back to the House without amendment and recommend its passage.

J. DUTTON,
Chairman Committee.

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

No. 13, (H. of R.) "A bill to amend an act to incorporate the town of St. Paul, in the County of Ramsey," made the following report:

The Select Committee to which was referred,

No. 13, (H. of R.) "A bill to amend an act to incorporate the town of St. Paul in the county of Ramsey,"

Have had the same under consideration, and beg leave to report the same back to the House without amendment, and recommended the passage of the same,

B. W. LOTT,
Chairman.

Mr. Murray moved to suspend the rules of order to permit the presentation of a petition,

Which motion prevailed, by a two-thirds vote, and

Mr. Truax presented a petition from Wm. H. Johnson and ten others of Red Rock, asking for a change in a Territorial Road.

Which petition was read, and

On motion of Mr. Ludden,

Was referred to the Committee on Territorial Roads,

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz:

MR. SPEAKER:—The Council has appointed a Committee consisting of Messrs. Forbes and Farrington to confer with a similar committee to be appointed on the part of the House of Representatives, on the disagreeing vote of the two Houses on No. 6, (C. F.) "A bill to incorporate the Louisiana and Minnesota Railroad Company."

The Secretary then withdrew, follows no petition Committee ad

Bills ready for a third reading being now in order,
No. 1, (H. of R.) "A bill to provide for laying out a Territorial road from the Falls of St. Anthony to the western boundary of Sibley county,"

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

No. 19, (H. of R.) "A Bill to amend the Revised Statutes.

Then coming up, and 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,

The question then recurring on the passage of the bill,
 Mr. Murray moved that the bill be referred to the Committee on Territorial Roads.

Which motion prevailed, ayes 7, noes 5.

No. 20, (H. of R.) "A bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory," then coming up, and

The question then recurring on ordering it to a third reading,

It was decided in the affirmative, and

The bill was read a third time.

The question then recurring on the passage of the bill,

Mr. Ludden asked the unanimous consent of the House to amend the bill,

Mr. Wells objected, and

The question again recurring on the passage of the bill,

It was decided in the affirmative, and the bill passed.

The title of the Bill was then agreed to.

No. 21, (H. of R.) "A bill to provide for the election of Special Commissioners in the County of Hennepin,"

Then coming up, and

The question then recurring on ordering the bill to a third reading,

It was decided in the affirmative, and

The bill was read a third time.

The question then recurring on the passage of the bill,

Pending the question,

Mr. Wells moved that the bill be re-committed to the same Select Committee which reported the bill.

Mr. Ames moved to amend the motion so as to order the bill to be again referred to the Committee of the whole House.

Mr. Wells, by leave withdrew his motion.

The question being then put on the motion to refer the bill to a Committee of the Whole,

It was decided in the negative.

Mr. Lott moved that the Bill be referred to a Select Committee of three.

Which motion was negatived.

The question again recurring on the passage of the bill.

And the ayes and noes being called for and ordered, there were ayes 11, and noes 5.

Those who voted in the affirmative were

Messrs. Dutton, Ludden, Murray, McKee, Noot, Randall, Ramsey, Treat, Wells, Wilcox and Speaker—11.

Those who voted in the negative were,

Messrs. Ames, Lott, Oliver, Russell, and Stinson.

So the bill was passed.

The title of the bill was then agreed to.

Bills which have been considered in Committee of the Whole, being now in order, No. 18, (H. of R.) "A bill amendatory of the School Law."

Which was considered in Committee of the Whole on Friday last, an amendment proposed, and the question on the adoption of the amendment and the bill laid on the table, and made the special order of the day for Monday, not having been reached on Monday, it laid over, and

Now coming up in order of business,

And the question recurring on the adoption of the following amendment, proposed by the Committee of the Whole, viz :

Strike out the words "Be it enacted by the Legislative Assembly of the Territory of Minnesota."

And the ayes and noes being called for and ordered, there were ayes 8; noes 8.

Those who voted in the affirmative were

Messrs. Dutton, Ludden, McKee, Russell, Ramsey, Truax, Wilcox and Speaker—8.

Those who voted in the negative were

Messrs. Ames, Lott, Murray, Noot, Oliver, Randall, Stimson and Wells—8.

So the amendment proposed by the Committee of the whole was not concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Murray moved that the bill be engrossed and read a third time on to-morrow,

And the yeas and nays being called for and ordered, there were yeas 6, nays 10.

Those voting in the affirmative were,

Messrs. Ames, Lott, Murray, Noot, Oliver, and Wells—6.

Those who voted in the negative were,

Messrs. Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson, Truax, Wilcox and Speaker—10.

So the motion was negatived.

The question again recurring on ordering the bill to be engrossed for a third reading,

And the yeas and nays being called for and ordered, there were yeas 9, nays 7.

Those who voted in the affirmative were,

Messrs. Ames, Lott, Murray, Noot, Oliver, Randall, Stimson, Truax and Wells—9.

Those voting in the negative were,

Messrs. Dutton, Ludden, McKee, Russell, Ramsey, Wilcox and Speaker—7.

So the bill was ordered to be engrossed.

No. 13, (H. of R.) "A Bill to amend an act to incorporate the town of St. Paul in the county of Ramsey," and

No. 17, (H. of R.) "A bill to incorporate the town of Mendota in the county of Dakota,"

Then coming up in order,

Were severally ordered to be engrossed for a third reading.

On motion of Mr. Wells,

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial Road from St. Paul to the Falls of St. Croix,"

Was taken from the table, and

On motion of Mr. Wells,

Said bill was ordered to be re-committed to a Committee of the whole House.

On motion of Mr. Wells,

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

No. 8, (H. of R.) "A Bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix," and

No. 22, (H. of R.) "A bill to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls,"

After some time passed therein, the committee rose, and by the Chairman, reported No. 8, (H. of R.) "A Bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix,"

With an amendment, and

No. 22, (H. of R.) "A bill to provide for laying out a Territorial road from St. Anthony to Taylor's Falls,"

Without amendment.

The report of the Committee was accepted,

And the question then recurring on the concurrence of the House in the amendments, proposed by the Committee of the Whole, to

No. 8, (H. of R.) "A bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix."

Pending the question,

On motion of Mr. Murray,

The pending question and the bill was laid on the table.

The question then recurring on ordering to be engrossed for a third reading,

No. 22, (H. of R.) "A bill to provide for laying out a Territorial road from St. Anthony to Taylor's Falls."

On motion of Mr. Murray,

The bill was ordered to be laid on the table.

On motion of Mr. Murray,

The message from the Council was then taken up, when the message having been read,

The Speaker appointed Messrs. Ames and Murray a Committee to confer with a similar committee appointed by the House, on the disagreeing vote of the two Houses, on

No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company."

Mr. Murray moved that the name of Mr. Noot be substituted for that of Mr. Murray on the committee just appointed,

Which motion was lost.

On motion of Mr. Murray,

The House adjourned, yeas 9, nays 5.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Bradley.

The roll being called, a quorum answered to their names.

The reading of the Journal of the proceedings of the House on yesterday, being now in order,

On motion of Mr. Murray,

The reading of the Journal was dispensed with,

Mr. Murray offered the following resolution, which was read and adopted, viz. :

Resolved, That the Secretary of the Territory be requested to report to this House the fact, whether Owens & Moore, public printers, have complied with the law, by having delivered to him within one hundred days subsequent to the adjournment of the last Legislative Assembly, all Journals, Laws, documents, &c., required to be printed for the use of the Territory,—if not, whether he has instituted suit upon the bond of the said Owens & Moore, according to the law in such case made and provided.

Mr. Lott offered the following resolution, which was read and adopted, viz. :

Resolved, That the Chief Clerk be, and he is hereby authorized to return to H. Buel the papers in possession of the House, relative to the application by said Buel, for a bill to divorce him from his wife, Susan Buel.

Mr. Wells, pursuant to previous notice, asked and obtained leave to introduce

No. 30, (H. of R.) "A bill relative to removals from office."

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

Mr. Lott from the Committee on the Judiciary, reported back the proposition from Mr. F. R. Delano, with a request that the House would order the same to be printed.

The report was accepted, and

On motion of Mr. Lott,

Two hundred copies were ordered to be printed, and is as follows :

Proposal of F. R. Delano to take charge of and manage the Minnesota Territorial Prison, at Stillwater, for the term of Five or Ten Years, on the following conditions, to wit :

1. The general management to be under the control and supervision of a Board of Inspectors, to be appointed by the Legislature.

2. The said Delano to hold the office of Warden, and in that capacity he shall act as Clerk to the Board of Inspectors, and as Superintendent of all improvements made in and about said Prison.

3. The said Delano shall, at his own cost and expense, and without any charge whatever to the Territory, (except what is hereinafter mentioned) furnish and procure all furniture, food, clothing, fuel, tools, stock and material—all Overseers, Guards, and hands necessary to meet the wants of, and carry into effect the orders of the Board of Inspectors, so far as regards the management of the Prison.

4. The said Delano shall by himself or deputy receive and safely keep all prisoners both Territorial and County, and if any prisoners shall escape from said prison, the said Delano shall take all proper measures for their apprehension, and for that purpose shall offer a reward of fifty dollars, which if the prisoner is returned, he shall pay to the party returning him the said amount from his own resources.

5. And the said Delano is to employ all the prisoners sentenced to hard labor to such work as shall be most profitable, and the said Delano shall pay into the Treasury of the Territory one half of the profits arising from the said labor.

6. And the said Delano shall do or cause to be done and carried into effect, all orders of the Board of Inspectors concerning the internal police of the prison.

7. And for and in consideration of the above mentioned services by the said Delano to be rendered and in full payment therefor, he shall, upon a certificate signed by a majority of the Inspectors, setting forth that he has fulfilled his part of this agreement, be entitled to and shall receive the sum of eight hundred dollars per year, payable quarterly. And the said Delano shall be entitled to receive for each and every county prisoner the sum of _____ dollars per week, to be collected from the county sending such prisoner, and the one-half of such amount shall be paid into the Treasury of the Territory, in the same manner as the profits arising from labor.

8. The said F. R. Delano shall have the use of all the said buildings and grounds belonging to the said Prison, for the purpose of carrying out the terms of this agreement.

9. And the said Delano further agrees that for the second term of five years, that he will pay to the Territory, for the use of said Prison, the sum of five hundred dollars per year, subject to the same conditions as for the first five years, except the paying over of one-half the profits.

F. R. DELANO.

Stillwater, M. T., Feb. 21, 1853.

Mr. Wilcox, from the Committee on Territorial Expenditures, made the following report :

The Committee on Territorial Expenditures, to whom was referred the petition of David Osborn, for compensation for assessing property and collecting taxes in the County of Wabasha, for the year 1852, have had the same under consideration, and beg leave to report :

That your Committee are of the opinion that the act of the 6th of March, 1852, entitled "An act to provide for the collection of Territorial taxes in unorganized coun-

ties," fully empowered the Governor to appoint said Osborn to be assessor and collector for said county.

Your Committee find that the said Osborn was duly appointed and commissioned to said office, and that he had attended faithfully to the duties of said appointment, and that said Osborn has paid over the amount collected by him to the Territorial Treasurer, and also, that he has made his returns to the Territorial Auditor, as by law required.

Your Committee are unable to find that any provision has been made to defray the expenses attending the assessing of property and the collecting of taxes in unorganized counties, and while your Committee cannot endorse the propriety of continuing in force a law in relation to the raising of revenue, which does not bear equally upon all, yet as the law under which Mr. Osborn was appointed and acted is now in full force, they are clearly of the opinion that some provision should be made for the relief of the petitioner, and accordingly herewith introduce a bill for this purpose.

N. GREENE WILCOX, }
R. P. RUSSELL, } Com.
J. C. RAMSEY, }

No. 31, (H. of R.) "A bill for the relief of David Osborn, which accompanied the above report, was then read a first and second times, and laid on the table to be printed.

Mr. Stimson, from the Committee on Roads, made the following report :

The Committee on Roads, to which was referred bill No. 19, (H. of R.) "A bill to amend the Revised Statutes,"

Would respectfully report, that they have considered the same, and are of opinion that the alteration proposed by this bill to the Statute now in force, would be injudicious, as the amount of labor now required to be performed on roads is no more than is necessary to keep them in repair. Your Committee are therefore of opinion that the bill should not pass.

ALBERT STIMSON, }
JOHN McKEE, } Com.

Bills on a third reading being in order, and

No. 19, (H. of R.) "A bill to amend the Revised Statutes,"

Then coming up for the action of the House, and the question recurring on the passage of the bill,

And the ayes and nays being called for and ordered, there were yeas 9, nays 6.

Those who voted in the affirmative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, Truax, Wells and Wilcox.—9.

Those who voted in the negative were

Messrs. Ames, Ludden, McKee, Ramsey, Stimson and Speaker.—6.

So the bill passed.

The title of the bill was then agreed to.

On motion of Mr. Murray,

The vote by which the House agreed to the title of the bill was re-considered, and

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

Mr. Murray moved to amend the title of the bill as follows :

Amend the title by inserting between the words "amend" and the "Revised Statutes," the words "article ten of."

Which motion prevailed.

The title as amended was then agreed to.

On motion of Mr. Murray,

No. 22, (H. of R.) "A bill to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls,"

Was taken from the table, and the question recurring on ordering the bill to be engrossed for a third reading,

Mr. Murray moved to amend the bill as follows :

In section 1, line 1, after "James Meredith," insert "Charles Conway and Joseph LaBonne."

Which motion prevailed.

Mr. Murray moved further to amend to amend the bill by adding in the first section of the bill the following words, to wit :

"Also to locate and mark a road from St. Paul by way of Little Canada, to intersect the above road between St. Anthony and Taylor's Falls, at the nearest practicable point to Little Canada."

The amendment was adopted.

Mr. Ludden moved further to amend the bill, as follows :

Strike out in the second section all after the word "practicable," and insert the words :

"The expense of the same to be paid by the Counties through which the above described roads may pass. The above named Commissioners shall decide the proportion and amount of such expense to be paid by each County through which the roads may be located, and notify the Commissioners of each of said Counties of the same."

Which amendment was adopted—ayes 9, noes not counted.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER : The Council has passed :

No. 2, (C. F.) "A bill to incorporate the Mississippi and Lake Superior Railroad Company."

And also,

No. 2, (C. F.) "A Memorial to Congress for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad."

And also,

No. 11, (C. F.) "A bill for an act to authorize the exercise of all Equity jurisdiction in the form of civil actions, and for other purposes."

And also,

No. 17, (C. F.) "A bill for an act to incorporate the Northwestern Railroad Company."

And also,

No. 5, (C. F.) "A bill for an act for the restriction of the sale of Intoxicating Liquors within the Territory of Minnesota."

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

I herewith transmit sundry papers relative to No. 5 (C. F.)

The Secretary then withdrew.

No. 22, (H. of R.) "A bill to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls,"

Was then ordered to be engrossed for a third reading.

Mr. Ames, from the Committee appointed to confer with a similar committee on the part of the Council, on the disagreeing vote of the two Houses on

No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company, made the following report, viz. :

The Joint Committee of Conference, to whom was referred No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company," respectfully recommended that the Council concur in the first disagreeing amendment, and that the House of Representatives recede from the second amendment, and last disagreeing amendment.

W. H. FORBES, Council.

A. E. AMES, H. of R.

The question then recurring on the adoption of the report of the Committee, It was decided in the affirmative;

So the report was adopted.

On motion of Mr. Ames,

The Message of the Council was taken up, and the rules being suspended,
No. 2, (C. F.) "A memorial for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad,"

No. 2, (C. F.) "A bill for an act to incorporate the Mississippi and Lake Superior Railroad Company,"

No. 17, (C. F.) "A bill for an act to authorize the exercise of equity jurisdiction in the form of civil actions, and for other purposes,"

No. 11, (C. F.) "A bill for an act to incorporate the Northwestern Railroad Company,"

Were severally read a first and second times, and laid on the table for the action of the House in Committee of the Whole.

No. 5, (C. F.) "A bill for an act for the restriction of the sale of Intoxicating Liquors in the Territory of Minnesota,"

Was then read a first and second time, when,

On motion of Mr. Murray,

The bill was laid on the table, and ordered to be printed as amended by the House.

The following message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz.:

MR. SPEAKER: The Council has concurred in the report of the Joint Committee of Conference on

No. 6, (C. F.) "A bill for an act to incorporate the Louisiana and Minnesota Railroad Company."

And the bill is herewith returned for the further consideration of the House of Representatives.

The Secretary then withdrew.

Mr. Murray asked and obtained leave to introduce the following resolution:

Resolved, That two hundred and fifty copies of all Memorials, Petitions, or Remonstrances, relating to the passage of a law prohibiting the traffic in liquors, be printed for the use of this House.

The question then recurring on the adoption of the resolution,

Mr. Ludden moved to amend the resolution as follows:

Provided, That the individuals whose names appear upon the printed document shall provide the means for defraying the expense of printing the same.

Mr. Ramsey moved to amend the amendment by adding the following viz.:

CONSTITUTIONAL QUESTION.

For more than two centuries the traffic in intoxicating liquors has been licensed and regulated by law; and under the ordinances for trade, the Constitution of the United States has made certain provisions for the reception and disposition of brandies, &c., received from foreign countries. In the general burst of indignation against the traffic called by a distinguished jurist "a traffic in the souls and bodies of men," laws have been passed which, in their operation, would bar those articles from sale. A question has hence arisen, Is not such entire prohibition in conflict with the laws of the General Government? The question first came up in a legal form in the State of Massachusetts, in 1837, in an exception to the conviction of Benjamin Kimball, for selling spirituous liquors without license, which conviction was considered null and void, on the ground that a law, prohibiting the sale of liquors without license, was at variance with the laws and Constitution of the United States. The Supreme Judicial Court, in this case, decided that all licenses and prohibitory statutes fall within the powers necessary to the police, internal regulation, and welfare of the community, and do not in the least interfere with the Constitution of the United States. A very able argument was made on this point by the Hon. Peleg Sprague. The question came up

again in 1845, in appeal of Samuel Thurlow from a decision of the Courts in Massachusetts to the Supreme Court of the United States. The case was argued before that high tribunal by Messrs. Webster, Choate and Hallett, for the plaintiff; and Asahel Huntington of Salem, for the State. Mr. Webster argued that Congress alone has the power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; and that while the law of Congress authorises importation for the sale or consumption, the law of the State prohibits all sale and consumption, and thus renders invalid the law of the nation. "The right," said he, "to import, implies the right to sell, to the unrestricted use of all the channels of commerce, even the most minute to the consumer." In opposition to Mr. Webster, Mr. Davis for the State, argued that police laws "may be carried to any extent the public welfare demands. If the health, the morals, and the welfare of the public demand the exclusion of an evil there is a right to shut it out, regardless of revenue and private interest. If excessive indulgence in the use of intoxicating drinks be an evil, it is the right of the Legislature to guard against it by wise and prudent legislation. This restraint upon the sale of spirits, only follows out a principle maintained and enforced in all ages by civilized nations."

Mr. Webster, in reply, "agreed that the retail trade should be regulated; that the State was the sole and uncontrolled judge of her policy; and that he claimed for the court no power to review her decision on that point. He only claimed that State laws must yield when they come in conflict with the acts of Congress." The court unanimously decided that the law of Massachusetts, forbidding the sale in less quantities than twenty-eight gallons, and the law of New Hampshire, forbidding the sale in any quantity "were not inconsistent with the Constitution of the United States, nor with any acts of Congress." And they fully established the right of a State to prohibit entirely the sale of intoxicating drinks.

Chief Justice Taney:—"Every State may regulate its own internal traffic, according to its own judgment, and upon its own views of the interest and well being of its citizens. I am not aware that these principles have ever been questioned. If any State deems the retail and internal traffic in ardent spirits, injurious to its citizens, and calculated to produce idleness, vice, and debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, or from prohibiting it altogether, if it thinks proper. The law of New Hampshire is a valid law; for although the gin sold was an import from another State, and Congress have already the power to regulate such importations, yet as Congress has made no regulation on the subject, the traffic in the article may be lawfully regulated by the State, as soon as it is landed in its territory; and a tax imposed upon it, or a license required, or the sale altogether prohibited, according to the policy which the State may suppose to be its interest or its duty to pursue." All the associate Justices agreed with the Chief Justice in this result.

Mr. Justice McLean:—"The acknowledged police power of a State extends often to the destruction of property. A nuisance may be abated. It is the settled construction of every regulation of commerce, that no person can introduce into a community malignant diseases, or anything which contaminates its morals, or endangers its safety. Individuals in the enjoyment of their own rights, must be careful not to injure the rights of others.

Mr. Justice Catron:—"I admit as inevitable that if the State has the power of restraint by licenses to any extent, she has the discretionary power to judge of its limit, and may go to the length of prohibiting sales altogether, if such be her policy; and that if this Court cannot interfere in the case before us, neither could we interfere in the extreme case of exclusion."

Mr. Justice Daniel entirely concurred in the decision of the court, but protested against the doctrine that the State cannot control the sale of an imported article by the importer, or in the original bulk or quantity.

Mr. Justice Woodbury:—"There is no contract, expressed or implied in any act of Congress, that the owners of property, whether importers or purchasers from them, shall sell their articles in such quantities, or at such times as they please, within the respective States. Nor can they expect to sell on any other or better terms than are

allowed by each State to all its citizens. I go further on this point than some of this court, and wish to meet the case in front, and in its worst bearings. If these laws were in the nature of partial or entire prohibition; to sell certain articles within the limits of a State, as being dangerous to public health or morals, it does not seem to me that their conflict with the Constitution would be clear. Whether such laws could be classed as police measures, or regulations of their internal commerce is of little consequence, if they are laws which, from their nature and object, must belong to all Sovereign States. Call them by whatever name, if they are necessary to the well-being and independence of all communities, they belong to the reserved rights of the States. The States stand properly on their own powers and sovereignty, to judge of the expediency and wisdom of their own laws."

Mr. Justice Grier:—"It is not necessary to array the appalling statistics of misery, pauperism, and crime, which have their origin in the use or abuse of ardent spirits. The police power, which is exclusively in the States, is alone competent to the correction of these great evils, and all measures of restraint or prohibition necessary to effect the purpose, are within the scope of that authority. If a loss of revenue should accrue to the United States, from a diminished consumption of ardent spirits, she will be the gainer, a thousand fold, in the health, wealth, and happiness of the people."

This decision gave universal joy to the friends of temperance throughout the country. Has it any bearing upon the Maine Law? It certainly has. "There is but one particular feature," says a distinguished legal writer, "on the face of this law, which did not present itself in the great Massachusetts case. The laws of Massachusetts had not contemplated the seizure and destruction of property. Yet the right to destroy as included in the general power of self-protection, is clearly presented. 'The laws,' says Justice Grier, 'seize the infected cargo and cast it overboard, not from any power which the State assumes to regulate commerce, or interfere with the regulations of Congress, but because police laws for the prevention of crime, and protection of the public welfare, must of necessity have full and free operation, according to the exigency that requires their interference.'"

"There is nothing novel in the destruction of private personal property, for the public good, from the entire cargoes of Smyrna figs to boxes of rotten oranges. Counterfeit money is private property. Dogs are private property. Obscene books and pictures are private property. The implements of gambling are private property. Yet all these things are notoriously destroyed, without the least regard to the sacrifice."—L. M. Sargeant.

By a law of Congress, for 1834, it is made the duty of all Indian Agents to search boats, stores and packages suspected of holding spirituous liquors or wines, in the Indian country:

"And if any such spirituous liquors or wine be found, the goods, boats, packages, or peltries of such persons, shall be seized and delivered to the proper officer, and shall be proceeded against by libel, in the proper court, and forfeited. And it shall, moreover, be lawful for any person in the United States service, or for any Indian or white person, to take and destroy any such liquor or wine as they may find in the Indian Territory, not used as supplies for the army."—U. S. Laws.

Said Gov. Hubbard, of Maine, on a late occasion:—"He would not discuss the constitutionality of the law. He would only say, that if men can legislate for the extermination of ravenous beasts, we may for the extermination of this greatest of all evils, which reduces the form divine to a condition worse than that of savages." The constitutionality of the Maine Law and of all prohibitory statutes for the good of the people, must be viewed as settled, and not again to be agitated. *Salus populi suprema lex.*—For the N. Y. State Temperance Society, American Temperance Union, 149 Nassau-st. New York.

Pending the reading,

Mr. Lott moved to dispense with further reading,

Which motion was negatived—ayes 6, noes 7.

Mr. Lott moved the amendment be read by its title,

Which was lost.

The amendment having been read, the question was taken on the adoption of the amendment to the amendment,

And it was decided in the negative—ayes 6, noes 8.

The original amendment was then lost—ayes 7, noes 8.

The question was then taken on the adoption of the resolution,

And the ayes and noes being called for and ordered, there were—ayes 9, and noes 6.

Those who voted in the affirmative were,

Messrs. Lott, Murray, McKee, Noot, Oliver, Stimson, Truax, Wells and Wilcox—9.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Russell, Ramsey and Speaker—6.

So the resolution was adopted.

Mr. Lott moved that the House do now adjourn,

And the ayes and noes being called for and ordered, there were ayes 3, noes 12.

Those who voted in the affirmative were,

Messrs. Lott, Oliver and Russell—3.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Murray, McKee, Noot, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

So the House refused to adjourn.

On motion of Mr. Murray,

No. 2, (C. F.) "A bill for an act to incorporate the Mississippi and Lake Superior Railroad Company,"

Was taken up, and

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Murray in the Chair, for the consideration of said bill.

After some time passed therein, the Committee rose, and by the chairman, reported the bill back to the House with amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

Mr. Wilcox asked that the amendments be read, and the question on the amendments taken separately.

The first amendment was then concurred in.

The second amendment was then non-concurred in.

The third and all the other amendments were then concurred in.

Mr. Ames then moved to amend the bill as follows:

Add after the name "McKaine," the names "J. W. North, Emanuel Case, R. P. Russell."

The amendment was then agreed to.

Mr. Ames then moved a suspension of the rules to permit the bill to be read a third time now, by its title,

Which was decided in the affirmative by a two-thirds vote.

And the bill was then read a third time by its title, passed, and the title agreed to.

On motion of Mr. Murray,

The House adjourned.

FRIDAY MORNING, 10 O'CLOCK.

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

Prayer by the Rev. Mr. Chamberlain.

The roll being called a quorum answered to their names.

The reading of the Journal of the proceedings of the House on yesterday being now in order,

On motion of Mr. Wells,

The reading of the Journal was dispensed with.

Mr. Wilcox offered the following resolution, which was read and adopted, viz :

Resolved, That the Chief Clerk of this House be instructed to call upon the Council and request that body to return to this House, House Bill No. 10, for its further action.

Mr. McKee presented a petition from G. W. Sweet, for a ferry across the Mississippi river opposite Sauk Rapids, which

On motion of Mr. McKee,

Was referred to the committee on Incorporations.

Mr. McKee from the Committee on Estates and Escheats, made the following report :

The committee on Estates and Escheats, to which was referred the petition and letters of Daniel F. Brawley and Henrietta, and I. N. Goodhue, have had the same under consideration, and have agreed to report by bills.

The following bills accompanying the report were then severally read a first and second time and laid on the table to be printed, viz :

No. 32, (H. of R.) "A bill to amend an act entitled 'An act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river at the Upper Landing of the town of St. Paul. Approved February 27, 1852;'" and

No. 33, (H. of R.) "A bill to amend an act entitled 'An act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.' Approved February 27, 1852."

Mr. Ames gave notice that he would on to-morrow or Monday next offer a resolution relative to the suspension of the 37th rule of this House, which requires bills, &c., to lay on the table one day after being printed.

Mr. Ames from the Committee on Territorial Affairs, reported

No. 34, (H. of R.) "A bill fixing the terms of the District Court in the county of Hennepin,"

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

Mr. Oliver 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. 13, (H. of R.) "A Bill to amend an act to incorporate the town of St. Paul in the county of Ramsey,"

No. 17, (H. of R.) "A bill to incorporate the town of Mendota in the county of Dakota,"

L. M. OLIVER,
Committee.

Bills on the second reading being now in order,

On motion of Mr. Murray,

No. 2, (C. F.) "A memorial to Congress for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad,"

Was laid on the table—ayes 8, nays 4.

No. 17, (C. F.) "A bill for an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,"

Then coming up in order,

On motion of Mr. Ames,

The bill was laid on the table and made the special order of the day for Monday next.

Mr. Murray moved a suspension of the rule of order so as to permit at this time a motion to amend the proceedings of yesterday,

Which motion was lost.

On motion of Mr. Ames,

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

No. 11, (C. F.) "A bill for an act to incorporate the North-western Railroad company."

After some time passed therein, the committee rose, and by the Chairman, reported the bill back to the House with sundry amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole.

Mr. Wells called for the reading of the amendments, and asked that the question be taken on them separately, which was ordered and the amendments being then read, they were severally adopted.

The following message was received from the Council by A. T. C. Pierson, Esq., Secretary, viz:

MR. SPEAKER:—The Council has passed No. 16, (C. F.) "A bill to incorporate the Minnesota Western Railroad company."

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

The Secretary then withdrew.

The question then recurring on ordering to a third reading,

No. 17, (C. F.) "A bill for an act to incorporate the North-western Railroad company,"

Pending the question,

Mr. Ludden moved to amend the bill by striking out the enacting clause.

And the ayes and nays having been called for and ordered, there were ayes 11, nays 5.

Those who voted in the affirmative were,

Messrs. Ames, Ludden, Murray, McKee, Noot, Randall, Russell, Stimson, Wells, Wilcox and Speaker—11.

Those who voted in the negative were,

Messrs. Dutton, Lott, Oliver, Ramsey and Truax—5.

So the enacting clause was stricken out.

Bills ready for a third reading being now in order,

No. 13, (H. of R.) "A bill to amend an act to incorporate the town of St. Paul in the county of Ramsey,"

Was taken up, and 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.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 10, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Russell, Truax, Wilcox and Speaker—10.

Those who voted in the negative were

Messrs. Ludden, McKee, Randall, Ramsey, Stimson and Wells—6.

So the bill passed.

The title of the bill was then agreed to.
No. 17, (H. of R.) "A bill to incorporate the town of Mendota in the county of Dakota."

Then coming up, and the question recurring on ordering the bill to a third reading, it was decided in the affirmative, and

On motion of Mr. Ames,
The bill was ordered to be read a third time by its title by a two-thirds vote.
The bill was read a third time.

The question then recurring on the passage of the bill,
And the yeas and nays being called for and ordered, there were yeas 13, nays 3.

Those who voted in the affirmative were,
Messrs. Ames, Dutton, Ludden, Lott, McKee, Noot, Oliver, Randall, Russell, Stimson, Truax, Wilcox and Speaker—13.

Those who voted in the negative were,
Messrs. Murray, Ramsey, and Wells—3.

So the bill passed.
The title was then agreed to.

On motion of Mr. Wilcox,
The rules of order were suspended by a two-thirds vote, and,
Mr. Ramsey offered the following resolution, which was read, viz:

Resolved, That the Chief Clerk of this House is hereby authorized and required so to alter the Journal of the proceedings of this House of yesterday, as to add the following words to the resolution of yesterday authorizing the printing of the petitions and remonstrances relative to the passage of the Liquor Law, viz: "and also the constitutional question pamphlet, containing the decisions of sundry Justices," &c.; and also to strike out the words where they occur in the Journal, "Mr. Ramsey moved to amend the amendment by adding the following, viz:" so as to meet the intentions of the mover of the amendment to the amendment to the resolution offered on yesterday,

The question then recurring on the adoption of the resolution,
And the ayes and noes being called for and ordered, there were ayes 10, and nays 6.

Those who voted in the affirmative were
Messrs. Dutton, Lott, Murray, McKee, Noot, Oliver, Ramsey, Stimson, Wilcox and Speaker—10.

Those who voted in the negative were,
Messrs. Ames, Ludden, Randall, Russell, Truax and Wells—6.

So the resolution was adopted.
Mr. McKee moved that the House do now adjourn to two o'clock this afternoon,
Which was decided in the negative, ayes 7, nays 5.

On motion of Mr. Ludden,
The House adjourned until half past two o'clock, this afternoon.

HALF PAST TWO O'CLOCK, P. M.

The House was called to order by the Speaker in pursuance to adjournment.
And the roll being called and a quorum not being in attendance,
The Sergeant-at-Arms was directed to report a quorum in their seats.
The Sergeant-at-Arms reported a quorum present.

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, having under consideration

No. 24, (H. of R.) "A bill to provide for laying out a Territorial road from Red Wing to the crossing of Cannon river," and

No. 25, (H. of R.) "A bill to provide for laying out a Territorial road from Mount Vernon to the Minnesota river."

After some time passed therein, the Committee rose, and by their Chairman reported the bills back to the House without amendment.

The report of the Committee was accepted.

The question then recurring on ordering to be engrossed

No. 24, (H. of R.) "A bill to provide for laying out a Territorial road from Red Wing to the crossing of the Cannon River."

Mr. Wells moved to amend the bill by striking out in the second line the word "Goodhue," and inserting in lieu thereof the word "Wabashaw,"

Which motion prevailed.

The bill was then ordered to be engrossed for a third reading.

The question then recurring on ordering to be engrossed for a third reading,

No. 25, (H. of R.) "A bill to provide for laying out a Territorial road from Mount Vernon to the Minnesota river."

Mr. Wells moved to amend the bill by striking out the word "Fillmore" in the second line of the bill, and inserting in lieu thereof the word "Wabashaw;"

Which motion prevailed.

Mr. Murray moved further to amend the bill by striking out in the second section, the words "Territorial Treasury, provided they do not exceed one hundred dollars," and inserting in lieu thereof the words, "county treasury of the counties through which said road passes, upon the warrant of the commissioners named in the first section."

And the yeas and nays being called for and ordered, there were yeas 8, nays 4.

Those voting in the affirmative were;

Messrs. Dutton, Lott, Murray, Noot, Oliver, Russell, Stimson and Truax—8.

Those who voted in the negative were,

Messrs. Ames, McKee, Wells and Speaker—4.

So the amendment prevailed.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Wells moved that the bill be indefinitely postponed,

Which was decided in the negative—ayes 3, noes 8.

Mr. Ames moved that the further consideration of the bill be postponed until the fourth day of July next,

Which motion prevailed—ayes 8, noes 6.

Mr. Murray moved a re-consideration of the vote by which the House ordered to be engrossed,

No. 24, (H. of R.) "A bill to provide for laying out a Territorial road from Red Wing to the crossing on Cannon river,"

Which motion prevailed—ayes 6; nays 3.

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

Mr. Murray moved to amend the bill by adding a new section as follows, viz:

Sec. 3. The expenses thereof shall be paid out of the county Treasury of the counties through which said road passes, upon the warrant of the commissioners in the first section.

And the yeas and nays being called for and ordered, there were yeas 6, nays 6.

Those who voted in the affirmative were,

Messrs. Lott, Murray, Noot, Oliver, Stimson and Truax—6.

Those voting in the negative were,

Messrs. Ames, Dutton, Ludden, McKee, Wells and Speaker—6.

So the amendment was not adopted.

The question again recurring on ordering the bill to be engrossed for a third reading,

And the ayes and noes being called for and ordered, there were ayes 3, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, McKee and Wells—3.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Murray, Noot, Oliver, Stimson, Truax and Speaker—9.

So the House refused to order the bill to be engrossed.

Mr. McKee from the committee on Territorial roads asked and obtained leave to report by bill, and

No. 87, (H. of R.) "A bill to provide for laying out a Territorial road from Cannon river to the new Fort on the Minnesota river,"

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

Mr. Ludden from the joint committee on enrolled bills made the following report :

The joint committee on Enrolled Bills respectfully report, that they did on the 25th day of February present to his Excellency the Governor, for his approval, the following :

No. 2, (H. of R.) "A bill entitled 'an act to incorporate the Baldwin School in the town of St. Paul,'"

No. 5, (H. of R.) "A bill entitled 'an act to change the time of holding the general election in the several precincts of the county of Pembina,'"

No. 11, (H. of R.) "A bill entitled 'An act to incorporate the Hennepin county Agricultural Society,'"

No. 2, (H. of R.) "A memorial to Congress relative to school lands," and
"Joint Resolution authorizing the Secretary of the Territory to purchase copies of the annals of the Minnesota Historical Society."

G. W. FARRINGTON, } Com.
J. D. LUDDEN, }

Mr. Stimson from the Committee on Territorial Roads, asked and obtained leave to make the following report :

The Committee to whom was referred the petition of George W. Prescott and others praying for the alteration of the western terminus of the Willow River and St. Anthony road, having examined the same are of opinion that the prayer of the petitioners should be granted, and ask leave to present the accompanying bill.

The Committee have also had under consideration the petition of Wm. H. Johnson and others praying for an alteration in the St. Paul and Point Douglass Territorial road and believe that the alteration asked for, should be made and for this purpose recommend the passage of the accompanying bill.

ALBERT STIMSON,
JOHN MCKEE,

Committee on Roads.

The bills accompanying said report, viz :

No. 35, (H. of R.) "A bill to amend an act entitled an act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix opposite Willow river," and

No. 36, (H. of R.) "A bill to provide for an alteration of the St. Paul and Point Douglass road."

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

Mr. Stimson asked and obtained leave to introduce sundry petitions relative to the re-enactment of a liquor-law.

On motion of Mr. Ames,

The petitions were laid on the table to be printed with the other petitions on the same subject.

Mr. Oliver 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. 22, (H. of R.) "A bill to provide for laying out a Territorial road from St. Anthony to Taylor's Falls."

L. M. OLIVER,
Committee.

House bills ready for a Committee of the Whole being now in order,

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. Lott in the chair, having unde consideration,

No. 27, (H. of R.) "A Bill to incorporate colleges, seminaries, churches, lyceums, and libraries," and

After some passed therein, the committee rose and reported the bill back to the House, with amendments.

The question then recurring on the adoption by the House, of the amendments proposed by the Committee of the Whole,

The amendments were concurred in.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Dutton moved to amend the bill as follows :

"Insert after the word 'Lyceum' in the fourth line of the first section, the words 'Masonic, or Odd Fellow's Lodges, or Temperance Societies,'"

And the ayes and noes being called for and ordered, there were ayes 3, noes 9.

Those who voted in the affirmative were,

Messrs. Dutton, Stimson and Speaker—3.

Those who voted in the negative were,

Messrs. Ames, Ludden, Lott, Murray, McKee, Noot, Oliver, Truax and Wells—9.

So the amendment did not prevail

The question then recurring on ordering the bill to be engrossed for a third reading, It was decided in the affirmative.

So the bill was ordered to be engrossed.

On motion of Mr. Ames,

The engrossing of the bill was dispensed with by a two-thirds vote, and

On motion of Mr. Ames,

The bill was ordered to be read a third time now.

On motion of Mr. Ames,

The bill was then read a third time by its title.

The bill was then passed and the title was agreed to.

On motion of Mr. McKee,

The House then resolved itself into a Committee of the Whole, Mr. McKee in the chair, having under consideration

No. 26, (H. of R.) "A bill relative to the militia of this Territory,"

After some time passed therein, the committee rose, and by the chairman reported the Bill back to the House without amendment,

The report of the committee was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading, It was decided in the negative—ayes 4, noes 8.

Miscellaneous business being now in order,

On motion of Mr. Wilcox,

No. 22, (H. of R.) "A bill to provide for laying out a Territorial road from St. Anthony to Taylor's Falls,"

Was taken up, ordered to a third reading and read a third time.

The question then recurring on the passage of the bill,

Mr. Ludden asked and obtained the unanimous consent of the House to amend the bill, by striking out the word, "two," where it occurs in the first line of the second section, and inserting in lieu thereof the word "three."

The bill was then passed and the title agreed to.

On motion of Mr. Murray,

The Message of the Council was taken up, when

No. 16, (C. F.) "A bill to incorporate the Minnesota Western Railroad company."

Was taken up, and

On motion of Mr. Ames,

The bill was read a first and second time by its title, and laid on the table for the action of the House in Committee of the Whole.

The message from the Council being disposed of,

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. Wilcox in the Chair, having under consideration,

No. 16, (C. F.) "A bill to incorporate the Minnesota Western Railroad Company."

And after some time passed therein, the committee rose and by their Chairman, reported the bill back to the House without amendment.

The report of the committee was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Ames moved to amend the bill so as to strike out the word "repeal," in the last section, and make the section read that "the Legislature may amend or alter."

Which motion prevailed.

The following Message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz:

MR. SPEAKER:—The Council has passed No. 1, (H. of R.) "A bill to provide for laying out a Territorial road from the Falls of St. Anthony to the western boundary of Sibley county."

The Council has indefinitely postponed No. 20, (H. of R.) "A bill prescribing the manner of contesting the election of members of the Legislative Assembly of this Territory,"

The Council has passed the following resolution:

Resolved, That the Secretary of the Council be instructed to inform the House that in accordance with their resolution calling for No. 10, (H. of R.) have to say that the bill is on the Council table, and yet in existence; otherwise the House would have been informed. Any final action which may be had on said bill, the House will be so notified, in accordance with Joint rules No. 8.

The Secretary then withdrew.

On motion of Mr. Ames,

All rules prohibiting the third reading and passage now of No. 16, (C. F.) "A bill to incorporate the Minnesota Western Railroad Company."

Were suspended by a two-thirds vote, and

On motion of Mr. Ames,

Said bill was then ordered to be read a third time by its title, was accordingly read a third time, passed, and the title agreed to.

On motion of Mr. Murray,

The House adjourned until Monday next at two o'clock, P. M.

MONDAY AFTERNOON, 2 o'clock.

The House was called to order by the Speaker, in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll being called, a quorum answered to their names.

The reading of the journal of the proceedings of the House on yesterday being now in order,

On motion of Mr. Murray,

The reading of the Journal was dispensed with.

Mr. Ames offered the following resolution, which was read and adopted, viz. :

Resolved, That so much of the Rule 37, as requires bills to lay on the table one day after being printed, be and the same is hereby dispensed with for the remainder of the session of the Assembly.

Mr. McKee presented a remonstrance from 70 citizens of St. Anthony, and 52 from Benton county, against the passage of the Maine Liquor Law.

Which remonstrance was laid on the table.

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

"A bill for the laying out of a Territorial Road from the Falls of the Vermilion River to the Iowa state line."

Mr. Wilcox gave notice of leave to introduce

"A bill to amend Sec. 14 of article 10, of the Revised Statutes."

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

"A bill to incorporate the St. Paul Hydraulic Company."

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

"A bill to amend the apportionment bill of 1851."

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

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

No. 18, (H. of R.) "A bill amendatory to the school law."

J. ROLETTE,
L. M. OLIVIER, } Com.

Mr. Russell, from the Committee on public buildings, made the following report :

REPORT OF THE JOINT COMMITTEE ON PUBLIC BUILDINGS.

TERRITORIAL PRISON.

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

The Committee on Public Buildings would respectfully present the following report :

That in accordance with a joint resolution, in conjunction with a similar committee from the Council, and the Board of Building Commissioners, they did, on Saturday, the 19th day of February, 1853, proceed to the Territorial Prison, situated about one mile north of the town of Stillwater, and after a careful examination of the Prison, and other buildings connected with it, they found them ready for occupancy, and completed according to the plans and specifications thereof; except in the following particulars, to wit:—The hanging of the cell doors, (which are ready on the premises) laying of the cell floors in cement, a small amount of painting, and fencing in of the Warden's

house, all of which can be accomplished in a few days, at a cost of about two or three hundred dollars.

The Prison contains six good and well-secured cells; two on each floor, with arched ceiling, and opening into large halls, from which they can be heated. There are also various other apartments suitable for overseers, keeper, and cooking purposes; and also a large room in the third story, suitable for Hospital purposes or Divine Worship.

The outer cell windows are substantially secured with heavy iron bars secured in stone work. The main walls of the Prison building are twenty-five feet high, forty-five feet long, thirty feet wide, and eighteen inches thick; and are finished in a good substantial, and workmanlike manner.

The wall surrounding the Prison building is finished and substantially constructed according to specification, and encloses an area of two hundred feet by two hundred and eighty-eight feet; fourteen feet high, four feet thick at base, and tapering to two and a half feet at top.

The Prison is also supplied with the required number of hand-cuffs, shackles, chains and locks for the securing of prisoners.

The building erected for the use of the Warden is a neat, two story stone house, forty-five by thirty feet, containing six rooms, with the necessary pantries and closets, and cellar under ground. For further particulars, the Committee would refer to Commissioners' report.

On the whole, the buildings present a fine appearance, and are a credit to the Territory, as well as to the efficient Board of Commissioners, under whose direction they were constructed.

The contractors, also, deserve much praise for the early completion of that much-needed building, which will now afford a safe place of confinement for the offenders of law and perpetrators of crime.

Your Committee would recommend a further expenditure of six thousand dollars for the erection of shops, filling up of low grounds on two sides of the enclosure, opening of road in front of the buildings, and the fencing in of the balance of the Prison grounds.

Your Committee would say in conclusion, that it is important to have the foundation of the Warden's building protected by embankment or piers, the wall on two sides having settled so much as to injure the walls very much, owing, as the Committee suppose, to its location being in a sloping ravine, forming a basin which drains the surrounding country, and the quicksands on which said foundation stands are liable to be undermined at any time.

GEORGE W. FARRINGTON,
Council.

R. P. RUSSELL,
House of Representatives.

CAPITOL.

The Committee would also report, that they have, in like manner, examined the Capitol building, situated in St. Paul, and regret that they cannot report the same degree of proficiency towards its completion, as in the case of the Territorial Prison.

The Committee find, by referring to the Commissioners' Report, that the sum of nineteen thousand, five hundred and seventy-nine dollars and eighty-four cents, has been appropriated and paid for material furnished, work done, office-rent and salaries, leaving in the treasury a balance of four hundred and twenty dollars and sixteen cents.

They have also referred to the Superintendent's Report, and find that Joseph Daniels has not completed his contract by twenty-one hundred dollars.

The Committee also find, on examination, that a further appropriation will be necessary to complete said Capitol building, and would urge upon your Honorable body the necessity of memorializing Congress, in a suitable manner, for the same.

All of which is respectfully submitted,

GEO. W. FARRINGTON,
Council.

R. P. RUSSELL,
House of Representatives.

Bills ready for a third reading being now in order,
No. 18, (H. of R.) "A bill amendatory of the School Law,"
Was taken up.

The question then recurring on ordering the bill to a third reading,
And the ayes and noes being called for and ordered, there were ayes 5, noes 12.

Those who voted in the affirmative were,
Messrs. Lott, Murray, Noot, Oliver and Rolette—5.

Those who voted in the negative were,
Messrs. Ames, Dutton, Ludden, McKee, Randall, Russell, Ramsey, Stimson,
Truax, Wells, Wilcox and Speaker—12.

So the House refused to order the bill to be read a third time.

Bills ready for a Committee of the Whole being now in order,
No. 5, (C. F.) "A bill for an act for the restriction of the sale of Intoxicating Li-
quors within the Territory of Minnesota,"

Made the special order of the day for this day, now coming up,

On motion of Mr. Murray,
The House resolved itself into a Committee of the Whole, Mr. Murray in the chair,
having said bill under consideration.

During the session of the Committee the Speaker took the chair for the reception of
a Message from His Excellency the Governor, by W. B. White, Esq., his private Sec-
retary.

Before the Speaker left the chair, the following message was received from the
Council by A. T. C. Pierson, Esq., the Secretary, viz.:

MR. SPEAKER: The Council has concurred in the first, second, third, fourth, and
sixth amendments, with amendments to the first and sixth amendments; and has re-
fused to concur in the fifth amendment of the House of Representatives to

No. 2, (C. F.) "A bill entitled an act to incorporate the Mississippi and Lake Su-
perior Railroad Company,"

In all of which the concurrence of the House of Representatives is respectfully re-
quested.

The Council has concurred in the amendment to
No. 16, (C. F.) "To incorporate the Minnesota Western Railroad Company."

The Secretary having withdrawn, the Committee resumed its session.

After further deliberation, the Committee rose, and by the Chairman reported the
bill back to the House with sundry amendments.

The question then recurring on the adoption by the House of the amendments pro-
posed by the Committee of the Whole,

Mr. Ames asked that the question on the amendments be taken separately;

Which was ordered, and the amendments were concurred in.

The question then recurring on ordering the bill to a third reading;

Mr. Wells moved to amend the bill by adding a new section, as follows:
Sec. 19. That nothing in this bill contained shall restrict or prevent the manufacture,
sale or use of wine, beer or cider.

And the yeas and nays being called for and ordered, there were ayes 7, nays 10.

Those who voted in the affirmative were,
Messrs. Lott, Murray, McKee, Noot, Oliver, Rolette and Wells—7.

Those who voted in the negative were,
Messrs. Ames, Dutton, Ludden, Randall, Ramsay, Russell, Stimson, Truax, Wil-
cox and Speaker—10.

So the amendment was not adopted.

Mr. Murray then moved that the bill be referred to the Committee on the Judiciary.

Mr. Ludden moved that the bill be laid on the table;

Which motion was lost, ayes 6; noes 8.

The question then recurring on the motion to refer the bill to the Committee on the Judiciary,

The motion was lost,—ayes 6, noes 10.

Mr. Murray then moved to amend the bill as follows :

Strike out of the 17th section the words "and after its passage," and insert in lieu thereof the words "the first day of January, 1854."

And the ayes and noes being called for and ordered, there were ayes 6, noes 11.

Those who voted in the affirmative were

Messrs. Lott, Murray, McKee, Noot, Oliver and Rolette—6.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Randall, Russell, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—11.

So the motion did not prevail.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER : The Council has refused to pass No. 12, (H. of R.) "A bill to organize certain counties therein named."

The Secretary then withdrew.

The question again recurring on ordering to a third reading, No. 5, (C. F.) "A bill for an act for the restriction of the sale of intoxicating liquors within the Territory of Minnesota."

Pending the question,

Mr. Ludden moved that the bill be laid on the table ;

Which was decided in the negative—ayes 6, noes 8.

The question again recurring, and being put on ordering the bill to a third reading.

And the ayes and noes being called for and ordered, there were ayes 6, noes 11.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Russell, Truax, Wilcox and Speaker—6.

Those who voted in the negative were

Messrs. Ludden, Lott, Murray, McKee, Noot, Oliver, Randall, Rolette, Ramsey, Stimson and Wells—11.

So the bill was not ordered to a third reading.

Mr. Murray then moved a re-consideration of the vote by which the House refused to order to a third reading,

No. 5, (C. F.) "A bill for an act for the restriction of the sale of intoxicating liquors within the Territory of Minnesota."

Pending the question,

Mr. Ludden moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 6, noes 11.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Oliver, Russell, Ramsey and Stimson—6.

Those who voted in the negative were,

Messrs. Ames, Lott, Murray, McKee, Noot, Randall, Rolette, Truax, Wells, Wilcox and Speaker—11.

So the House refused to adjourn.

The question then again recurring on the motion to reconsider,

And the ayes and noes being called for and ordered, there were ayes 8, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, Russell, Stimson, Truax, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Lott, Murray, McKee, Noot, Oliver, Randall, Rolette, Ramsey and Wells—9.

So the House refused to reconsider the vote.

Mr. Lott moved that the House do now adjourn,

And the yeas and nays being called for and ordered, there were yeas 8 nays 9.

Those who voted in the affirmative were

Messrs. Lott, Murray, McKee, Noot, Oliver, Randall, Rolette and Ramsey—8.

Those voted in the negative were

Messrs. Ames, Dutton, Ludden, Russell, Stimson, Truax, Wells, Wilcox and Speaker—9.

So the House refused to adjourn.

Mr. Ludden from the Joint Committee on enrolled bills made the following report :

The Joint Committee on enrolled bills beg leave to report, that they have examined and found correctly enrolled the following entitled bills :

“ A bill entitled an act to incorporate the St. Paul and St. Anthony Railroad Company,”

“ A bill entitled an act to provide for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley County.

GEO. W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

“ A bill entitled an act to incorporate the St. Paul and St. Anthony Railroad Company,” and

“ A bill entitled an act to provide for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley County.”

Were laid on the Speaker's desk, and were by him signed.

No. 11, (C. F.) * A bill for an act to authorize the exercise of all equity jurisdiction, in the form of civil actions, and for other purposes,”

Which had been made the special order of the day for this day, now coming up,

On motion of Mr. Murray,

The House resolved itself into a committee of the whole, Mr. Randall in the chair, having said bill under consideration.

During the session of the Committee, the following Message was received from the Council by A. T. C. Pierson, Esq., the Secretary, and the Speaker took the chair for its reception, viz. :

MR. SPEAKER : The Council has passed No. 17, (H. of R.) “ A bill to incorporate the town of Mendota, in the county of Dakota.”

The Secretary then withdrew.

The Committee then resumed its session, and after some further time passed therein the Committee rose, and by the Chairman reported the bill back to the House, and recommended its indefinite postponement.

The question then recurring on the adoption by the House of the report of the Committee of the Whole,

And the yeas and noes being called for and ordered, there were yeas 6, noes 10.

Those who voted in the affirmative, were

Messrs. Ames, Murray, McKee, Noot, Randall and Wells—6.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Oliver, Ramsey, Russell, Stimson, Truax, Wilcox and Speaker—10.

So the House refused to adopt the report.

The question then recurring on ordering the bill to be read a third time ;
Pending the question,

Mr. Ames moved to amend the bill by striking out the 8th section.

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Murray, McKee, Noot, Truax, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Oliver, Randall, Russell, Ramsey, Stimson and Speaker—9.

So the amendment did not prevail.

Mr. Wilcox then moved that the bill be referred to the Committee on the Judiciary.

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Murray, McKee, Noot, Truax, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Oliver, Randall, Russell, Ramsey, Stimson and Speaker—9.

So the House refused to make the reference.

Mr. McKee then moved that the bill be laid on the table,

Which motion was lost,—yeas 7, nays 8.

Mr. Ames moved the bill be indefinitely postponed.

And the ayes and noes being called for and ordered, there were ayes 6, noes 10.

Those who voted in the affirmative were,

Messrs. Ames, Murray, McKee, Noot, Randall and Wells—6.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Oliver, Russell, Ramsey, Stimson, Truax, Wilcox and Speaker—10.

So the bill was not indefinitely postponed.

Mr. Murray moved that the House do now adjourn.

And the ayes and noes being called for and ordered, there were ayes 8, noes 8.

Those who voted in the affirmative were

Messrs. Murray, McKee, Noot, Oliver, Randall, Ramsey, Truax and Wilcox—8.

Those who voted in the negative were

Messrs. Ames, Dutton, Ludden, Lott, Russell, Stimson, Wells and Speaker—8.

So the House refused to adjourn.

The question again recurring on ordering to a third reading,

No. 11, (C. F.) "A bill for an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,"

And pending the question,

Mr. Randall moved that the bill be referred to the Committee on estates and escheats, with instructions to report to the House to-morrow,

Which was decided in the negative; ayes 6, nays 8.

Mr. Murray moved that the House do now adjourn;

And the yeas and nays being called for and ordered, there were yeas 9, nays 7.

Those who voted in the affirmative were

Messrs. Ames, Murray, McKee, Noot, Oliver, Randall, Ramsey, Truax and Wilcox—9.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Russell, Stimson, Wells and Speaker—7.

So the House adjourned.

TUESDAY MORNING, 10 o'clock.

The House was called to order by the Speaker, in pursuance of adjournment.

Prayer by Rev. Mr. Chamberlain.

The roll was then called, and a quorum answered to their names.

The reading of the Journal of the proceedings of the House on yesterday being now in order,

On motion of Mr. Wells,

The reading of the Journal was dispensed with.

Mr. Wilcox, pursuant to previous notice, asked and obtained leave to introduce

No. 38, (H. of R.) "A bill to amend sec. 14.6f of article 10, chap. 4, of the Revised Statutes."

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

Mr. Dutton, from the Committee on Incorporations, reported back the petition of Geo. W. Sweet, accompanied by the following report, viz. :

The Committee on Incorporations, to whom was referred the petition of Geo. W. Sweet, asking the grant of a charter for a ferry across the Mississippi river, have had the same under consideration, and finding no good reasons why said petition should be granted by the Legislature, would therefore recommend that the Committee be discharged from the further consideration of the subject,

G. B. DUTTON,

Chairman.

The report of the Committee was adopted.

Bills ready for a third reading being now in order,

No. 11, (C. F.) "A bill for an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,"

Was taken up.

The question then recurring on ordering the bill to be read a third time,

Mr. McKee moved that the bill be referred to the Committee on the Judiciary.

Pending the question,

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: The Council has passed the following Resolution:

Resolved, That the Secretary of the Council be instructed to request the House to return to the Council, No. 12, (H. of R.) for their further action on said bill.

The Secretary then withdrew.

The question again recurring on the reference to the Committee on the Judiciary of No. 11, (C. F.) "A bill for an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,"

And the ayes and noes being called for and ordered, there were ayes 4, noes 12.

Those who voted in the affirmative were,

Messrs. Athes, McKee, Noet and Rolette—4.

Those who voted in the negative were,

Messrs. Dutton, Ladden, Lett, Oliver, Randall, Russell, Ramsay, Stinson, Taux, Wells, Wilcox and Speaker—12.

So the bill was not referred.

The question recurring on ordering the bill to a third reading,

Mr. Wilcox moved a call of the House,

Which was ordered,

And, pending the call of the roll,
 On motion of Mr. Randall,
 Further proceedings under the call of the House were dispensed with.
 The question then again recurring on ordering the bill to a third reading,
 Mr. McKee moved to amend the bill by inserting a new section as sec. 15, viz.:

Sec. 15. And be it enacted, That all proceedings by virtue of this act shall apply to the Territorial side of the docket in said court.

Which motion was lost.

Mr. Randall moved further to amend the 15th section of the bill, as follows:
 Strike out the word "immediately," in the 15th section, and insert "from and after its passage;"

Which motion prevailed.

The question then recurring on ordering the bill to be read a third time,
 And the yeas and noes being called for and ordered, there were yeas 12, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Oliver, Randall, Russell, Rolette, Ramsey, Stimson, Truax, Wilcox and Speaker—12.

Those who voted in the negative were

Messrs. Ames, McKee, Noot and Wells—4.

So the bill was ordered to be read a third time.

On motion of Mr. McKee,

The bill was read a third time by its title.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered, there were yeas 12, and nays 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Oliver, Randall, Russell, Rolette, Ramsey, Stimson, Truax, Wilcox and Speaker—12.

Those who voted in the negative were

Messrs. Ames, McKee, Noot and Wells—4.

So the bill passed.

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

And the yeas and noes being called for and ordered, there were yeas 12, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Oliver, Randall, Russell, Rolette, Ramsey, Stimson, Truax, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Ames, McKee, Noot and Wells—4.

So the title was agreed to.

Bills ready for a Committee of the Whole, being now in order,

On motion of Mr. Ames,

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

No. 28, (H. of R.) "A bill to establish Weights and Measures."

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

The report of the Committee was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading,

On motion of Mr. Ludden,

The bill was re-referred to the Committee of the Whole, and,

On motion of Mr. Ludden,

The House resolved itself into a Committee of the Whole, Mr. McKee in the chair, having said bill under consideration,

And, after some time passed therein, the Committee rose, and by the chairman, reported the bill back to the House, without amendment.

The question then recurring on ordering the bill to be engrossed for a third reading,

On motion of Mr. Ludden,

The bill was indefinitely postponed.

On motion of Mr. Randall,

The Rule of Order was suspended by a two-thirds vote, and,

On motion of Mr. Randall,

The last message from the Council was taken up and read.

Mr. Wilcox then offered the following resolution, which was read:

Resolved, That the Chief Clerk of this House be instructed to inform the Council, that in accordance with their resolution, calling for No. 12, (H. of R.), have to say, that said bill is in the possession of this House, and yet in existence, otherwise the Council would so have been informed. Any final action which may be had on said bill the Council will be so notified, in accordance with Joint Rule, No. 8.

The question then recurring on the adoption of the resolution,

And the ayes and noes being called for and ordered, there were ayes 13, noes 4.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Lott, Murray, McKee, Noot, Oliver, Randall, Russell, Stimson, Truax, Wilcox and Speaker—13.

Those who voted in the negative were

Messrs. Ames, Rolette, Ramsey and Wells—4.

So the resolution was adopted.

The first message being completed,

On motion of Mr. Randall,

The message of yesterday from the Council was then taken up, and

No. 2, (C. F.) "A bill entitled an act to incorporate the Mississippi and Lake Superior Railroad Company,"

Which was returned from the Council with amendments to the first and sixth amendments of the House, amended, and the fifth amendment of the House non-concurred in by the Council, then coming under consideration,

And the amendment of the Council to the first amendment of the House, being under consideration, it was read as follows, viz.:

"Amend the amendment by inserting after the name 'Russell,' the name 'D. B. Loomis.'"

The House concurred therein.

The fifth amendment proposed by the House, which was non-concurred in by the Council, being then read as follows, viz.:

"Strike out section 14, in the bill,"

And the section proposed to be stricken out being then read, and the question then recurring,

"Will the House recede from its fifth amendment to the bill,"

It was decided in the negative.

The amendment proposed by the Council to the sixth amendment of the House, being read, as follows, viz.:

"Strike out 'by this Legislature,' and insert 'by the Legislature of this Territory.'"

It was concurred in by the House.

The consideration of the Message having been completed,

On motion of Mr. Ames,

The Message of His Excellency, the Governor, of yesterday, was then taken up, and read, as follows, viz.:

“ EXECUTIVE DEPARTMENT, }
 St. Paul, Feb. 28, 1852. }

To the Hon. Speaker of the House of Representatives :

SIR :—I have this day examined and approved :
 “ A bill entitled an act to change the time of holding the general election in the several precincts of the County of Pembina,”
 “ A bill entitled an act to incorporate the Hennepin County Agricultural Society,”
 “ A bill entitled an act to incorporate the Baldwin School, in the city of St. Paul,”
 “ A memorial to Congress, relative to school lands.”

Very respectfully,
 Your obt. servt.,

ALEX. RAMSEY.

The rules of order were then rescinded, and,

On motion of Mr. McKee,

The House resolved itself into a Committee of the Whole, Mr. Lott in the Chair, having under consideration

No. 32, (H. of R.) “ A bill to amend an act entitled ‘ An act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river at the Upper Landing of the town of St. Paul. Approved February 27, 1852 ;’ and

No. 33, (H. of R.) “ A bill to amend an act entitled ‘ An act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river.’ Approved February 27, 1852.”

After some time passed therein, the Committee rose, and by their Chairman, reported back to the House,

No. 32, (H. of R.) “ A bill to amend an act, entitled an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river, at the upper landing of the town of St. Paul, approved Feb. 27, 1852,”

With an amendment, and

No. 33, (H. of R.) “ A bill to amend an act, entitled an act granting to James M. Goodhue and Isaac N. Goodhue, the right to establish and maintain a ferry across the Mississippi river, approved Feb. 27, 1852,”

Without amendment.

The report of the committee was accepted.

The question then recurring on the adoption by the House, of the amendment proposed by the Committee of the Whole, to

No. 32, (H. of R.) “ A bill to amend an act entitled an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river, at the upper landing of the town of St. Paul, approved Feb. 27, 1852,”

It was decided in the negative,

The question then recurring on ordering the bill to be engrossed for a third reading,

Pending the question,

On motion of Mr. Murray,

The bill was then referred to a select committee, consisting of Messrs. Lott, Oliver, Ramsey and Noot, with instructions to report at the next meeting of the House.

Mr. Ramsey, by leave, presented a petition from H. F. Lander and 48 others, asking that a Territorial road be authorized to be laid out from the Vermillion river to the Iowa line ;

Which was read, and,

On motion of Mr. Ramsey,

Was referred to the Committee on Territorial Roads.

On motion of Mr. McKee,

The House adjourned until two o'clock, this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.

The roll was called, and a quorum answered to their names.

On motion of Mr. Ames,

No. 34, (H. of R.) "A bill fixing the terms of the District Court in the County of Hennepin,"

Was taken up,

On motion of Mr. Ames,

The rules of the House were so far suspended as to permit the House to consider the bill without going into Committee of the Whole.

The bill was then read and ordered to be engrossed for a third reading.

On motion of Mr. Ames,

The engrossing of the bill was dispensed with by a two-thirds vote.

On motion of Mr. Ames,

The bill was then ordered to be read a third time by its title, by a two-thirds vote.

The bill was then read a third time, passed, and the title agreed to.

On motion of Mr. Ames,

No. 31, (H. of R.) "A bill for the relief of Daniel Osborne,"

Was taken up, and,

On motion of Mr. Ames,

The House then resolved itself into a Committee of the Whole, Mr. Wells in the chair, having said bill under consideration.

After some time passed therein, the committee rose, and by the chairman reported the Bill back to the House without amendment,

The question then recurring on ordering the bill to be engrossed for a third reading,

Pending the question,

Mr. Ludden moved that the bill be amended by striking out the words,

"Be it enacted by the Legislative Assembly of Minnesota ;"

Which motion he subsequently, by leave, withdrew.

The question then recurring on ordering the bill to be engrossed for a third reading,

It was decided in the negative—ayes 6, noes 7.

So the bill was negatived.

On motion of Mr. Ames,

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

No. 35, (H. of R.) "A bill to amend an act, entitled 'An act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix, opposite Willow River,'"

No. 36, (H. of R.) "A bill to provide for the alteration of the St. Paul and Point Douglass road," and

No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from the Cannon River to the New Fort on the Minnesota river."

After some time passed therein, the Committee rose, and by the Chairman reported back to the House

No. 35, (H. of R.) "A bill to amend an act entitled 'An act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix, opposite Willow River,'" and

No. 36, (H. of R.) "A bill to provide for the alteration of the St. Paul and Point Douglas road,"

With amendments, and

No. 37, (H. of R.) "A bill to provide for laying out a Territorial Road from Cannon River to the New Fort on the Minnesota River,"

Without amendment.

The several amendments were then concurred in by the House, and

And the bills were then severally ordered to be engrossed for a third reading.

The following message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER : The Council has passed
No. 2, (C. F.) "A joint resolution, authorizing the Governor to appoint a suitable person to attend the World's Fair, Crystal Palace," and
No. 13, (C. F.) "A bill to amend the Revised Statutes," and
No. 19, (C. F.) "A bill to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota,"

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

The Council has passed the following bills, viz. :

No. 13, (H. of R.) "A bill to amend an act to incorporate the town of St. Paul, in the County of Ramsey," and

No. 25, (H. of R.) "A bill to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls," and

No. 27, (H. of R.) "A bill to incorporate Colleges, Seminaries, Churches, Lyceums and Libraries."

The Secretary then withdrew.

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

The Joint Committee on Enrolled Bills, beg leave to report,

That they did, on the first day of March, 1853, present to His Excellency the Governor, for his approval, the following :

"A bill entitled an act to provide for laying out a Territorial road from the Falls of St. Anthony to the western boundary of Sibley County,"

"A bill entitled an act to incorporate the St. Paul and St. Anthony Railroad Company."

GEORGE W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

No. 30, (H. of R.) "A bill relative to removals from office,"

Then coming up,

On motion of Mr. Ludden,

The House resolved itself into a Committee of the Whole, Mr. Ludden in the chair, for the consideration of said bill,

And after some time passed therein, the Committee rose, and by the Chairman, reported the bill back to the House, with an amendment.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

It was decided in the affirmative,

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Ames,

The message from the Council was taken up, and

No. 2, (C. F.) "A joint resolution, authorizing the Governor to appoint a suitable person to attend the World's Fair, Crystal Palace,"

No. 13, (C. F.) "A bill to amend the Revised Statutes," and

No. 19, (C. F.) "A bill to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota,"

Were severally read a first and second times, and laid on the table for the action of the House, in Committee of the Whole.

The following Message was then received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: The Council has refused to adhere to the vote by which they refused to concur in the fourth amendment of the House to

No. 2, (C. F.) "A bill for an act to incorporate the Mississippi and Lake Superior Railroad Company;"

The Council has concurred in the amendment to

No. 11, (C. F.) "A bill for an act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes."

The Council has indefinitely postponed,

No. 10, (H of R.) "A bill to establish additional road districts in the Territory of Minnesota;"

And the bill is herewith returned.

The Secretary then withdrew.

On motion of Mr. McKee,

All rules were suspended, and

No. 19, (C. F.) "A bill to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota,"

Was ordered to be read a third time by its title now.

The bill was then read the third time and passed and the title agreed to.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER: The Council has passed

No. 3, (C. F.) "A joint resolution, authorizing the Secretary of the Territory to collate and cause to be printed certain acts, and for other purposes," and

No. 22, (C. F.) "An act entitled an act to amend an act to incorporate the St. Paul Fire and Marine Insurance Company," passed Feb. 18, 1853;

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

The Secretary then withdrew.

Mr. Rolette asked and obtained leave to introduce following resolution, viz. :

Resolved, That 250 copies of the speech of the Hon. James Wells, delivered in this House, the 28th ult., on the Maine Liquor Law, be ordered to be printed for the use of this House.

The question then recurring on the adoption of the resolution,

And the ayes and noes being called for and ordered, there were ayes 8, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, McKee, Noot, Oliver, Russell, Rolette, Ramsey and Truax—8.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Stimson, Wells, Wilcox and Speaker—6.

So the resolution was adopted.

Mr. Russell moved a reconsideration of the vote by which the House adopted the resolution,

Which motion was lost.

On motion of Mr. Ames,

The last message from the Council was taken up, and

No. 3, (C. F.) "Joint resolution, authorizing the Secretary of the Territory to collate and cause to be printed certain acts, and for other purposes," and

No. 22, (C. F.) "An act entitled an act to amend an act to incorporate the St. Paul Fire and Marine Insurance Company," passed Feb. 18, 1853,"

Were severally read a first and second time and laid on the table for the action of the House in Committee of the Whole.

Mr. McKee moved that the House do now adjourn.

Which was decided in the negative,—ayes 4, nays 6.

On motion of Mr. Ames,

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

No. 2, (C. F.) "Joint resolution, authorizing the Governor to appoint a suitable person to attend the World's Fair, Crystal Palace."

After some time passed therein, the Committee rose, and by the Chairman, reported the bill back to the House with amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

And the yeas and nays being called for and ordered, there were yeas 10, nays 5.

Those who voted in the affirmative were,

Messrs. Ludden, Lott, McKee, Noot, Oliver, Ramsey, Stimson, Truax, Wells and Wilcox—10.

Those who voted in the negative were,

Messrs. Ames, Dutton, Murray, Russell and Speaker—5.

So the amendments were concurred in.

The question then recurring on ordering the bill to a third reading,

And the ayes and noes being called for and ordered, there were ayes 12, and nays 3.

Those who voted in the affirmative were

Messrs. Dutton, Ludden, McKee, Noot, Oliver, Russell, Ramsey, Stimson, Truax, Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Ames, Lott, and Murray—3.

So the bill was ordered to a third reading.

Mr. Ludden asked and obtained leave to offer the following resolution of the two Houses, which was read and adopted, viz. :

Resolved, (The Council concurring,) that a Committee of two from each House be appointed, to whom shall be referred the two bills now before the House relating to the Government of the Territorial Prison, and all communications on the subject before either House.

On motion of Mr. McKee,

The House adjourned.

WEDNESDAY MORNING, 10 o'clock.

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

Prayer by Rev. Mr. Chamberlain,

The roll being called, a quorum answered to their names.

The reading of the Journal of the proceedings of the House on yesterday, being now in order,

On motion of Mr. Wells,

The reading of the Journal was dispensed with.

Mr. Randall offered the following resolution which was read and adopted, viz :

Resolved, That the Speaker and Chief Clerk of this House are hereby authorized to certify to the services of Messrs. McKee, Gingras and Rolette for the entire session of the Legislative Assembly.

Mr. Truax gave notice that he would on to-morrow introduce a bill to amend an act concerning the Public Buildings.

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

No. 32, H. of R.) "A bill to amend an act entitled an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river at the upper landing of the town of St Paul, approved Feb. 27, 1852," and

No. 33, H. of R.) "A bill to amend an act entitled an act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river, approved Feb. 27, 1852,"

Reported the Bills back to the House without amendment.

The bills were laid on the table, for the action of the House.

Mr. Ames from the committee on Territorial Affairs, reported by memorial, and No. 3, (H. of R.) "A memorial to Congress concerning the importation of spirituous liquors into the Territory of Minnesota,"

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

Mr. Rolette 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. 37, (H. of R.) "A bill to provide for laying out a Territorial road from the Cannon river to the new Fort on the Minnesota river."

No. 36, (H. of R.) "A bill to provide for the alteration of the St. Paul and Point Douglass road;"

No. 30, (H. of R.) "A bill relative to removals from office," and

No. 35, (H. of R.) "A bill to amend an act entitled 'An act to provide for laying out a Territorial road from St. Anthony to the west bank of the lake of St. Croix, opposite Willow River.'"

JOSEPH ROLETTE,
Chairman.

Bills ready for a third reading being now in order.

No. 2, (C. F.) "A joint resolution authorizing the Governor to appoint a suitable person to attend the World's Fair, Crystal Palace."

Which was ordered to a third reading yesterday, was now read a third time and passed.

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

Mr. McKee moved to amend the title as follows:

"Strike out 'Crystal Palace,' and insert 'the building appropriated for that purpose in the city of New York;'"

Which was agreed to.

Mr. Ames moved further to amend the title by striking out the words 'a suitable person' and inserting 'some person or persons.'

Which motion was agreed to.

The title as amended was then agreed to.

No. 30, (H. of R.) "A bill relative to removals from office."

Then coming up and the question recurring on ordering the bill to a third reading, And the ayes and noes having been called for and ordered, there were, ayes 7, nays 7.

Those who voted in the affirmative were

Messrs. Ames, McKee, Noot, Oliver, Rolette, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Randall, Russell, Stimson, Truax, and Speaker.—7.

So the House refused to order the bill to a third reading.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

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

Resolved, By the Council (the House of Representatives concurring therein) that Joint Rule No. 18 be and the same is hereby suspended during the remainder of the session of the Legislative Assembly.

The Secretary then withdrew.

No. 36, (H. of R.) "A bill to provide for the alteration of the St. Paul and Point Douglass road,"

No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from Cannon river to the new Fort on the Minnesota river,"

No. 35, (H. of R.) "A bill to amend an act entitled an act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix opposite Willow river,"

Were then severally ordered to a third reading, read a third time, passed and the title agreed to.

Bills on the second reading being now in order, and

No. 32, (H. of R.) "A bill to amend an act entitled an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river at the upper landing of the town of St. Paul, approved Feb. 27, 1852."

Then coming up and the question then recurring on ordering the bill to be engrossed for a third reading,

And the ayes and noes being called for and ordered, there were ayes 7, noes 8.

Those who voted in the affirmative were,

Messrs. Ames, McKee, Noot, Oliver, Rolette, Ramsey and Wells—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Randall, Russell, Stimson, Truax, Wilcox and Speaker—8.

So the House refused to order the bill to be engrossed,

No. 33, (H. of R.) "A bill to amend an act entitled "An act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a ferry across the Mississippi river. Approved Feb. 27, 1852,"

Then coming up, and the question then recurring on ordering the bill to be engrossed for a third reading,

And the ayes and noes being called for and ordered, there were—ayes 7, and noes 8.

Those who voted in the affirmative were,

Messrs. Ames, McKee, Noot, Oliver, Rolette, Ramsey and Wells—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Randall, Russell, Stimson, Truax, Wilcox and Speaker—8.

So the House refused to order the bill to be engrossed.

Mr. Ludden from the joint committee on enrolled bills made the following report :

The joint committee on enrolled bills, beg leave to report that they have examined, and found correctly enrolled the following entitled bill,

A bill entitled "An act to incorporate the Minnesota Western Railroad company."
GEO. W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

A bill entitled "An act to incorporate the Minnesota Western Railroad Company," Was then laid on the Speaker's desk, and was by him signed.

The Speaker then called Mr. Ames to the Chair, and

Mr. Day then moved a reconsideration of the vote by which the House refused to order to be engrossed for a third reading,

No. 32, (H. of R.) "A bill to amend an act entitled 'an act granting to Daniel F. Brawley the right to establish and maintain a ferry across the Mississippi river at the Upper Landing of the town of St. Paul. Approved February 27, 1852.'"

The motion was negatived—ayes 6, noes 8.

The Speaker then again took the chair,

On motion of Mr. Ames,

The rules of order was suspended and the message from the Council was taken up, and the resolution of the two Houses relative to dispensing with joint rule No. 18, was then considered and adopted by the House.

The rule of order was again resumed, and

On motion of Mr. Ames,

No. 3, (C. F.) "Joint resolution, authorizing the Secretary of the Territory to col- late and cause to be printed certain acts and for other purposes,"

Was taken up, and the House resolved itself into a Committee of the Whole, Mr. Wells in the Chair, having said joint resolution under consideration,

And after some time passed therein, the committee rose and by their Chairman, reported the joint resolution back to the House with an amendment.

The amendment was concurred in, the joint resolution ordered to a third reading, read a third time, passed, and the title agreed to.

On motion of Mr. Wells,

No. 22, (C. F.) "An act to amend 'an act to incorporate the St. Paul Fire and Marine Insurance Company, passed Feb. 18, 1853.'"

Was taken up, and

The House resolved itself into a Committee of the Whole, Mr. Ludden in the chair, having said bill under consideration,

After some time passed therein, the Committee rose, and by the chairman, reported the bill back to the House without amendment.

The report of the committee was accepted.

The question then recurring on ordering the bill to a third reading,

Pending the question

Mr. Wells moved to amend the bill by inserting after the name "Babcock" the following: "H. R. McKinstry, and N. Greene Wilcox of Stillwater, and A. E. Ames of St. Anthony;"

Which motion was lost.

The question then again recurring on ordering the bill to a third reading,

It was decided in the affirmative, and the bill was read a third time.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 11, noes 3.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Noot, Oliver, Randall, Russell, Rolette, Ramsey, Stimson, Truax and Wells—11.

Those voting in the negative were,

Messrs. Ames, Wilcox and Speaker—3.

So the bill passed.

The title of the bill was then agreed to.

On motion of Mr. Ludden,

No. 38, (H. of R.) "A bill to amend Sec. 14 of article 10, chap. 4, of the Revised Statutes."

Was taken up, and the House resolved itself into a Committee of the Whole, Mr. Randall in the chair, having said bill under consideration.

After some passed therein, the committee rose and by the Chairman, reported the bill back to the House, without amendment.

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

Mr. Randall moved that the further consideration of the bill be referred to the Committee on Territorial Roads;

Pending the question,

Mr. Wilcox moved that the bill be laid on the table;

Which motion was lost.

On motion of Mr. Ludden,

The further consideration of the motion to refer, and the bill was postponed until the fourth day of July next—ayes 7, noes 4.

On motion of Mr. Randall,

The House adjourned until two o'clock, this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker,
The roll was called, and a quorum answered to their names.

On motion of Mr. Wells,

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

No. 13, (C. F.) "A bill for an act to amend the Revised Statutes of the Territory, passed March 31, 1851."

After some time passed therein, the Committee rose, and by their Chairman reported the bill back to the House with amendments.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole.

It was decided in the affirmative;

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Wells moved to amend the bill, as follows:

That section 14 of article 10 of chapter 4, page 81, is hereby amended as follows:

SEC. 4. It shall be the duty of the Board of County Commissioners, at their regular meeting in July, to assess such tax as may be necessary, not exceeding one-third of one per cent. on the real estate in each road district in their county, &c.

The question then recurring on the adoption of the amendment,

And the yeas and nays being called for and ordered, there were yeas 6, nays 7.

Those who voted in the affirmative were,

Messrs. Ames, Noot, Oliver, Russell, Truax and Wilcox—6.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Randall, Ramsey, Stimson, Wells and Speaker—7.

So the motion to amend was lost.

Mr. Ludden moved to amend the bill as follows: Add

SEC. 9. All Territorial officers who are required to render annual accounts to the Legislative Assembly shall close their accounts on the thirty-first day of December in each year and shall render such accounts as soon after that day in each year as may be practicable;

Which motion prevailed.

Mr. Wilcox then moved the following amendment,

SEC. 10. That from and after the passage of this act, the County Commissioners of each County shall have authority to make any alterations that they may deem necessary in the road districts in their respective counties and to appoint supervisors in any district wherever a vacancy may occur;

Which amendment was adopted.

The bill was then ordered for a third reading, and

On motion of Mr. Randall,
Was read the third time by its title.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 12, noes 2.

Those who voted in the affirmative were,

Messrs. Dutton, Ludden, Noot, Randall, Russell, Rolette, Ramsey, Stimson, Truax,
Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Ames and Oliver—2.

So the bill passed.

The title of the bill was then agreed to.

The following message was received from the Council by A. T. C. Pierson, Esq.,
the Secretary, viz :

MR. SPEAKER :—The Council has passed

No. 6, (C. F.) "A memorial to Congress relative to a further appropriation for the
completion of the Public Buildings in the Territory of Minnesota," and

No. 15, (C. F.) "A bill to organize certain counties and for other purposes."

In all of which the concurrence of the House of Representatives is respectfully re-
quested.

The Secretary then withdrew.

Mr. Truax asked and obtained leave leave to introduce,

No. 39, (H. of R.) "A bill to amend an act entitled "an act to amend an act to
provide for the erection of Public Buildings in the Territory of Minnesota."

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

Mr. Randall asked and obtained leave to introduce,

No. 40, (H. of R.) "A bill relative to the price of ferriage at the ferries across the
Mississippi river at the town of St Paul."

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

On motion of Mr. Randall,

The rule requiring bills to be printed after the second reading, was suspended by a
two-thirds vote, and

On motion of Mr. Randall,

The House then resolved itself into a committee of the whole, Mr. Ramsey in the
chair, having said bill under consideration.

After some time passed therein the committee rose, and by the chairman, reported
the bill back to the House without amendment.

The report of the Committee was accepted, and the bill ordered to be engrossed for
a third reading,

The following message was then received from the Council by A. T. C. Pierson,
Esq., the Secretary, viz :

MR. SPEAKER :—The Council has passed

No. 18, (C. F.) "A bill for an act for the restriction of the sale of Intoxicating
Liquors within the Territory of Minnesota."

In which the concurrence of the House of Representatives is respectfully request-
ed.

The Secretary then withdrew.

On motion of Mr. Ames,

The last message from the Council was taken up, and

No. 18, (C. F.) "A bill for an Act for the restriction of the sale of intoxicating
Liquors within the Territory of Minnesota,"

Was then read a first and second time and laid on the table for the action of the House
in Committee of the Whole.

On motion of Mr. Wells,

The message on the table from the Council was taken up, and No. 15, (C. F.) "A bill to organize certain counties, and for other purposes," and No. 4, (C. F.) "A memorial to Congress relative to a further appropriation for the completion of the Public Buildings in the Territory of Minnesota," Were severally read a first and second times, and laid on the table for the action of the House in Committee of the Whole.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER :—The Council has adopted the resolution of the House of Representatives appointing a Committee to confer on the subject of the Government of the Territorial Prison, and Messrs. Farrington and Babcock have been appointed such Committee.

The Secretary then withdrew.

On motion of Mr. Ames,

The last message of the Council was then taken up, and read.

The Speaker then announced Messrs. Ludden and Russell as a committee to act in conjunction with the committee of the Council, as per resolution of to-day.

Mr. Randall asked and obtained leave to offer the following resolution, which was adopted :

Resolved, That the committee on Printing be instructed to report to the House on or before Friday next.

The following communication laid on the Speaker's desk was then read, viz :

ST. PAUL, Minnesota Territory, }
December 16, 1852. }

His Excellency Alex. Ramsey, Governor and President of the Board of Commissioners of the Public Buildings, &c.

DEAR SIR :—Permit me to request you to accept my resignation, (which I hereby most respectfully tender,) as a member of the Board of Commissioners to complete the Public Buildings of the Territory of Minnesota, which I hold in virtue of my office as Chief Justice.

You will please communicate my resignation to the incoming legislature.

I am, very respectfully,

Your obedient servant,

H. Z. HAYNER.

On motion of Mr. Wells,
The House adjourned—ayes 7, noes 6.

THURSDAY MORNING, 10 o'clock.

The House was called to order by the Speaker pursuant to adjournment.
Prayer by the Rev. Mr. Chamberlain.

The roll being called a quorum answered to their names.

The Journal of the proceedings of the House on yesterday was then read.

Mr. Ludden presented two petitions from citizens and others of St. Anthony, asking for the re-enactment of the Maine Liquor Law.

Mr. Lott moved that the petitions be laid on the table,

And the ayes and nays having been called for and ordered, there were ayes 5, nays 9.

Those who voted in the affirmative were,

Messrs. Ludden, Randall, Russell, Wells and Speaker—5.

Those who voted in the negative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Rolette, Stimson and Truax—9.

So the motion was lost.

Mr. Murray moved that the petition be laid on the table, and that 250 copies of all petitions and remonstrances in the possession of this House, relative to the same subject, which have not been printed heretofore, and now ordered to be printed for the use of this House,

And the ayes and nays being called for and ordered, there were yeas 6, nays 8.

Those who voted in the affirmative were

Messrs. Lott, Murray, Noot, Oliver, Rolette and Wells—6.

Those who voted in the negative were

Messrs. Ames, Dutton, Ludden, Randall, Russell, Stimson, Truax and Speaker—8.

So the motion did not prevail.

Mr. Murray then moved that the petitions be laid on the table, and that 250 copies thereof be printed,

Which was negatived—ayes 6, noes 7.

Mr. Rolette moved that the House do now adjourn until two o'clock, P.M.

And the ayes and noes being called for and ordered, there were ayes 6, noes 8.

Those who voted in the affirmative were

Messrs. Lott, Murray, Noot, Oliver, Rolette and Wells,—6.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Randall, Russell, Stimson, Truax and Speaker—8.

So the motion did not prevail.

Mr. Lott moved that the petitions be laid on the table,

Which motion prevailed.

Mr. Ludden from the Joint Committee on enrolled bills made the following report :

The Joint Committee on Enrolled Bills, beg leave to report :

That they have examined, and found correctly enrolled the following entitled bills :

“ A bill entitled an act to incorporate the town of Mendota in the County of Dakota.”

“ A bill entitled an act to provide for laying out a Territorial Road from St. Anthony to Taylor's Falls.”

G. W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

“ A bill entitled “ An act to incorporate the town of Mendota in the county of Dakota,” and

“ A bill entitled an act to provide for laying out a Territorial road from St. Anthony to Taylor's Falls,”

Were severally laid on the Speaker's table, and received his signature.

Mr. Oliver, 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. 40, (H. of R.) “ A bill relative to the price of ferriage at the ferries across the Mississippi river, at the town of St. Paul.”

Bills ready for a Committee of the Whole being now in order,

On motion of Mr. Murray,

No. 4, (C. F.) "A Memorial to Congress, relative to a further appropriation for the completion of the Public Buildings in the Territory of Minnesota," and

No. 15, (C. F.) "A bill to organize certain Counties, and for other purposes,"
Were taken up,

And the House resolved itself into a Committee of the Whole, Mr. Randall in the chair, having said bills under consideration.

After some time passed therein, the Committee rose, and by the Chairman reported the bill and memorial back to the House, without amendment.

The report of the Committee was accepted.

The question then recurring on ordering the bill to a third reading,

It was decided in the negative.

And,

On motion of Mr. Wells,

The Memorial was read a third time by its title.

The Memorial was then passed, and its title agreed to.

No. 15, (C. F.) "A bill to organize certain counties, and for other purposes,"

Then coming up for a third reading,

Mr. Ludden moved that the bill be laid on the table, until the next session of the House;

Which motion was negatived.

The bill was then ordered to a third reading, and

On motion of Mr. Randall,

The bill was read the third time by its title.

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

Mr. Ludden moved to amend the title by striking out the words "and for other purposes;"

Which motion was negatived.

The title of the bill was then agreed to.

On motion of Mr. Ames,

No. 18, (C. F.) "A bill for an act for the restriction of the sale of intoxicating liquors within the Territory of Minnesota,"

Was taken up, and

Mr. Ames moved that the House resolve itself into a Committee of the Whole, for the consideration of said bill.

Pending the question,

Mr. Wells moved, that the bill be laid on the table and made the special order of the day for Saturday next.

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were

Messrs. Dutton, Lott, Murray, Noot, Oliver, Rolette, and Wells—7.

Those who voted in the negative were

Messrs. Ames, Ludden, McKee, Randall, Russell, Stimson, Truax, Wilcox and Speaker—9.

So the motion did not prevail.

The following Message was received from the Council by A. T. C. Pierson, Esq., Secretary, viz.:

MR. SPEAKER: The Council has concurred in the amendments to

No. 2, (C. F.) "Joint resolution authorizing the Governor to appoint suitable persons to attend the World's Fair in the Crystal Palace,"

And also, in the amendment to the title.

The Secretary then withdrew.

The question then recurring on the motion to go into the Committee of the Whole,

Mr. Murray moved a suspension of all rules prohibiting the bill from going to a third reading now.

Which motion prevailed by a two-thirds vote.

The question then recurring on ordering the bill to a third reading,

Mr. Randall moved to amend the bill as follows :

Insert after the word county, in 3d line, 18th section, "Or in his absence by some one appointed by the Judge, before whom such action may be brought."

Which motion was negatived.

Mr. McKee offered the following amendment, viz. :

Strike out in the 5th section, 2d line, and whenever it occurs in the bill, the word "Sacramental,"

Which motion was negatived.

Mr. Randall moved to amend the bill as follows :

Strike out section 17, and insert, "The Constitution of the United States—the Ordinance of 1787, an act entitled an act for the restriction of the sale of intoxicating liquors in the Territory of Minnesota, and for other purposes; approved March 6th, 1852; and all acts and parts of acts heretofore in force in this Territory, regulating or restricting the sale of intoxicating drinks, and for granting licenses for the sale thereof contravening the provisions of this act, are hereby repealed.

And the ayes and noes being called for and ordered, there were ayes 8, noes 9.

Those who voted in the affirmative were,

Messrs. Lott, Murray, McKee, Noot, Oliver, Randall, Rolette and Wells—8.

Those who voted in the negative were,

Messrs. Ames, Dutton, Ludden, Russell, Ramsey, Stimson, Truax, Wilcox and Speaker—9.

So the amendment was not adopted.

The question then recurring on ordering the bill to a third reading,

And the ayes and noes being called for and ordered, there were ayes 10, noes 7.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, McKee, Randall, Russell, Stimson, Truax, Wilcox and Speaker—10.

Those who voted in the negative were,

Messrs. Lott, Murray, Noot, Oliver, Rolette, Ramsey and Wells—7.

So the bill was ordered to a third reading.

On motion of Mr. Murray,

The bill was then read the third time by its title.

The question then recurring, on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 8, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, Russell, Stimson, Truax, Wilcox and Speaker—8.

Those who voted in the negative were,

Messrs. Lott, Murray, McKee, Noot, Oliver, Randall, Rolette, Ramsey, and Wells—9.

So the House refused to pass the bill,

Mr. Murray moved to reconsider the vote by which the House refused to pass the bill.

And the yeas and nays being called for and ordered, there were ayes 8, and nays 9.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, Russell, Stimson, Truax, Wilcox and Speaker—8.

Those who voted in the negative were

Messrs. Lott, Murray, McKee, Noot, Oliver, Randall, Rolette, Ramsey and Wells—9.

So the House refused to reconsider the vote.

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

The Joint Committee on Enrolled Bills, beg leave to report, that they have examined and found correctly enrolled the following entitled bills, viz :

“ A bill entitled an act to amend an act entitled an act to incorporate the St. Paul Fire and Marine Insurance Company,”

“ Joint resolution, authorizing the Secretary to collate and cause to be printed certain acts, and for other purposes,”

“ A bill entitled an act to incorporate Colleges, Seminaries, Churches, Lyceums and Libraries,”

“ A bill entitled an act to amend an act to incorporate the town of St. Paul,”

“ A bill entitled an act to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota,”

The Committee on Enrolled Bills did, on the 3d day of March, 1853, present to his Excellency the Governor, for his approval, the following bill, to wit:

“ A bill to incorporate the Minnesota Western Railroad Company.”

GEO. W. FARRINGTON,

Council.

J. D. LUDDEN,

House.

On motion of Mr. McKee,

The House adjourned until two o'clock, this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.

The roll was called, and a quorum answered to their names.

Bills ready for a third reading being now in order,

No. 40, (H. of R.) “ A bill relative to the price of ferriage at the ferries across the Mississippi river, at the town of St. Paul,”

Was taken up, and,

The question then recurring on ordering the bill to a third reading,

It was decided in the affirmative, and,

The bill was read a third time.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 9, noes 2.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Lott, Noot, Oliver, Randall, Russell, Wells and Speaker—9.

Those who voted in the negative were

Messrs. Ludden and Murray—2.

So the bill passed.

The title of the bill was agreed to.

Bills ready for a Committee of the Whole being now in order,

No. 3, (H. of R.) “ A memorial to Congress concerning the importation of spirituous liquors into the Territory of Minnesota,”

Was taken up,

When Mr. Lott moved the Memorial be indefinitely postponed.

And the ayes and noes being called for and ordered, there were ayes 7, noes 4.

Those who voted in the affirmative were,

Messrs. Ludden, Lott, Murray, Noot, Oliver, Randall and Wells—7.

Those who voted in the negative were
Messrs. Ames, Dutton, Russell and Speaker—4.

So the Memorial was indefinitely postponed.

No. 23, (H. of R.) "A bill relative to the passage of bills through the two Houses of the Legislative Assembly,"

Was next taken up, and

On motion of Mr. Wells,

The House resolved itself into a Committee of the Whole, Mr. Wells in the Chair, for the consideration of said bill,

After some time passed therein, the Committee rose, and by their Chairman, reported the bill back to the House, with amendments.

The question then recurring on the adoption by the House, of the amendments proposed by the Committee of the Whole,

It was decided in the negative—ayes 5, noes 7.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Ames moved to amend the bill as follows:

In sec. 1, line 3, strike out "elect" and insert "present at the passage thereof,"

Which motion prevailed—ayes 6, noes 5.

The question then recurring on ordering the bill to be engrossed for a third reading,

Mr. Randall moved that the bill be indefinitely postponed.

Pending the question,

Mr. Lott moved a call of the House,

Which was ordered,

The roll being called,

Messrs. Gingras and McKee were reported absent.

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

On motion of Mr. Wells,

Further proceedings under the call were dispensed with.

The question again recurring on the indefinite postponement of

No. 23, (H. of R.) "A bill relative to the passage of bills through the two Houses of the Legislative Assembly.

And the yeas and nays being called for and ordered, there were yeas 10, noes 6.

Those who voted in the affirmative were

Messrs. Ludden, Lott, Murray, Noot, Oliver, Randall, Rolette, Ramsey, Stimson and Truax—10.

Those who voted in the negative were,

Messrs. Ames, Dutton, Russell, Wells, Wilcox and Speaker—6.

No. 39, (H. of R.) "A bill to amend an act entitled an act to provide for the erection of public buildings in the Territory of Minnesota, approved Feb. 7, 1851, and an act amendatory thereto, approved March 6, 1852,"

Was taken up, and

On motion of Mr. Ames,

The House resolved itself into a committee of the whole, Mr. Ames in the chair, having said bill under consideration,

After some time passed therein, the Committee rose, and by the Chairman reported the bill back to the House with amendments.

The House concurred in the amendments.

On motion of Mr. Ludden,

The bill was laid on the table—ayes 8, noes 5.

Mr. Ludden, from the Joint Select Committee, to which was referred the subject of the government of the Territorial Prison, asked and obtained leave to make the following report, which was read, viz.:

The Joint Committee to whom was referred the bills and communications now before the Legislature, relating to the management of the Territorial Prison, do respectfully report, that they have had the same under consideration, and have unanimously agreed to recommend the passage of

No. 14, (C. F.) reported to the Council, with alterations and amendments therein submitted.

Your Committee believe that the bill, as amended, provides for the regulation and government of the Territorial Prison, on a system which, in its practical operation, will prove efficient and economical.

The bill also provides for the safe-keeping of county prisoners. This, it is believed, will afford a great relief to the several counties of the Territory in which substantial prisons have not been built.

All of which is respectfully submitted,

GEO. W. FARRINGTON, }
L. A. BABCOCK, } Council.

J. D. LUDDEN, }
R. P. RUSSELL, } House Committee.

Mr. Randall asked and obtained leave to offer the following resolution, which was read and adopted, viz.:

Resolved, (the Council concurring,) That the two Houses of the Legislative Assembly do adjourn, *sine die*, on Saturday next, the 5th day of March.

On motion of Mr. McKee,

The House adjourned.

FRIDAY MORNING, 10 o'clock.

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

Prayer by Rev. Mr. Chamberlain.

The roll being called a quorum answered to their names.

The reading of the journal of the proceedings of the House being next in order, was

On motion of Mr. Russell,

Dispensed with.

Mr. Ludden, 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 entitled bills, viz:

A bill entitled "An act to incorporate the Mississippi and Lake Superior Railroad Company."

A bill entitled "An act to incorporate the St. Paul Fire and Marine Insurance Company."

A bill entitled "An act to authorize the exercise of all equity jurisdiction in the form of civil actions and for other purposes."

"A memorial to Congress relative to a further appropriation for the completion of the Public Buildings in the Territory of Minnesota."

GEO. W. FARRINGTON,
Council.

J. D. LUDDEN,
House.

A bill entitled "an act to incorporate the Mississippi and Lake Superior Railroad Company,"

A bill entitled "An act to incorporate the St. Paul Fire and Marine Insurance Company,"

A bill entitled "An act to to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes," and

"A memorial relative to a further appropriation for the completion of the Public Buildings in the Territory of Minnesota,"

Were then laid on the Speaker's desk and were by him signed.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER :—The Council has passed

No. 23, (C. F.) "A bill to authorize the Librarian to sell copies of the Revised Statutes of the Territory, and for other purposes."

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

The Council has adopted the resolution of the House of Representatives, to adjourn on Saturday, March 5th.

The Council has concurred in the second and third amendment, and has refused to concur in the first amendment, to

No. 13, (C. F.) "A bill to amend the Revised Statutes."

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

The Secretary then withdrew.

On motion of Mr. Randall,

The message from the Council was then taken up, and

No. 13, (C. F.) "A bill to amend the Revised Statutes,"

Returned from the Council with the first amendment not concurred in, being then taken up,

The House receded from the amendment.

No. 23, (C. F.) "A bill authorizing the Librarian to sell copies of the Revised Statutes of the Territory, and for other purposes."

Was then read a first and second time, and laid on the table for the action of the House in Committee of the Whole.

On motion of Mr. Ames,

The House resolved itself into a Committee of the Whole, Mr. McKee in the Chair for the consideration of said bill.

After some time passed therein the committee rose, and by the Chairman, reported the bill back to the House, without amendment.

The report of the committee was accepted.

The question then recurring on ordering the bill to a third reading,

Pending the question,

Mr. Murray moved that the bill be indefinitely postponed,

And the yeas and nays being called for and ordered, there were yeas 9, nays 7.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Randall, Russell and Wilcox—9.

Those who voted in the negative were,

Messrs. Ludden, McKee, Rolette, Ramsey, Stimson, Truax and Speaker—7.

So the bill was indefinitely postponed.

On motion of Mr. McKee,

The House adjourned until 2 o'clock this afternoon.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.
The roll was called and a quorum answered to their names.

Mr. Ludden from the joint committee on enrolled bills made the following report :

The committee on enrolled bills would report that they did, on the 4th day of March 1853, present to his Excellency the Governor, for his approval the following bills, to wit :

A bill entitled "An act to incorporate the Mississippi and Lake Superior Railroad Company."

A bill entitled "An act authorizing the exercise of all equity jurisdiction in the forms of civil action and other purposes."

A bill entitled "An act to amend an act to incorporate the St. Paul Fire and Marine Insurance company."

A bill entitled "An act to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota."

A bill entitled "An act to incorporate the town of Mendota in the county of Dakota."

A bill entitled "an act to amend an act to incorporate the town of St. Paul, county of Ramsey."

A bill entitled "An act to incorporate colleges, seminaries, schools, churches, lyceums and libraries."

A bill entitled "An act to provide for laying out a Territorial road from St. Anthony to Taylor's Falls."

"A memorial to Congress relative to a further appropriation for the completion of the Public Buildings in the Territory of Minnesota."

"Joint Resolution authorizing the Secretary of the Territory to collate and cause to be printed certain acts, and for other purposes."

GEO. W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

Mr. Stimson, from the Committee on Territorial Roads, by leave, made the following report:

Your committee, to which was referred a petition for a Territorial Road from Vermillion river to the Iowa line have had the same under consideration, and would report the same back to the House and recommend the passage of the accompanying bill.

ALBERT STIMSON,
JOHN McKEE,

Committee on Territorial Roads.

No. 41, (H. of R.) "A bill to provide for laying out a Territorial road from the Falls of Vermillion river to the Iowa State line."

Accompanying the above report, was then read a first and second time and laid on the table to be printed.

On motion of Mr. Ramsey,

All rules were suspended prohibiting the third reading of the bill now, by a two-thirds vote, and

On motion of Mr. Ramsey,

The bill was then ordered to a third reading, and was read a third time.

The bill was then passed, and the title agreed to.

The following message was then received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: The Council has passed
No. 20, (C. F.) "A bill to establish the terms of the Supreme and District Courts in the Territory, and for other purposes."

The Council has passed

No. 21, (C. F.) "A bill to incorporate the Lake Superior, Puget Sound and Pacific Railroad company,"

The Council has passed

No. 37, (H. of R.) "A bill to provide for laying out a Territorial Road from Cannon River to the New Fort on the Minnesota River," with an amendment,

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

The Council has passed the following bills, viz:

No. 35, (H. of R.) "A bill to amend an act entitled 'An act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix, opposite Willow River,' and

No. 36, (H. of R.) "A bill to provide for the alteration of the St. Paul and Point Douglas road,"

His Excellency the Governor has informed the Council that he has signed,

"An act to incorporate the St. Paul and St. Anthony Railroad Company,"

"An act to incorporate the Minnesota Western Railroad company."

The Secretary then withdrew.

A message was then received from his Excellency, the Governor, by W. B. White, Esq., his private Secretary,

After he withdrew,

On motion of Mr. Ames,

The messages on the table were taken up, and the following message from the Governor was then read,

EXECUTIVE DEPARTMENT,
St. Paul, March 4, 1852, }

To the Hon. Speaker of the House of Representatives:

SIR:—I have this day examined and approved:

"An act to provide for laying out a Territorial Road from the Falls of St. Anthony to the western boundary of Sibley County,"

Very respectfully, your obedient servant,
ALEX. RAMSEY.

The Message from the Council then being up for consideration,

No. 20, (C. F.) "A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes,"

Was read a first and second time.

No. 21, (C. F.) "A bill to incorporate the Lake Superior, Puget Sound and Pacific Railroad company," then coming up,

On motion of Mr. Murray,

The bills were read a first and second time by their titles."

No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from the Cannon River to the New Fort on the Minnesota river,"

Returned from the Council with amendments, being now under consideration, the first amendment proposed by the Council to the bill was then read as follows:

Strike out, Sec. 1, line 3, after the word "the" to the word "on" and insert "old crossingplace at Traverse des Sioux."

And the House refused to concur therein.

The second amendment was then read, as follows:

Add to Sec. 1, "thence by the most practicable route on the north-west side of the Minnesota river to the new Fort contemplated,"

And the House refused to concur therein.

The third amendment being then read as follows:

Sec. 2, line 3, insert after the word "practicable" the words "according to the provisions of this bill,"

And the House refused to concur therein.

So the House refused to concur in the amendments proposed by the Council to said bill.

The message from the Council having been considered,

On motion of Mr. Randall,

The House resolved itself into a Committee of the Whole, Mr. Lott in the chair, having under consideration the Council File of bills.

After some time passed therein, the committee rose, and by the chairman reported, No. 20, (C. F.) "A bill for an act to establish the terms of the supreme and district courts of the Territory and for other purposes," with amendments, and

No. 21, (C. F.) "A bill to incorporate the Lake Superior, Puget Sound and Pacific Railroad company," without amendment.

The report of the committee was accepted.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole, to

No. 20, (C. F.) "A bill for an act to establish the terms of the supreme and district courts of the Territory, and for other purposes,"

It was decided in the affirmative.

On motion of Mr. Wells,

The rules prohibiting the reading of the bill now, were suspended by a two-thirds vote, and

The bill was then ordered to a third reading, read a third time, passed, and the title was agreed to.

The question then recurring on ordering to a third reading,

No. 21, (C. F.) "A bill to incorporate the Lake Superior, Puget Sound and Pacific Railroad Company."

And the ayes and noes being called for and ordered, there were ayes 8, noes 7.

Those who voted in the affirmative, were

Messrs. Ames, Lott, Oliver, Randall, Rolette, Ramsey, Truax and Wilcox—8.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Murray, Noot, Stimson, Wells and Speaker—7.

So the bill was ordered to a third reading,

Mr. Ramsey then moved a suspension of the rules to permit the bill to be read now, Which was not agreed to.

And the bill was laid on the table under the rules,

On motion of Mr. Randall,

No. 20, (H. of R.) "A bill for defraying the expenses of the Legislative Assembly, and for other purposes,"

Was then taken from the table, and the House resolved itself into a Committee of the Whole, Mr. Ames in the chair, for the consideration of said bill.

After some passed therein, the Committee rose, and by the Chairman, reported the bill back to the House, with amendments.

The amendments proposed by the Committee of the Whole, were then concurred in by the House.

The question then recurring on ordering the bill to be engrossed for a third reading, Mr. Randall moved to fill the blanks in the appropriation to Rev. Mr. Chamberlain, by sixty days and one hundred and eighty dollars.

Which motion prevailed.

Mr. Ames moved to amend the bill by adding the following:

Provided, That the Territory of Minnesota shall not be held responsible for any moneys herein appropriated.

Mr. Wells moved to amend the amendment by inserting after the word "Territory" the words "or future State,"

And the ayes and noes being called for and ordered, there were ayes 8, noes 8.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Lott, Murray, Noot, Oliver, Truax and Speaker—8.

Those who voted in the negative were

Messrs. Ludden, McKee, Randall, Rolette, Ramsey, Stimson, Wells and Wilcox—8.

So the amendment to the amendment was lost.

The question then recurring on the adoption of the amendment,

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Lott, Noot, Oliver, Truax and Speaker—7.

Those who voted in the negative were,

Messrs. Ludden, Murray, McKee, Randall, Rolette, Ramsey, Stimson, Wells and Wilcox—9.

So the amendment was lost.

Mr. Wells moved to amend the bill, as follows :

Insert the following : To James Wells, while contesting his seat in the Legislature for per diem during the session of A. D. 1852,

Twenty days,	\$60 00
For mileage, 80 miles,	16 00
	<hr/>
	\$76 00

Which amendment was adopted.

The bill was then ordered to be engrossed for a third reading.

Mr. Randall, by leave offered the following resolution, which was read and adopted, viz :

Resolved, (The Council concurring,) that the members of the Legislative Assembly be and they are hereby authorized and entitled to receive each two copies of the Laws and Journals of the present session required or ordered to be printed.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER : The Council has concurred in the third and fourth amendments, and has refused to concur in the first and second amendments to,

No. 20, (C. F.) "A Bill for an act to establish the terms of the Supreme and district courts of the Territory, and for other purposes."

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

The Secretary then withdrew.

On motion of Mr. Lott,

The message from the Council was taken up, and

No. 20, (C. F.) "A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes,"

Returned from the Council, with the first and second amendments of the House non-concurred in, and the question recurring, "Will the House recede from its first and second amendments to this bill?"

It was decided in the negative ;

So the House did not recede.

The message having been gone through with,

On motion of Mr. Murray,

No. 2, (C. F.) "A memorial for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad," and

No. 3, (C. F.) "A memorial to Congress memorializing for a grant of land to aid in the construction of the Louisiana and Minnesota Railroad,"

Were taken from the table.

The question then recurring on ordering to a third reading, No. 3, (C. F.) "A memorial to Congress memorializing for a grant of land to aid in the construction of the Louisiana and Minnesota Railroad,"

It was decided in the negative.

So the memorial was negative.

On motion of Mr. Murray,

The House resolved itself into a Committee of the Whole, Mr. Murray in the chair, for the consideration of

No. 2, (C. F.) "A memorial for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad,"

After some time passed therein, the Committee rose, and by the Chairman, reported the bill back to the House with an amendment.

The question then recurring on the adoption by the House of the amendments proposed by the Committee of the Whole,

It was decided in the affirmative.

The memorial was then ordered to a third reading, and read a third time.

The question then recurring on the passage of the memorial,

And the ayes and noes being called for and ordered, there were ayes 10, noes 6.

Those who voted in the affirmative were,

Messrs. Ames, Ludden, Lott, Murray, Noot, Oliver, Rolette, Stimson, Truax, and Wilcox—10.

Those who voted in the negative were,

Messrs. Dutton, McKee, Randall, Ramsey, Wells and Speaker—6.

So the memorial passed.

The title was then agreed to.

The Secretary of the Council, A. T. C. Pierson, Esq., appeared and delivered the following message from the Council:

MR. SPEAKER: The Council has refused to recede from its amendments to No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from the Cannon river to the new Fort on the Minnesota river."

The Council has appointed a committee consisting of Messrs. Babcock and Loomis to confer with a similar committee on the disagreeing vote on No. 20, (C. F.) "A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes,"

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

The Secretary then withdrew.

On motion of Mr. Ludden,

The message from the Council was taken up, when

Messrs. Wells and Stimson were appointed under the Joint Rules, a committee to confer with a similar committee to be appointed by the Council, on the disagreeing vote of the two Houses, on

No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from Cannon river to the new Fort on the Minnesota river,"

And Messrs. Ames and Randall were appointed a committee to confer with a similar committee appointed by the Council, on

No. 20, (C. F.) "A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes."

Mr. Murray moved that the House do now adjourn;

Which was decided in the negative,—ayes 5, noes 8.

On motion of Mr. Dutton,

The House adjourned until half past six o'clock, this evening.

SIX AND A HALF O'CLOCK,

The House was called to order by the Speaker, pursuant to adjournment.
The roll was called, and a quorum answered to their names.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: The Council has refused to concur in the amendment to (C. F.) No. 2, "A memorial for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad."

The Council has adopted the resolution from the House with amendments, in which the concurrence of the House of Representatives is respectfully requested.

Mr. Larned and Farrington have been appointed a committee on the part of the Council on the disagreeing vote on No. 37, (H. of R.)

The Council has passed No. 14, (C. F.) "A bill for the government of the Territorial Prison of Minnesota."

In which the concurrence of the House is respectfully requested.

The Secretary then withdrew.

On motion of Mr. Ludden,

The message from the Council was taken up, and No. 2, (C. F.) "A memorial for a grant of land to aid in the construction of the Mississippi and Lake Superior Railroad,"

Being up for consideration, and

The question recurring,

"Will the the House reced from its amendment to the memorial?"

On motion of Mr. Randall,

The question and the memorial were indefinitely postponed.

The resolution of the two Houses relative to the distribution of the Laws and Journal, which was returned from the Council, with an amendment,

Being under consideration.

The amendment was read as follows :

Insert between the words 'the' and 'Legislative,' the word 'present,' and after the word 'Assembly' the words 'and its officers.'

The House concurred therein.

No. 14, (C. F.) "A Bill for the government of the Territorial Prison of Minnesota,"

Was then read a first and second time and laid on the table for the action of the House in Committee of the Whole.

On motion of Mr. Ludden,

All rules were suspended, and the bill was taken up.

Mr. Ludden moved to fill the blank in the 4th section with "two and a half."

Which was agreed to.

Mr. McKee moved to amend the 31st section by striking out "F. R. Delano," and inserting "Edwin Perkins;"

Which was negatived.

The bill was then ordered to a third reading, read a third time by its title, passed and the title agreed to."

Mr. Ludden from the joint committee on enrolled bills made the following report :

The joint committee on enrolled bills, beg leave to report that they have examined, and found correctly enrolled the following entitled bills, viz :

"A bill entitled an act to amend an act entitled 'An act to provide for laying out a

Territorial road from St. Anthony to the west bank of lake St. Croix, opposite Willow River."

"A bill entitled an act to provide for the alteration of the St. Paul and Point Douglass road,"

J. D. LUDDEN,
House of Representatives.
GEO. W. FARRINGTON,
Council.

"A bill entitled an act to amend an act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix opposite Willow river," and
"A bill entitled an act to provide for the alteration of the St. Paul and Point Douglass road;"

Were laid on the Speaker's desk and were by him signed.

On motion of Mr. Randall,

No. 89; (H. of R.) "A bill to amend an act entitled "an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved February 7, 1851, and an act amendatory thereto, approved March 6, 1852,"

Was taken from the table,

And the question then recurring on ordering the bill to be engrossed for a third reading.

Mr. Randall moved to amend the bill by striking out the word 'said' in the first line and inserting the word 'the' and insert after the word 'act' the words 'to which this is amendatory.'

Which amendment was adopted.

Mr. Randall moved further to amend by striking out 'public buildings' and inserting 'capitol buildings,' in third line of second section, and in the fourth line second section, strike out 'one thousand' and insert 'five hundred.'

Which motion to amend prevailed.

The bill was then ordered to be engrossed for a third reading.

Mr. Randall moved that the House do now adjourn.

Which motion was lost—ayes 5, noes 6.

On motion of Mr. Ludden,

No. 16; (H. of R.) "A bill regulating the government of the Territorial prison,"

Was taken from the table and,

On motion of Mr. Ludden,

The consideration of the bill was indefinitely postponed,

On motion of Mr. Ludden,

No. 8; (H. of R.) "A bill to provide for laying out a Territorial road from St. Paul to the Falls of St. Croix,"

Was taken from the table, and

On motion of Mr. Ludden,

The further consideration of the bill was indefinitely postponed.

On motion of Mr. McKee,

The House adjourned to meet to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock.

The House was called to order by the Speaker in pursuance to adjournment.

Prayer by Rev. Mr. Chamberlain,

The reading of the Journal of the proceedings of yesterday, being in order,
Mr. Murray moved the reading of the Journal be dispensed with,
Which was not agreed to, and

The Journal of the House on yesterday was then read.

Mr. Rolette from the committee on engrossed bills made the following report:

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

No. 39, (H. of R.) "A Bill to amend an act entitled an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved Feb. 7, 1851, and an act amendatory thereto, approved March 6, 1852.

No. 29, (H. of R.) "A Bill for defraying the expenses of the Legislative Assembly and for other purposes."

JOSEPH ROLETTE,
Chairman.

Mr. Murray moved a reconsideration of the vote by which the House passed

No. 14, (C. F.) "A bill for the government of the Territorial Prison of Minnesota,"

And the ayes and noes being called for and ordered, there were ayes 7, noes 9.

Those who voted in the affirmative were,

Messrs. Lott, Murray, McKee, Noot, Oliver, Wells and Wilcox—7.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Randall, Russell, Rolette, Ramsey, Stinson, Truax and Speaker.—9.

So the motion to reconsider was lost.

Bills ready for a third reading being now in order,

No. 21, (C. F.) "A bill to incorporate the Lake Superior, Puget's Sound and Pacific Railroad company,"

Was taken up, and read a third time.

The question then recurring on the passage of the bill,

Mr. Murray moved the bill be laid on the table;

Which motion was lost—ayes 4, noes 8.

The question again recurring on the passage of the bill,

And the ayes and noes having been called for and ordered, there were, ayes 12, noes 4.

Those who voted in the affirmative were

Messrs. Ames, Ludden, McKee, Noot, Oliver, Randall, Rolette, Ramsey, Truax, Wells, Wilcox and Speaker—12.

Those who voted in the negative were,

Messrs. Dutton, Lott, Murray, Russell—4.

So the bill passed.

The title was then agreed to.

No. 39, (H. of R.) then coming up and the question recurring on ordering the bill to a third reading,

Mr. Randall asked and obtained the unanimous consent of the House to amend the bill as follows:

"Insert after Sec. 1, the words " That an act to amend an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved February 7, 1851, and an act amendatory thereto, approved March 6, 1852, be amended as follows :"

The bill was then read a third time.

The question then recurring on the passage of the bill,

And the ayes and noes being called for and ordered, there were ayes 13, and nays 3.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Ludden, McKee, Noot, Oliver, Randall, Russell, Rolette, Ramsey, Truax, Wilcox and Speaker—13.

Those who voted in the negative were,

Messrs. Lott, Murray and Wells—3.

So the bill passed.

The title was then agreed to.

Mr. Ames from the committee appointed to confer with a committee on the part of the Council on the disagreeing vote of the two Houses on No. 20, (C. F.) " A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes," made the following report :

The Joint Committee of Conference to which was referred the disagreeing vote on No. 20, (C. F.) have duly taken the same into consideration and beg leave to report, that in their opinion the second judicial district should be composed of the counties west of the Mississippi, as originally introduced in the bill, for many weighty and obvious reasons. To separate the counties of Dakota and Hennepin from the new counties created at this session, and attach them to the third judicial district, of which Benton county is the centre, or at present most populous part, would not only be improper geographically, but also impolitic in other points of view, and very unsatisfactory to many of the people of the west side of the Mississippi, particularly those of Dakota county, and to attach Hennepin county alone to the third judicial district, leaving the other western counties including Dakota county as they were first introduced, would tend to sever old associations, and place the two counties of Hennepin and Dakota, which are now in the same Council and Representative districts, in separate judicial districts. Therefore, your Committee would respectfully recommend that the House recede from their two amendments to said bill. Which is respectfully submitted.

L. A. BABCOCK,

D. B. LOOMIS,

Council.

A. E. AMES,

B. H. RANDALL,

House of Representatives.

The report of the committee was then adopted by the House.

Mr. Ludden from the committee on Enrolled Bills, made the following report:

The joint committee on Enrolled Bills, beg leave to report that they have examined and found correctly enrolled, the following entitled bills, viz :

A bill entitled " An act to incorporate the Louisiana and Minnesota Railroad company."

A bill entitled " An act to organize certain counties and for other purposes."

A bill entitled " An act to amend the Revised Statutes."

GEO. W. FARRINGTON, }
J. D. LUDDEN, } Committee.

A bill entitled " An act to incorporate the Louisiana and Minnesota Railroad company,"

A bill entitled "An act to organize certain counties and for other purposes,"

A bill entitled "An act to amend the Revised Statutes,"

Were laid on the Speaker's desk and were by him signed.

Mr. Wells from the committee appointed to confer with a committee on the part of the Council, on

No. 37, (H. of R.) "A bill to provide for laying out a Territorial road from Cannon river to the new Fort on the Minnesota," made the following report:

The select Joint Committee to which was referred House File 37, have had the same under consideration and have disagreed on the disagreeing vote of the two Houses.

The report of the committee was then adopted by the House.

No. 29, (H. of R.) "A bill for defraying the expenses of the Legislative Assembly, and for other purposes,"

Then coming up and the question then recurring on ordering the bill to a third reading,

It was decided in the affirmative, and

On motion of Mr. Ames,

The bill was then read a third time by its title.

The bill was then passed and the title agreed to.

The following Message was then received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz:

MR. SPEAKER:—The Council has adopted the report of the Committee of Conference on No. 20, (C. F.) "A bill for an act to establish the terms of the Supreme and District courts of the Territory, and for other purposes."

The Council has passed

No. 39, (H. of R.) "A bill to amend an act entitled an act to provide for the erection of public buildings in the Territory of Minnesota, approved February 7, 1851, and an act amendatory thereto, approved March 6, 1852."

The Secretary then withdrew.

The following message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz.:

MR. SPEAKER: The Council has passed

No. 29, (H. of R.) "A bill to defray the expenses of the Legislative Assembly and for other purposes,"

With amendments.

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

The Secretary then withdrew.

On motion of Mr. Ames,

The message was then taken up, and the question then recurring on the adoption by the House, of the amendments proposed by the Council, to

No. 29, (H. of R.) "A bill to defray the expenses of the Legislative Assembly and for other purposes."

The first amendment was then read as follows:

"Strike out thirty-nine days as President of the Council, one hundred and seventeen dollars dollars, and insert "twenty-nine days services as President of the Council, eighty-seven dollars."

The House concurred therein.

The second amendment being then read as follows:

Insert the words "estate of" before the words "James M. Goodhue," where they occur.

The House concurred therein.

The third amendment being then read as follows:

"Add to the bill, to Owens & Moore, for incidental printing executed by order of the Council, one thousand nine hundred and seventeen dollars and two cents. To

Owens & Moore for twenty-five hundred and twenty-five copies of the *Minnesotian*, furnished to the members and officers of the Legislature, one hundred and fifty-seven dollars and ninety-five cents.

To Owens & Moore for printing amendments to the Revised Statutes, (bound with the R. S.) and Journal of the House of Representatives, for eighteen hundred and fifty-two, as per bill rendered to the Secretary of the Territory, twelve hundred and forty-one dollars and forty-four cents."

The House concurred therein.

The fourth amendment was then read as follows :

Last page, line 22, strike out " Bills," and insert " Bills " in line 23, between the words " Council " and " five."

The House concurred therein.

The fifth amendment being then read as follows :

To S. P. Folsom for extra writing in bringing up Council Journal for the year 1850, \$25 00.

The House refused to concur therein.

The sixth amendment being then read as follows, viz :

Add to the Bill ' to John Farrington additional for clock, \$15 00.'

Mr. Rolette moved a call of the House, which was ordered, and the roll being called Messrs. Gingras, McKee, Ramsey and Truax were reported absent.

The Sergeant-at-Arms were ordered to report the absent members in their seats.

Mr. Stimson moved a suspension of all further proceedings under the call of the House.

Which motion prevailed.

The question then recurring on the concurrence of the House in the sixth amendment,

And the yeas and nays being called for and ordered, there were yeas 6, noes 8.

Those who voted in the affirmative were,

Messrs. Ames, Dutton, Ludden, Randall, Rolette and Wells—6.

Those who voted in the negative were,

Messrs. Lott, Murray, Noot, Oliver, Russell, Stimson, Wilcox and Speaker—8.

So the amendment was not concurred in.

The seventh amendment being then read as follows :

Add, to Charles W. Borup additional for rent, fifty dollars.

And the yeas and noes being called for and ordered, there were yeas 5, noes 9.

Those who voted in the affirmative were,

Messrs. Ames, Murray, Randall, Rolette and Wells—5.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Lott, Noot, Oliver, Russell, Stimson, Wilcox and Speaker—9.

So the amendment was not concurred in.

The eighth amendment being then read as follows :

To N. E. Tyson for candles for House of Representatives, \$1 00.

The House concurred therein.

The ninth amendment being then read as follows :

To F. E. Collins for extra writing, \$20 00.

The House refused to concur therein.

The tenth amendment being then read as follows :

To B. W. Brunson for candles for enrolling clerk, \$5 00.

The House refused to concur therein.

The eleventh amendment being then read as follows :

Add to Le Duc and Rohrer for stationery furnished members and officers of the Council, twenty-five dollars, per Secretary of the Council.

And the yeas and nays being called for and ordered, there were yeas 8, nays 7.

Those who voted in the affirmative were,

Messrs. Ames, Lott, Murray, Noot, Rolette, Ramsey, Wells and Wilcox—8.

Those who voted in the negative were,

Messrs. Dutton, Ludden, Oliver, Randall, Russell, Stimson and Speaker—7.

So the House concurred therein.

So the House concurred in the first, second, third, fourth, eighth and eleventh amendments, and refused to concur in the fifth, sixth, seventh, ninth and tenth amendments proposed to said bill.

A message in writing was received from his Excellency the Governor, by W. B. White, the private Secretary.

The Secretary having withdrawn,

On motion of Mr. Wells,

The message was taken up and read as follows :

EXECUTIVE DEPARTMENT, }
St. Paul, March 6, 1853. }

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

SIR :—I have this day examined and approved the following acts, viz :

“An act to incorporate Colleges, Seminaries, Churches, Lyceums and Libraries,”

“An act to incorporate the town of Mendota in the County of Dakota.”

“An act to amend an act to incorporate the town of St. Paul, in the county of Ramsey,”

“An act to provide for laying out a Territorial Road from St. Anthony to Taylor’s Falls.”

Very respectfully,

Your obedient servant,

ALEX. RAMSEY.

Mr. Ludden from the Joint Committee on Enrolled Bills made the following report :

The Joint Committee on enrolled Bills respectfully report, that they did, on the fifth day of March, 1853, present to his Excellency, the Governor, for his approval, the following :

A bill entitled “An act to provide for the alteration of the St. Paul and Point Douglas road.”

A Bill entitled “An act to amend an act entitled an act to provide for laying out a Territorial road from St. Anthony to the west bank of Lake St. Croix, opposite Willow river.”

A bill entitled “An act to amend the Revised Statutes,”

A bill entitled “An act to incorporate the Louisiana and Minnesota Railroad Company,”

“An act to organize certain counties, and for other purposes,”

GEO. W. FARRINGTON, }
J. D. LUDDEN, } Committee.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER : The Council has refused to recede from the amendments made to No. 29, (H. of R.) “A bill for defraying the Legislative expenses and for other purposes.”

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

The Secretary then withdrew.

Mr. Randall asked and obtained leave to introduce the following resolution, which was read, viz. :

Resolved, That a Committee of two be appointed, to wait on and inform the Council that the House has no further business before it, and is ready to adjourn, *sine die*.

The question then recurring on the adoption of the resolution,

And the yeas and nays being called for and ordered, there were yeas 9, nays 7.

Those who voted in the affirmative were,

Messrs. Ludden, Lott, Murray, Noot, Oliver, Randall, Russell, Truax and Wilcox—9.

Those who voted in the negative were,

Messrs. Ames, Dutton, McKee, Rolette, Ramsey, Stimson and Wells—7.

So the resolution was adopted,

And Messrs. Randall and Ramsey were appointed said Committee.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER : The Council has passed No. 24, (C. F.) "A bill to provide for the Printing of the Laws and Journals of the present session of the Legislative Assembly,"

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

The Secretary then withdrew.

On motion of Mr. Lott,

The last message of the Council was then taken up, and

No. 24, (C. F.) "A bill to provide for the Printing of the Laws and Journals of the present Session of the Legislative Assembly,"

Was read a first and second times.

On motion of Mr. Lott,

The rules were suspended by a two-thirds vote,

And the bill was ordered to a third reading, read a third time by its title, passed, and the title agreed to.

Mr. Ludden from the Joint Committee on enrolled bills made the following report :

The Joint Committee on Enrolled Bills, beg leave to report,

That they have examined, and found correctly enrolled the following entitled bill: "A bill entitled an act to amend an act entitled an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved Feb. 7, 1851, and an act amendatory thereto, approved March 6th, 1852."

G. W. FARRINGTON,
Council.

J. D. LUDDEN,
House of Representatives.

"A bill entitled an act to amend an act entitled an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved Feb. 7, 1851, and an act amendatory thereto, approved March 6th, 1852,"

Was laid on the Speaker's desk, and was by him signed.

Mr. Randall, from the Committee appointed to wait on the Council, reported that the Committee had performed the duties assigned them.

On motion of Mr. Ramsey,

The message from the Council was taken from the table, and

Messrs. Lott and Rolette were appointed a Committee to confer with a similar Committee to be appointed by the Council on the disagreeing vote of the two Houses on No. 29, (H. of R.) "A bill for the payment of the expenses of the Legislative Assembly, and for other purposes."

Mr. Ames, asked and obtained leave to introduce the following resolution, which was read, viz. :

Resolved, That a vote of thanks is hereby tendered to the Speaker of this House, for the able, impartial and gentlemanly manner in which he has presided over the deliberations of this House during the present session of the Legislative Assembly.

The question, on the adoption of the resolution having been put by the Chief Clerk, And the ayes and noes being called for and ordered, there were ayes 14, noes 0.

Those who voted in the affirmative were

Messrs. Ames, Dutton, Ludden, Lott, Murray, McKee, Noot, Oliver, Randall, Russell, Ramsey, Truax, Wells and Wilcox—14.

So the Resolution was unanimously adopted.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER: The Council has appointed Messrs. Loomis and Larned a Committee to confer with a similar Committee on the part of the House, on the disagreeing vote of the two Houses, on No. 29 (H. of R.)

The Secretary then withdrew.

Mr. Wells then asked and obtained leave to introduce a resolution, which was read and adopted, viz. :

Resolved, That the thanks of this House are due and are hereby tendered to the Chief Clerk and other officers of this House, for the efficient and satisfactory manner in which they have discharged the duties of their several offices, the present session of the Legislature.

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

The joint committee on enrolled bills beg leave to report that they have examined and found correctly enrolled, the following entitled bills, viz :

"A bill entitled an act for the Government of the Territorial Prison of Minnesota,"

"A bill entitled an act to establish the terms of the Supreme and District Courts of the Territory, and for other purposes,"

"A bill entitled an act to incorporate the Lake Superior, Puget Sound, and Pacific Railroad Company,"

"Joint Resolution, authorizing the Governor to appoint some person or persons to attend the World's Fair in the building appropriated for that purpose in the City of New York."

GEO. W. FARRINGTON,
Council.

J. D. LUDDEN,
House.

The above named bills were then laid on the Speaker's desk, and were by him signed.

Mr. Lott, from the committee appointed to confer with a committee of the Council on the disagreeing vote of the two Houses on

No. 29 (H. of R.) "A bill for defraying the expenses of the Legislative Assembly, and for other purposes,"

made the following report :

The Joint Committee of Conference, to which was referred No. 29 (H. of R.) beg leave to report, that the Council should recede from the 5th, 7th, 9th and 10th amendments to said bill, and that the House concur in the sixth amendment to said bill.

D. B. LOOMIS, }
W. L. LARNED, } Council.
B. W. LOTT, }
J. ROLETTE, } H. of R.

The report of the Committee was then adopted by the House.

The following Message was then received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: His Excellency the Governor has informed the Council that he has examined and approved the following acts, viz. :

"An act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes,"

"An act to incorporate the Mississippi and Lake Superior Railroad Company,"

"An act to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Minnesota,"

"An act to amend an act to incorporate the St. Paul Fire and Marine Insurance Company, passed Feb. 18th, 1853,"

"Joint Resolution, authorizing the Secretary of the Territory to collate and cause to be printed certain acts, and for other purposes,"

"A memorial to Congress, relative to a farther appropriation for the completion of the Public Buildings in the Territory of Minnesota,"

"An act to incorporate the Louisiana and Minnesota Railroad Company,"

"An act to amend the Revised Statutes,"

"An act to organize certain counties, and for other purposes."

The Secretary then withdrew.

Mr. Wells asked and obtained leave to offer the following resolution, which was read :

Resolved, That a committee of two be appointed on the part of this House to act in conjunction with a similar committee to be appointed on the part of the Council, to wait on His Excellency the Governor, and inform him that the two Houses have completed the business before them, and inquire of him if he has any further communication to lay before either branch of the Legislative Assembly at its present session.

On motion of Mr. Ludden,

The resolution was laid on the table.

The following Message was then received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER: The Council has adopted the Report of the Joint Committee on the disagreeing vote of the two Houses on No. 29, (H. of R.)

The Secretary then withdrew.

Mr. Ludden, from the Joint Committee on Enrolled Bills, made the following report, viz. :

The Joint Committee on Enrolled Bills respectfully report, that they did, on the fifth day of March, 1853, present to His Excellency the Governor, for his approval, the following :

"A bill to amend an act entitled an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved Feb. 7th, 1851; and an act amendatory thereto, approved March 6th, 1852;"

"A bill entitled an act to incorporate the Lake Superior, Puget Sound and Pacific Railroad Company;"

"Joint Resolution authorizing the Governor to appoint some person or persons to attend the World's Fair in the building appropriated for that purpose in the city of New York;"

"A bill entitled an act to establish the Terms of the Supreme and District Courts of the Territory, and for other purposes."

GEO. W. FARRINGTON, } Committee.
J. D. LUDDEN, }

A message, in writing, was received from His Excellency the Governor, by W. B. White, Esq., his Private Secretary.

On motion of Mr. Wells,

The message from the Governor was taken up and read as follows, viz. :

EXECUTIVE DEPARTMENT, }
 Saint Paul, March 5, 1853. }

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

SIR :—I have this day examined and approved,

“ An act to provide for the alteration of the St. Paul and Point Douglas Road.”

“ An act to amend an act entitled an act to provide for laying out a Territorial Road from Saint Anthony to the west bank of Lake St. Croix, opposite Willow River.”

Very respectfully,

Your obt. servt.,

ALEX. RAMSEY.

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

The Joint Committee on Enrolled Bills respectfully report, that they did, on the 5th day of March, 1852, present to His Excellency, the Governor, for his approval, the following entitled Bills :

“ A bill entitled an act for the Government of the Territorial Prison of Minnesota ;”

“ An act to incorporate the St. Paul Fire and Marine Insurance Company.”

GEO. W. FARRINGTON,
 Council.

J. D. LUDDEN,

H. of R.

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

“ A bill entitled an act to provide for the Printing of the Laws and Journals of the present session of the Legislative Assembly ;”

“ A bill entitled an act for defraying the expenses of the Legislative Assembly, and for other purposes.”

J. D. LUDDEN,

H. of R.

GEO. W. FARRINGTON,
 Council.

“ A bill to provide for the Printing of the Laws and Journals of the present session of the Legislative Assembly,” and

“ A bill entitled an act for defraying the expenses of the Legislative Assembly, and for other purposes,”

Were laid on the Speaker's desk, and were by him signed.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz. :

MR. SPEAKER :—His Excellency the Governor has informed the Council that he has examined and approved the following :

“ An act to incorporate the Lake Superior, Puget Sound and Pacific Railroad Company ;”

“ An act to establish the Terms of the Supreme and District Courts of the Territory, and for other purposes ;”

“ An act to amend an act entitled an act to provide for the erection of Public Buildings in the Territory of Minnesota, approved Feb. 7th, 1851, and an act amendatory thereto, approved March 6th, 1852 ;”

“ Joint Resolution, authorizing the Governor to appoint some person or persons to attend the World's Fair in the buildings appropriated for that purpose in the city of New York.”

The Council has passed

No. 25, (C. F.) “ A bill for the relief of F. E. Collins.”

In which the concurrence of the House of Representatives is respectfully requested. The Council has refused to pass No. 40, (H. of R.) "A bill relative to the price of Ferriage at the ferries across the Mississippi River, at the town of St. Paul."

The Secretary then withdrew.

On motion of Mr. Randall, The message from the Council was taken up, when No: 25, (C. F.) "A bill for the relief of F. E. Collins," Was read a first and second times, and laid on the table for the action of the House in Committee of the Whole.

On motion of Mr. Randall, The Rules were suspended, and the bill was taken up, Ordered to a third reading, read the third time, passed, and the title agreed to.

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

The Joint Committee on Enrolled Bills, respectfully report, that they did, on the 5th day of March 1853, present to his Excellency, the Governor, for his approval, the following entitled bills :

A bill entitled "An act to defray the expenses of the Legislative Assembly and for other purposes."

A bill entitled "An act to provide for the printing of the Laws and Journal of the present session of the Legislative Assembly."

GEO. W. FARRINGTON, } Committee.
J. D. LUDDEN, }

A message from his Excellency, the Governor, was received by W. B. White, Esq., his private Secretary.

The Secretary having withdrawn,

On motion of Mr. Randall, The message was taken up and read as follows :

EXECUTIVE DEPARTMENT, }
St. Paul, March 5, 1853. }

To the Hon. Speaker of the House of Representatives :

SIR :—I have this day examined and approved "An act for defraying the expenses of the Legislative Assembly and for other purposes."

Very respectfully,
Your obedient servant,
ALEX. RAMSEY.

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz :

MR. SPEAKER :—His Excellency, the Governor, has informed the Council that he has examined and approved "An act to provide for printing of the laws and Journals of the present session of the Legislative Assembly."

The Secretary then withdrew.

On motion of Mr. Ames,

The resolution relative to visiting the Governor was then taken up and adopted, and Messrs. Wells and Wilcox were appointed a committee on the part of the House under the said resolution.

Mr. Ludden from the Joint Committee on Enrolled Bills made the following report :

The Joint Committee on enrolled bills respectfully report, that they have examined and found correctly enrolled the following :

A bill entitled "An act for the relief of F. E. Collins."

GEO. W. FARRINGTON, } Committee.
J. D. LUDDEN, }

A bill entitled "An act for the relief of F. E. Collins,"

Was then laid on the Speaker's desk and was by him signed.

Mr. Ludden, from the Joint Committee on enrolled bills, made the following report:

The Joint Committee on enrolled bills, did, on the fifth day of March, A. D. 1859, present to his Excellency, the Governor of Minnesota Territory, for his examination and approval, the following entitled Bill, viz:

A bill entitled "An act for the relief of F. E. Collins."

GEO. W. FARRINGTON, } Committee.
J. D. LUDDEN, }

The following message was received from the Council by A. T. C. Pierson, Esq., the Secretary, viz:

MR. SPEAKER:—The Council has appointed Messrs. Babcock and Forbes a committee to act in conjunction with a similar committee on the part of the House, to wait on his Excellency, the Governor, and ask him if he has any further communications to make to the Legislative Assembly. ●

The Secretary then withdrew.

Mr. Wells from the Committee appointed to wait upon his Excellency, the Governor, and inform him that the two Houses had no further business before them, reported, That the Committee had performed the duty assigned them and that his Excellency had informed the committee that he had no further messages to communicate.

The following message was received from the Council, by A. T. C. Pierson, Esq., the Secretary, viz:

MR. SPEAKER:—His Excellency, the Governor has notified the Council that he has examined and approved "An act for the relief of F. E. Collins."

The Secretary then withdrew.

Messrs. Loomis and Larned were announced as a committee from the Council, and informed the House that the Council had no further business before it, and were ready to adjourn *sine die*.

Mr. Wells moved that the House do now adjourn *sine die*.

The question was put and decided in the affirmative.

The Speaker then addressed the House.

The House was then declared to be adjourned, *sine die*.

APPENDIX.

1888

AUDITOR'S REPORT.

OFFICE OF THE TERRITORIAL AUDITOR, }
St. Paul, January 27, 1853. }

To the Honorable the Legislature of the Territory of Minnesota :

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 detail of which, you are referred to the schedules hereto annexed, marked A, B, and C.

The amount of Territorial tax assessed for the year ending December 31st, 1852, is one thousand six hundred and seventy-nine dollars eighty-two cents, for the details of which, see schedule marked A.

The salaries of the officers of the Territory for the year 1852, amount to the sum of eight hundred dollars.

The amount of drafts drawn on the treasury during said year, is eight hundred and ninety-four dollars.

The amount of taxes paid into the Territory during the same period, is seven hundred and five dollars and seventeen cents.

The amount of liabilities over all assets, on the first day of January, 1852, was sixteen dollars and ninety-five cents.

The amount of assets (including delinquent taxes) over liabilities on the first day of January, 1853, was seven hundred and sixty-eight dollars and eighty-seven cents.

The amount of delinquent taxes on the first day of January, 1853, was seven hundred and eleven dollars eighty-seven cents, a detailed statement of which will be found in schedule marked B.

The amount of taxable property in the Territory, for the year 1852, as shown by the return of the assessors, exceeds that of the preceding year, by the sum of \$497,820, a flattering index of the rapid growth of this infant Territory. It is confidently believed, that the assessment of the present year, will reach the sum of \$2,150,000, producing a revenue of \$2,150. It is proper, however, to state, that the demands upon the treasury for the present year, will more than double that of any previous year, owing to some outstanding claims, and the heavy expense incurred in locating a territorial road from Reed's landing near the foot of Lake Pepin, to the St. Peters, authorized by an act of the last session, an estimate of which will be found in schedule marked C.

A bill for assessing and making a tax roll of Dakota county for 1852, has been presented to this office for allowance. This bill was originally presented to the Board of

Commissioners of Ramsey county, to which the county of Dakota is attached for judicial purposes. The Commissioners rejected the claim on the ground, (as is understood) that the assessment being made for Territorial purposes only, the expenses must be borne by the Territory. From an examination of sec. 21, chap. 1, and sec. 28, 47, and 95 of chap. 12 of the revised statutes, it seems to have been the intention of the Legislature to raise a revenue for Territorial purposes, of one mill on the dollar, of the assessed value of all the taxable property of the Territory, independent in amount, of any deduction for assessment or collection of the same, direct or indirect. Entertaining this view of the law, I declined auditing the account.

The effect of a different construction of the law is forcibly illustrated by the facts in the present case, for example :

The entire valuation of Dakota county for the year 1852, is \$56,539. Tax, \$56 54. Charge for assessing, \$62 00. Making tax roll, \$15 00. Total, \$77 00. Twenty dollars and forty-six cents over the entire amount of the tax levied.

I have deemed it proper to bring this subject to your notice, that the defect in the law, if defect there be, may receive your early attention.

All of which is respectfully submitted.

A. VAN VORHES,
Territorial Auditor.

SCHEDULE A.

Amount of Territorial Tax for the year ending December 31, 1852, no part of which has yet been paid.

Counties.	Amount of Taxable Property.	Tax.
Ramsey County	\$1,060,818	\$1060 82
Washington "	343,758 35	343 76
Benton "	103,168	103 17
Chisago "	42,892	46 89
Wabasha "	16,500	16 50
Itasca "	8,620	8 62
Hennepin "	43,525	43 52
Dakota "	56,539	56 54
Pembina "	No returns received.	
Cass "	" " "	
Total	\$1,679,820 35	\$1,679 82

LIABILITIES.

Salaries of officers for 1852	\$800 00	
Other liabilities	94 00	\$894 00
Deficiency in assets to meet the liabilities on the 31st of December last	16 95	910 95
Balance of assets* over liabilities, on the 31st of December, 1852		\$767 87

* This includes the delinquent taxes for 1850 and 1851.

SCHEDULE B.

Amount of Territorial Taxes delinquent for the Years 1850 and 1851.

Counties.	Amount of Taxes.		Amount Paid.	Amount Delinquent.	
Ramsey - -	1850	\$545 37	\$512 50	\$31 87	
" - -	1851	782 11	200 00	582 11	\$613 98
Benton - -	1851	64 78			64 78
Wabasha - -	1850	33 21			30 21
					\$711 87

SCHEDULE C.

Drafts on the Treasury for the Year 1853.

<i>1st. Salaries of Officers.</i>					
Territorial Treasurer - - - - -	-	-	-	-	\$150 00
" Auditor - - - - -	-	-	-	-	100 00*
Attorney General - - - - -	-	-	-	-	250 00
Adjutant General - - - - -	-	-	-	-	150 00
Superintendent of Common Schools - - - - -	-	-	-	-	100 00 \$750 00
<i>2d. Miscellaneous.</i>					
Lake Pepin and St. Peters Road, (estimated at) - - - - -	-	-	-	-	\$800 00
Expenses in suit, U. S. vs. Hatch - - - - -	-	-	-	-	150 00
" " U. S. vs. Fales - - - - -	-	-	-	-	50 00
Publishing School Laws - - - - -	-	-	-	-	52 15
Incidental (estimated) - - - - -	-	-	-	-	100 00 \$1,152 19
					\$1,902 15
<i>Revenue for 1853.</i>					
Estimated valuation - - - - -	-	-	-	-	\$2,150,000
Tax 1 Mill - - - - -	-	-	-	-	\$2,150 00

* Under the Revised Statutes.

TREASURER'S REPORT.

TREASURER'S OFFICE, ST. PAUL, Feb. 10, 1853.

To the Honorable the Legislature of the Territory of Minnesota :

The Territorial Treasurer, pursuant to statute, respectfully submits the following Annual Report for the fiscal year ending on the 10th day of February, 1853 :

Balance in the Treasury on the first day of March, 1852 -	\$ 9 22	
Receipts from March 1st to Feb. 10, 1853 - - -	925 45	
Total amount - - - - -		\$934 67
Amount of payments during the same time - - -	932 10	
Balance in the Treasury, Feb. 10, 1853 - - -		2 57
Delinquent Taxes, (as assets) - - - - -	1,440 42	
Amount of Auditor's drafts on counties for three years -	3,522 37	
Tax on unorganized counties that have filed bonds in this office - - - - -	172 08	
Total tax for three years - - - - -	3,694 41	
“ receipts “ “ - - - - -	2,253 99	
“ payments “ “ - - - - -	2,251 42	
Remaining fund to meet liabilities - - - - -	1,443 02	

Summary of payments during the year.

To Wm. R. Marshall, for laying out roads - - -	\$ 56 50	
“ J. W. Furber “ “ “ - - -	24 00	
“ Rob't Kennedy “ “ “ - - -	94 30	
“ B. W. Brunson “ “ “ - - -	37 50	
“ A. J. Whitney “ “ “ - - -	15 00	
<i>Territorial Officers' Salary.</i>		
To L. A. Babcock - - - - -	250 00	
“ James McBoal - - - - -	300 00	
“ J. E. McKusick - - - - -	50 00	
“ E. D. Neill - - - - -	50 00	
“ J. C. Ramsey, for Auditor's Books - - -	38 00	
“ C. A. Tuttle “ “ - - -	14 80	
		\$932 10

All of which is respectfully submitted.

C. A. TUTTLE,
Treasurer.

LIBRARIAN'S REPORT.

TERRITORIAL LIBRARY, }
St. Paul, Feb. 9, 1853. }

In compliance with the duty required of him by law, the Librarian submits the following report to the Legislative Assembly of the Territory of Minnesota.

The additions which have been made to the Library since the last report of the undersigned, will be found recorded in the accompanying catalogue. As no grant has been made by the Legislature for the increase of the library, it is unnecessary to state that the additions enumerated are due to the liberality and public spirit of individual donors. In this connection the kind offices of Dr. T. Romeyn Beck, Secretary of the Regents of the University of the State of New York, deserve grateful notice. Several consignments have been received from him in the past, as in previous years; and the contributions from this source have been frequent and valuable.

Use and other causes have done their work of injury, more or less, upon a number of volumes, but the books generally are in good condition. Several works are missing, but most of these will at an early day be replaced by the individuals to whom they were loaned.

During the past year a file of each newspaper published in the Territory has been preserved. No fines have in this period been collected or assessed. Insurance has been effected on the library to the amount of \$5,000—the policy expiring in July next.

As there are duplicates of a number of works of slight intrinsic value, and to which reference is seldom made, I submit the propriety of the Legislature authorizing the sale or exchange of them to the best advantage.

WALLACE. B. WHITE,
Territorial Librarian.

CATALOGUE OF BOOKS, MAPS, &c., WHICH HAVE BEEN RECEIVED AT THE TERRITORIAL LIBRARY, FROM FEBRUARY 1, 1852, TO FEBRUARY 1, 1853.

Reports.

- Maine Reports, vols. 31 and 32.
- Vermont Reports, (Washburn) vol. 7.
- North Carolina Reports, (Iredell's Equity) vol. 7.
- North Carolina Reports, vol. 13.
- Kentucky Reports, vol. 11.
- Texas Reports, vol. 3.

Tennessee Reports, (Humphrey) vol. 11.
 Ohio Reports, vol. 20.
 Illinois Reports, vol. 13.
 Missouri Reports, vols. 13 and 14.
 Iowa Reports, (Greene) vol. 2.

Public Documents.

U. S. Statutes at Large, 1851-52; 30 copies.
 House Journal, 1st session 32d Congress; 3 copies.
 Documents, 2d session 31st Congress; 3 sets, 21 vols. each.
 Annals of Congress, 5th and 6th Congress, complete; 2 sets.
 Congressional Directory, 1st session 32d Congress.
 do do 2d do do
 Annual Message of the President and accompanying documents, 1851-52; 2 parts.
 Congressional Report on the discovery of the anæsthetic properties of ether.
 Report on Commerce and Navigation.
 Sixth Annual Report of the Smithsonian Institution.
 Maps of the Coast Survey.
 Map of the District of Columbia.
 Map of the City of Washington.
 Acts and resolves of the Legislature of Maine, 1852.
 Journals of the Legislature of New Hampshire, 1852; 2 copies.
 Compiled Statutes of Vermont, 1850.
 Session Laws of Vermont, 1851.
 Journal of the Senate of Vermont, 1851.
 Journal of the H. of R. of Vermont, 1851.
 Report of the Auditor of Accounts of Vermont, 1851.
 Acts and Resolves of the Legislature of Massachusetts, 1852; 3 copies.
 Acts of the General Assembly of Rhode Island, 1851; 3 copies.
 " " " " " " " " 1852; 3 copies.
 Report on the Public Schools of Rhode Island, 1852; 2 copies.
 Public Acts of the Legislature of Connecticut, 1851; 3 copies.
 Private Acts " " " " " " " " 1851; 3 copies.
 Laws, Journals and Documents of the State of New York, 1850; 15 vols.
 " " " " " " " " 1851; 14 vols.
 " " " " " " " " 1852; 13 vols.
 Documentary History of New York, vol. 2.
 Annual Report of New York State Library, 1852.
 Fifth annual Report of the N. Y. State Cabinet of Natural History.
 Sixty-fifth Annual Report of the Regents of the N. Y. State University; 2 copies.
 Laws of New Jersey, 1852.
 Laws of Pennsylvania, 1852.
 Acts of Assembly, Virginia, 1850-51.
 " " " " " " " " 1852.
 Documents, House Delegates, Virginia, 1850-51.
 Journal " " " " 1849-50.
 " " " " " " 1850-51.
 Acts, &c., of the General Assembly of South Carolina, 1851; 2 copies.
 New Digest of the Laws of Georgia, 1851.
 Acts of Alabama, 1851-52.
 Code of Alabama, 1852.
 Report of the Inspectors of the Alabama Penitentiary, 1851.
 Message of the Governor of Florida and accompanying documents, 1852.
 Laws of Texas, Fourth Legislature; 2 copies.
 Acts of Tennessee, 1852.
 Auditor's Reports of Kentucky, 1851-52.
 Session Acts of Kentucky, 1851-52; 2 copies.
 Laws of Ohio, 1852.

Laws of Illinois, 1852; 3 copies.
 Laws of Wisconsin, 1852; 2 copies.
 Statutes of California, 2d session of the Legislature.
 " " 3d " " "
 Journal of the Senate of California, 2d Legislature.
 " " House, " 2d "
 Debates in the Convention of California.
 Debates De La Convencion de California, (Spanish.)
 Acts of the First Legislative Assembly of the Territory of Utah.
 Statutes of Minnesota.

Miscellaneous Books.

Pickett's History of Alabama, 2 vols.
 Life and Works of John Adams, vols. 4, 5, and 6.
 Bush on the Resurrection.
 Sketches of Boston.
 The Scarlet Letter.
 Annals of the Minnesota Historical Society, 1852; 4 copies.

The following books have been recently donated by his Excellency, Alex. Ramsey:

Dakota Grammar and Dictionary.
 Universal Ancient History, 21 vols.
 Ben. Johnson's Works, Anno 1631, (rare edition.)
 Tillotson's Works, folio.
 Bohn's Classical Library, 3 vols.
 Johnson's Dictionary, unabridged.
 Sewel's History of the Friends, 2 vols.
 Journal of George Fox, 2 vols.
 Memoir of Fox.
 Bloomfield's Thucydides, 3 vols.; notes, &c.
 Translation of the Opera Patrum Apostolorum.
 Robinson's Biblical Researches, 3 vols.; with maps, &c.

The first of these is the fact that the United States is a young nation, and that its history is still in the making. The second is the fact that the United States is a large nation, and that its history is still in the making. The third is the fact that the United States is a free nation, and that its history is still in the making.

W. W. Rostock, M. A.

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ADJUTANT-GENERAL'S REPORT.

ADJUTANT-GENERAL'S OFFICE,
St. Paul, Feb. 15th, 1853.

SIR:—I have the honor to report that I have received from the General Government the amount of arms due from it to the Territory, for the years 1850 and 1851. They amount to twenty stand, as will appear from the Schedule marked A, and hereto annexed, and which contains a list of the arms received.

I would further state that since my last report, there has been formed a uniform company from the militia of Ramsey county, consisting of about seventy-five persons, rank and file. They have purchased their uniform, and they will be fully equipped early in the ensuing spring.

Since the year 1851, the emigration to the Territory has been large, and of course, the number of persons coming within the militia act as capable of bearing arms, have very much increased. The full returns of the late census of the Territory, are not yet made, but they will when returned, undoubtedly show within our Territory, five thousand persons subject to do military duty. If this be so, this will render the General Government indebted to the Territory for a further supply of Arms. But I would respectfully suggest, that, situated as we are upon a remote frontier, surrounded by large tribes of Indians, of whom the Sioux within our borders, under the late treaty stipulations are soon to be removed; and knowing from past facts that the removal of almost all tribes of Indians, whenever it has occurred in the United States, has always been accompanied with more or less difficulty, that even this additional supply will be absolutely insufficient to arm the militia, or to insure the protection of the citizens of the Territory. I would therefore recommend that the Territory, through its Legislature, memorialize the Congress of the United States, setting forth the facts, and asking of them such a supply of arms as will render the citizens of the Territory secure, and if, unfortunately, the necessity should arise, enable them to defend themselves.

There being at present no place within the Territory for the storage of arms and ammunition, I would recommend that a Territorial Arsenal be provided. That this should be done, I deem to be a matter of absolute necessity.

I am, sir, very respectfully,
Your Excellency's ob't servant,
JAS. McBOAL,
Adjutant-Gen. Territory Minnesota.

To His Excellency, ALEX. RAMSEY, Governor Territory of Minnesota.

SCHEDULE A.

30 Muskets, bright Percussioned,	}	\$265 00
20 Musket Screw Vises,		
2 Musket Ball Screws,		
2 Musket Spring Vises,		
20 Musket Wipers,		
5 Musket Cones extra,		
20 Musket Cartridge Boxes and Plates,		24 00
20 Musket Cartridge Boxes, Belts and Plates,		14 00
20 Musket Waist Belts and Plates,		6 20
20 Musket Bayonet Scabbards, with frogs, 16 inch,		11 20
20 Musket Gun Slings,		3 20
20 Cap Pockets and Picks,		8 00
		<hr/>
		\$331 60
1 Packing Box,		
1 Gun Box,		
Being equivalent at \$13 00 per musket to twenty-five and six-thirteenth Muskets, (25 6-13.)		

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

To the Honorable the President of the Council of the Legislative Assembly of the Territory of Minnesota :

The Second Annual Report of the Board of Regents of the University of Minnesota is herewith respectfully submitted to the Legislative Assembly. No changes or proceedings of peculiar importance connected with the Institution have occurred since the last Annual Report. The Institution is in as flourishing a condition as could reasonably be expected from its recent establishment and the infancy of the Territory.

The Board of Regents met at St. Anthony in October last for the transaction of business. The subject of the removal of the present site of the University engaged the attention of the Board. It has been thought by some of the friends of the University, that its present location is in closer proximity to the business, and especially, the manufacturing, carried on in town, than would be desirable for a seat of learning.—The subject has been referred to a Committee for examination, and to report whether any more eligible site can be obtained in the vicinity of St. Anthony.

The two townships of land donated by Congress to the University, have not yet been located. It was thought advisable to defer the location till after the ratification of the Indian Treaties, in order that wider range might be afforded to make a selection most favorable to the interests of the Institution. The matter is one of great consequence to the interests of the University, and will receive the attention of the Regents as early as practicable.

One of the first steps taken by the Board of Regents, in behalf of the University was the establishment of a Preparatory Department. This is now in a flourishing condition. It is now under the direction of Prof. E. W. Merrill, a gentleman of much experience and success in teaching. It was opened for the reception of students November 26th, 1851. Since that time, about 130 different students have been connected with the Institution. The number has been steadily increasing each term; the present numbering 85 different pupils. It is gratifying to observe that an interest is felt in the Institution in different parts of the Territory. Several students from abroad have, the present winter, availed themselves of the advantages it affords.

There have been six students pursuing the study of the Languages; seventeen, Algebra and Geometry; sixteen, Physiology; the same number, Book-keeping; twenty-

nine, Philosophy, and six, Astronomy. The Books used are the same as recommended by the Superintendent of Public Instruction. No provision has yet been made for procuring apparatus suitable for the illustration of the Natural Sciences, and experiments therein. Great inconvenience is experienced from the cause. By a Resolution of the Board of Regents, all the expenses connected with the Preparatory Department are defrayed by private subscription. Many of the friends of education have already contributed generously towards this object. But it is believed there are others who would only need to be informed that the want above alluded to is felt, to cheerfully contribute the means for furnishing the necessary apparatus.

From the Treasurer's Report, it appears there has been paid towards the erection and completion of the Building for this department, the sum of \$2,351 70. The amount subscribed and collected for this purpose is \$2,380 17. There is still about two hundred dollars due on the building. It is believed that the amount now due on available subscriptions is sufficient to cancel this debt.

Several contributions to the University Library have been made the past year, including a valuable set of the London Encyclopedia, in twenty-two volumes, presented by C. H. Drew, Esq. Also, a communication has been received from Prof. Henry, Secretary of the Smithsonian Institution, advising that four volumes of the Smithsonian Contributions to Knowledge, have been forwarded to St. Louis, subject to the order of the University. These books have not yet been received, but will probably come to hand on the opening of navigation in the spring. Hon. H. H. Sibley has also presented several volumes to the Library.

All which is respectfully submitted.

I. ATWATER,
Secretary of Board of Regents.

REPORT OF THE SUPERINTENDENT OF COMMON SCHOOLS.

To the Legislative Assembly of the Territory of Minnesota :

Among the first educational efforts in the Atlantic States, were the establishment of schools for the education of Indian children. The distinguished British philosopher, Robert Boyle, gave a considerable sum to render the present college at Williamsburgh, Va., subservient to the education of the children of the Aborigines. Dartmouth College, which now enrolls as alumni, Choate, Woodbury and Webster, was, in its infancy, nothing more than an Indian Charity School.

As far as can be ascertained, the first school of any description in the Territory was taught at the trading house of the late Mr. Aitkin, at Sandy Lake, in the year 1832, by Mr. F. Ayer, now principal of a school at Belle Prairie, in Benton county. He was succeeded by Mr. E. F. Ely, now of St. Paul.

In 1833, the Rev. W. T. Boutwell opened a school at Leech Lake, and in 1834, Mr. Ely taught at Fond du Lac. In 1837, a school was opened by Mr. Ayer at Lake Kagemma.

The first school in Minnesota, west of the Mississippi, was taught by Miss S. Poage, now Mrs. Gideon H. Pond, in 1835, at Lac-qui-Parle. The next year, Rev. Sam'l W. Pond taught at the Dakota village at Lake Harriet, west of St. Anthony. In 1837, a school was opened at Kaposia, and in 1840 it was moved to Red Rock. In 1842, a school was commenced at the mouth of the St. Croix.

If we are not misinformed, one of the early teachers in the Indian country, and two of the pupils of those teachers, have been members of past Legislative Assemblies.

SCHOOLS IN THE WHITE SETTLEMENTS.

The Rev. T. S. Williamson, M. D., late of Kaposia, discovering that there were a number of children, mostly of mixed blood, growing up in entire ignorance, in the vicinity of the small Indian trading houses that have since expanded into the capital of Minnesota, applied to the friends of education in the States for a teacher.

Through the aid of the National Board of Popular Education, the services of Miss H. E. Bishop were secured; and in the spring of 1848, in a decayed log hut, with bark roof, that stood on or near the site of the First Presbyterian Church, she commenced the first regular English school in Minnesota, the army school at Fort Snelling, excepted. It was composed of nine children, chiefly half breeds. Shortly after, another English school was opened at Stillwater, by a lady, under the auspices of the National Educational Society. During the summer of 1849, another lady from the same Board,

now a teacher among the Choctaws, taught the first school at St. Anthony, in a building at present used as a stable.

In 1848, a school house was erected at Stillwater, and also at St. Paul. The building at the latter place is now used as a lawyer's office, and adjoining the First Presbyterian Church.

The Legislative Assembly of 1849, enacted a law for the establishment and support of Common Schools, but owing to the fact that the citizens failed to elect school trustees at the general election, no organizations according to law were effected that year.

The first meeting of citizens in reference to education was held at St. Paul on the evening of Dec. 1, 1849, at which a Provisional Committee on Schools was appointed.

In the "Chronicle and Register" newspaper of December 15, 1849, the following is published:

SCHOOL COMMITTEE MEETING.

At a meeting of the Provisional Committee on Schools, at the office of the Secretary of the Territory, in St. Paul, on the evening of the 4th of December, 1849, there were present, Rev. Mr. Hoyt, Rev. Mr. Parsons, Rev. Mr. Neill, Hon. Wm. H. Forbes and Mr. E. Rice.

Hon. Wm. H. Forbes was appointed to the Chair, and E. Rice was appointed Secretary.

Rev. Mr. Neill, from the committee appointed to ascertain what amount of indebtedness existed for building the school house occupied by Miss Bishop and Miss Scofield, and whether, if the same should be paid, a title to the land on which the house is erected can be procured, reported verbally, that they had conferred with Mr. Irvine, the owner of the land, who informed him that there remained unpaid, to Mr. Pomeroy, about \$80, for the building of the house, and that Mr. Irvine would execute a deed of the land to the proper persons, when that indebtedness has been paid. Whereupon, said committee was discharged.

Rev. Mr. Parsons moved that said debt be assumed, and that the Secretary draft a subscription paper, and that each member of the Provisional Committee take active measures in circulating the same, to the end that said indebtedness may be discharged by subscription; which motion prevailed.

Rev. Mr. Neill moved that three schools be established in St. Paul the present winter, as follows: one at the school house in the upper end of town, one at the school house about to be erected at the lower end of town, and another at the brick church; which was agreed to.

Rev. Mr. Parsons moved that the committee employ upon just and equitable terms, the Rev. Mr. Hobart to teach at the brick church, and Miss Bishop to teach at the school house at the upper end of town, and Miss Scofield to teach at the house to be erected at the lower part of town; and the motion was adopted.

Rev. Mr. Neill moved that Rev. Mr. Hoyt confer with Rev. Mr. Hobart, and Rev. Mr. Parsons confer with Miss Bishop and Miss Scofield, on the subject of teaching school, agreeable to the preceeding motion; and the motion was adopted.

And on further motion, the committee adjourned to meet at 7 o'clock next Saturday evening, at the same place.

WM. H. FORBES, Chairman.

EDMUND RICE, Secretary.

Saturday Evening, Dec. 6, 1849.

Committee met pursuant to adjournment. Present the Chairman and Secretary, Rev. Messrs. Hoyt and Parsons, B. W. Brunson and J. Snow, Esqs.

Proceedings of last meeting read and approved. A subscription paper, agreeable to previous directions, was presented by the Secretary.

Rev. Mr. Hoyt reported that he had conferred with Mr. Hobart in regard to teach-

ing school the present winter, who offered to teach at the rate of three dollars per scholar by the quarter; under general superintendence of the Provisional Committee.

Rev. Mr. Parsons made a like report in regard to his conference with Miss Bishop and Miss Scofield. Mr. Brunson moved that they be employed upon the terms reported, until such time as a legal organization of one or more school districts shall take place, but not to exceed three months; and the motion was agreed to.

Rev. Mr. Hoyt moved that teaching five days shall be considered equivalent to a week, and sixty days to a quarter; and further, that the necessary fuel for the several schools be obtained by subscription, and when delivered, that the young men of the place be requested to meet at a given time and cut the same for use; and the motion was agreed to.

On motion of the Secretary, Rev. Mr. Hoyt was appointed to request Mr. Hobart to commence his school on Monday, Dec. 10th; and Rev. Mr. Parsons was appointed to request Miss Bishop and Miss Scofield to commence their schools respectively on Monday, Dec. 24th; and the motion was adopted.

Rev. Mr. Parsons moved that the proceedings of the committee be published in the "Pioneer," and "Chronicle and Register;" carried.

Whereupon the committee adjourned, subject to meet by a call of the Chairman.

WM. H. FORBES, Chairman.

EDMUND RICE, Secretary.

SCHOOL HOUSES.

During the past year there has been little increase in the number of school edifices. Last autumn the Trustees of school district number three in town of St. Paul, purchased a new school building in one of the most eligible situations of the town. Two stories in height, well ventilated and lighted, it affords the most capacious school rooms in the Territory, and will answer the increasing wants of the district for some time.

The Superintendent would again call attention to the importance of the proprietors of new village sites, such as Hastings, Mendota, Le Sueur, Mankato, Traverse des Sioux, and other places on the recently ceded Dakota lands, setting apart at least one acre of ground, near the centre of the town plat, to be reserved forever as a site for a school edifice. In order that the ground might not be defaced by some log hut offensive to the eye, the land might be deeded to the school Trustees, on the condition that it should not be occupied until the inhabitants would erect a building of correct proportions, that would answer the purposes of a school house on six days of each week, and a sanctuary on the seventh, to those branches of the Church that might desire to worship therein, until they were sufficiently numerous to go forth and build a temple for their own use. Much harm has often been done to the cause of education, and the common Christianity of the land, by a sectarian zealot, hastening into a new settlement, and circulating a subscription among men of various religious professions for the erection of a house for his particular denomination, when that settlement is as yet without a respectable school house, or common place of worship.

It appears to be the duty of every enlightened citizen in a new land, to contribute first to the erection of a school edifice which can be appropriately used on the Sabbath by the Roman, Episcopal, Methodist, Baptist and Presbyterian branches of the Holy Catholic Church, as a place for their devotions, and then contribute to the erection of as many distinct church edifices as means, opportunity and inclination prompt.

SCHOOL TRUSTEES.

These as a body, appear to have been faithful in the discharge of their duties. But owing to the apathy that prevails upon this vital interest of education, and the almost entire failure of influential citizens to attend the annual school meeting, their unre-

warded labors have not only been unappreciated, but they have been obliged, in some cases, to receive the censure of the citizens, because they have endeavored to be true to their trust, and collect taxes levied by law, and keep the schools in operation.

SCHOOL MONEYS.

The pay of teachers is expressly provided for by the school law. Section first, Article first, says that it shall be the duty of the Commissioners of each county "to lay an annual tax of one-fourth of one per cent. on the ad valorem amount of the assessment rolls, made by the county assessors for the same year, and to include the same in their warrant to the collector; and the said collector shall proceed to collect the said tax in the same manner the county tax is collected; and the said moneys so collected shall be paid over to the county treasurer, to be appropriated for the hire of school teachers in the several school districts."

Though collected at the same time and in the same manner, the school tax is entirely distinct from the county tax. The school moneys can only be appropriated by law to one purpose, the hire of school teachers. Though the law is plain, some of the instructors of our schools have been much embarrassed, by the failure of the Treasurer to meet the orders of the school trustees. Some females who taught a year ago, still remain unpaid. The Superintendent is required by law to give in his Report to the Legislative Assembly, "estimates on accounts and expenditures of the school moneys," but he is wholly unable to comply with the requisition, as he has failed to learn from the proper officers anything in relation to the school moneys. The cause of education would be greatly promoted by making a separation of the office of County and School Treasurer.

Appended will be found the School Law as amended by the last Legislative Assembly, with forms for the use of school trustees.

The Superintendent does not, in the infancy of our Territory, deem it advisable to make any new suggestions in relation to education. The law which we now have in our Statute book is sufficient for our present wants. The great amendment needed, is that our citizens should remedy their indisposition to comply with its provisions.

All of which is respectfully submitted.

E. D. NEILL.

January 27, 1853.

APPENDIX—SCHOOL LAW.

Sec. 1. That for the purpose of establishing and maintaining Common Schools, it shall be the duty of the Commissioners of each County:

1. To divide such portion of their County as shall be inhabited into convenient school districts, to define the boundaries, numbers and file a copy of the same in the office of the clerk of the Board of County Commissioners, to lay an annual tax of one-fourth of one per cent. on the ad valorem amount of the assessment rolls, made by the County assessors for the same year, and to include the same in their warrant to the collector; and the said collector shall proceed to collect the said tax in the same manner the County tax is collected; and the said moneys so collected, shall be paid over to the County Treasurer, to be appropriated for the hire of school teachers in the several districts, to be drawn in manner hereinafter prescribed: *Provided*, That any school district upon petitioning to the County Commissioners, by a majority of the legal voters thereof, may be altered and divided by the said Commissioners, so as best to suit the convenience of the people of said district.

Sec. 2. For the better support of Common Schools and the general diffusion of education, there shall be set apart by the County Treasurer, twenty-five per cent. of all moneys paid into the County Treasury, arising from licenses for the sale of spirituous or other liquors, and the proceeds of all fines for a breach of any penal laws of this Territory, not otherwise appropriated by law.

Sec. 3. Whenever any school district shall be formed by the County Commissioners, it shall be the duty of the clerk of the Board of County Commissioners, within twenty days thereafter, to prepare a notice in writing, of the establishment of such district, describing its boundaries, and to deliver the same to some taxable inhabitant of such district, who shall have petitioned for the formation of the same, whose duty it shall be within two weeks after the receipt of such notice, to notify the other inhabitants of the district, of the time and place of the first district meeting, which time and place he shall fix by written notices, and which shall be posted in three public places in the district, at least ten days previous to the time of meeting.

Sec. 4. In case such notice shall not be given, or the inhabitants of a district shall refuse or neglect to assemble at a district meeting when so notified; or in case any district having been formed and organized in pursuance of such notice, shall afterwards be dissolved; such notice shall be renewed by the clerk of the Board of County Commissioners, upon the application being made to the said clerk by any taxable inhabitant of such district, and served in the manner above described.

Sec. 5. Every inhabitant over the age of twenty-one years, who shall have resided in any school district for three months immediately preceding any district meeting, and who shall have paid or shall be liable to pay any taxes, except road tax, in said district, shall be allowed to vote at such meeting, and no other person shall vote at such meeting.

Sec. 6. The inhabitants entitled to vote in such district, or any portion of them not less than five in number, when lawfully assembled in any district, in any district meeting, shall have power by a majority of the votes of those present:

1. To appoint a moderator.
2. To adjourn from time to time as occasion may require.
3. To choose a district clerk and three trustees, whose term of office shall continue for one year, and until their successors are duly elected and qualified, and as often thereafter as such offices or either of them shall become vacant.
4. To designate a site for the district school house.
5. To levy such tax (not exceeding six hundred dollars in any one year,) on the taxable property in the district, as the meeting shall deem sufficient to purchase or lease a suitable site for a school house, and to build, hire, or purchase such school house, and keep in repair and furnish the same with necessary fuel and appendages.
6. To repeal, alter, or modify their proceedings from time to time, as occasion may require.
7. To levy an additional tax on the district, not exceeding twenty dollars, in any one year, for the purchase or increase of a district library, globes, maps, and such apparatus as the interest and well being of the school shall require. The library shall consist of such books as the district meeting shall direct. The intention to propose such tax shall be stated in the notice required to call such meeting.
8. To designate the number of months a school shall be kept during the year; and when said district is organized as above provided, it shall be to all intents and purposes a body corporate, capable of suing and being sued, and fully competent to transact all business appertaining to schools and school houses in their own district, according to the provisions of this chapter.

Sec. 7. The teacher of the district school, or such other person as the legal voters of the district may at their annual meeting designate or appoint, shall be librarian of the district, and shall have the care and custody of the library, under such regulations as the said voters may adopt.

Sec. 8. All district taxes shall be assessed by the trustees according to the valuation of property, made for the assessment of county taxes, and shall be collected by the clerk of the district, with an addition of five per cent. on the same, which he shall receive for his services; and the said clerk shall give bond to the trustees, which shall be approved by a majority of them, with one or more sureties, conditioned for the faithful performance of his duties as collector, and that he will pay over to the trustees of the district, all moneys that may come into his hands: *Provided*, That any person aggrieved by an excessive assessment of the trustees of any school district, may have the same reduced by his own affidavit or any competent testimony.

SEC. 9. In each school district, an annual meeting shall be held at the time and place previously appointed, and at each annual meeting, the time and place of holding the next annual meeting shall be fixed; special meetings may be held whenever called by the trustees or any two of them; and all notices of annual or special meetings shall be in writing, signed by the trustees or clerk of the district, and shall state the object for which the meeting is called; and shall be posted up in three public places in the district at least six days previous to the time of holding such meeting.

SEC. 10. It shall be the duty of the clerk of each school district:

1. To record the proceedings of his district in a book to be provided for that purpose by the district.

2. To give notice of annual or special meetings.

3. To procure a list of all persons in the district between the ages of four and twenty-one years, and furnish a copy of such list to the Board of County Commissioners, at their annual meeting in January.

4. To pay over to the trustees of his district, or one of them, all moneys when collected, which he shall be required by warrant to collect within the time limited in such warrant for its return; and he shall have the same authority to enforce the collection of such tax as the County Collector.

5. To retain a copy of all reports made to the Board of County Commissioners, relating to the affairs of the district.

SEC. 11. It shall be the duty of the County Commissioners, at their annual meeting of January of each year, to make an apportionment of the school funds in the County Treasury, among the several school districts in which a school has been taught for three months the preceding year, in their respective Counties, in proportion to the number of persons in the district over the age of four and under the age of twenty-one years, and certify the amount due the trustees of each district; which amount shall be subject to the draft of said trustees, in favor of any person to whom such moneys may be due, for services as teacher or teachers of said district.

SEC. 12. It shall be the duty of the trustees of every school district:

1. To call special meetings of the inhabitants of the district liable to pay taxes, whenever they shall deem it necessary and proper.

2. To make out a tax list of every district tax, containing the names of the taxable inhabitants in the district, and the amount of tax payable by each inhabitant, set opposite his name.

3. To annex to such tax list, a warrant directed to the clerk of the district, for the collection of the sums in such list mentioned, including the five per cent., for the fees of said clerk.

4. To purchase or lease a site for the district school house, as designated by a meeting of said district, and to build, hire, or purchase, keep in repair, and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to them for such purposes, and to have the custody and safe keeping of the district school house.

5. 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 be first examined and found qualified, in moral character and ability to teach a district school.

6. To pay the wages to such teachers out of the moneys in the County Treasury, belonging to their district by drafts in favor of such teachers.

SEC. 13. The trustees of each district shall, on the expiration of their term of office, render to their successors in office, and to the district, at a district meeting, a just and true account in writing, of all moneys received by them respectively, for the use of their district, and the manner in which the same shall have been expended, which account shall be delivered to the district clerk and be filed by him.

SEC. 14. Any balance of moneys remaining in the hands of the trustees, or either of them, at the time of rendering such account, shall immediately be paid over to one or more of their successors in office; and every trustee who shall refuse or neglect to render such account, or to pay over any balance remaining in his hands, shall for each offence, forfeit the sum of twenty-five dollars, which, together with such balance in his hands, may be sued for and collected by his successor in office.

SEC. 15. In case the clerk shall neglect or refuse to pay over to the trustees any moneys belonging to the district, the trustees of the district may sue in their name of office, and shall be entitled to recover the same with interest and costs.

SEC. 16. Whenever the apportionment of the school fund in the County Treasury shall be insufficient for the payment of the necessary expenses incurred in the maintenance of a school in any district, it shall be the duty of the trustees of the district to call a meeting, by giving at least ten days previous notice thereof, for the purpose of levying the balance upon the taxable property of the district, or may levy a tax of fifty cents on each male inhabitant between the ages of twenty-one and fifty-five years, as a majority of the voters of the district then present shall determine, which tax so voted to be levied by such meeting, shall be assessed by the trustees and collected by the clerk, as hereinbefore provided for the collection of a district tax.

SEC. 17. In case the clerk of any school district, regularly organized agreeably to the provisions of this chapter, refuse or neglect to make a return to the Board of County Commissioners, of a list of the persons in such districts, over the age of four and under the age of twenty-one years, or in case any district which shall have been established under the provisions of this chapter, shall neglect to organize according to law, then in that case, it shall be lawful for any inhabitant of such district to make out and return under oath to the Board of Commissioners such list; and the Commissioners shall take the same into consideration, the same as though the district was regularly organized, and the amount due such district under the apportionment, shall be retained in the hands of the County Treasurer until such district shall be legally organized.

SEC. 18. The trustees of any two or more school districts may, by a concurrent vote, agree to establish a grammar school for the older and more advanced children of such districts.

SEC. 19. Every teacher of a common school shall keep a register of all scholars attending school, their ages, names of parents or guardians, the time when such scholar enters and leaves such school, and the branches of study pursued, a copy of which, at the expiration of every three months, he shall forward to the Superintendent of Common Schools.

SEC. 20. All acts of the Legislative Assembly of the Territory of Minnesota, connecting common schools with chartered institutions of learning, are hereby repealed.

FORMS FOR SCHOOL DISTRICTS.

Petition to the County Commissioners for the Organization of a School District.

(See Art. 1, Sec. 1, School Law.)

We, the undersigned, citizens of _____ election precinct, _____ county, respectfully petition the County Commissioners to form a School District, which shall be bounded as follows:

Notice of First Meeting in School District.

(Section 3d, School Law.)

The Commissioners of _____ County, having formed a School District bounded as follows: _____ the inhabitants entitled to vote at school meetings, within said district, are hereby notified that there will be a meeting on _____ day _____ at _____ to organize a district.

Forms of Minutes of proceedings of District Meetings to be kept the Clerk.

(Sec. 1, School Law.)

At a meeting of the legal voters of School District number _____ in _____ held pursuant to adjournment, at _____ on the _____ of _____ 18__.

(Or if at an annual meeting say.)

At an annual meeting, etc., held pursuant to public notice, _____ being Moderator, and _____ being Clerk.

Resolved, _____

Notice for Annual Meeting.

(Sec. 9, School Law.)

Notice is hereby given that the annual meeting of School District _____, will be held at _____ on _____ day at _____ o'clock.

Dated _____, 18—.

_____ Dist. Clerk.

Order of Trustees for Teacher's Wages.

(Art. 6, Sec. 12, School Law.)

To _____ Esq., Treasurer of _____ county. Pay to _____, a teacher duly employed by us, _____ dollars, that being the amount which he is entitled to receive out of the moneys in your hands, applicable to the payment of teachers' wages, and appropriated to our District.

Dated _____, this _____ day of _____, 18—.

A. B. } Trustees of
 C. D. } District
 E. F. } No. _____.

District Tax List, and Warrant for its Collection.

(Sec. 12, Art. 2 and 8, School Law.)

List of taxes apportioned by the Trustees of District number _____, on the real estate lying within the District, and on the personal property thereof.

Names of inhabitants or corporation.	Description of land.	Valuation.	Personal Prop'y Valuation.	Amount School tax.	Collector's tax.
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Warrant for Collection.

To the Collector of School District No. —, in _____ County:—

You are hereby commanded to collect from each of the taxable inhabitants and corporations named in the foregoing list, and of the owners of real estate therein, the several sums mentioned as school tax opposite to the persons and corporations so named, and to the several tracts of land so described, together with the per centage allowed by law for your fees; and in case any person upon whom such tax is imposed shall neglect or refuse to pay the same, you are to proceed in the same manner as the County Collector; and you are to make a return of this warrant within _____ days after the delivery thereof to you, and within that time to pay over all the moneys collected by virtue hereof to the Trustees of the said District, some or one of them; and if any tax shall be unpaid at the time when you are required to return this warrant, you are to deliver to the Trustees of the said District an account thereof according to law.

Given under our hands this _____ day of _____, 18—.

A. B. } Trustees of
 C. D. } District
 E. F. } No. _____.

List of persons between the ages of four and twenty-one.

(Art. 3, Sec. 10, School Law.)

To the Board of County Commissioners :

Enclosed is a list of all persons in School District _____, between the ages of 4 and 21 years.

<u>Name of person.</u>	<u>Age.</u>	<u>Parent or Guardian.</u>
		_____ Dist. Clerk.

Teachers' Quarterly Register.

(Sec. 19, School Law.)

To the Superintendent of Common Schools in Minnesota Territory.

Below you will find a list of scholars who have attended District School _____ within the last three months, their age, name of parent or guardian, the time of entrance and leaving school, and the branches of study pursued.

<u>Time of entrance.</u>	<u>Name of Scholar.</u>	<u>Age.</u>	<u>Parent's or Guardian's name.</u>	<u>Branches of study.</u>
			_____,	Teacher of
				District School No. —.

BUILDING COMMISSIONERS' REPORT.

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

In accordance with the requirements of section 9, of the Act entitled an "Act to amend an Act to provide for the erection of Public Buildings in the Territory of Minnesota," passed during the last session of the Legislative Assembly, the Board of Building Commissioners have the honor to transmit you, herewith, a brief history of its proceedings since the date of the first Annual Report of the Board, transmitted to the "Honorable the President and Members of the Council" on the 5th day of January, A.D., 1852.

By virtue of the Act above referred to, the term of office of the Building Commissioners elected under the Act to which that Act was amendatory, expired on the day of the last "general election." It was, also, provided in said Act (sec. 1) that if the Public Buildings shall not be then completed, the "Governor, Chief Justice and Secretary of the Territory" shall constitute a Board of Commissioners, under whose direction said Public Buildings shall be completed.

It was also provided in said Act (sec. 3) that the Secretary of the Territory shall be Treasurer of the Building Fund, comprising both the Capitol and Prison Funds, and he was authorized to demand and receive the same from the respective Treasurers thereof, whose terms of office thus expired, by virtue of said Act.

The Board of Commissioners, thus organized, held their first session at St. Paul, on the twelfth day of November, 1852; Alexander Ramsey presiding: at which session the present Secretary was elected, and entered upon the discharge of his duties. C. P. V. Lull was elected Superintendent of the Capitol, and also entered upon his duties.

On the 14th day of November, at a session of said Board of Commissioners, held at Stillwater, Alden Bryant was elected Superintendent of the Territorial Prison, and immediately thereafter commenced his duties as such Superintendent.

At the date of the first Annual Report of the Commissioners, January 5th, 1852, suitable sites had been selected for the Public Buildings; the title to the premises on which they were to be erected had been perfected; and contracts for their erection and completion, according to the plans and specifications thereof, had been entered into. Both the Capitol and the Prison Buildings were then in process of erection, and were to be completed on or before the 1st day of December, 1852.

From the advanced state of the Capitol at the date of said Report, it was supposed that the contractor, J. Daniels, would complete the building at, or within, the time specified in his contract. In this the Commissioners have been disappointed. The money appropriated by Congress to erect the Capitol, is nearly expended, and considerable work and material will be required to complete it. For more particular in-

formation, touching the amount of labor and material required to complete the contract of J. Daniels, the Board beg leave to refer you to the Report of the Superintendent of the Capitol Building hereto annexed, (marked "B.") and which they respectfully offer as a part of their Report.

Up to the present date there has been appropriated from the Capitol Fund the sum of \$19,579 84; of which amount the sum of \$15,797 02 has been expended for material furnished, and work performed, upon the Capitol; and the balance, \$3,782 82 has been paid for salaries of officers, per diem of Commissioners, painting, office rent, &c.; leaving in the hands of the Treasurer, out of the \$20,000 appropriated by Congress, the sum of \$420 16.

For further information, in reference to the disbursement of the Capitol Fund, the Board would respectfully refer you to a copy of their records, and the report of the Treasurer, hereto annexed, and taken as a part of this Report.

In the contract entered into by the Board of Commissioners with J. Daniels, for the erection of a Capitol, no provision was made for the painting thereof. Proposals were therefore received, after due notice given, by the Board, for painting said building.—Several proposals were received, and the contract was awarded to I. P. Wright, he agreeing to furnish all the materials and to perform the labor for twenty cents per yard. Considerable painting has been done on the Capitol, for which there has been paid to Mr. Wright the sum of \$79 out of the Capitol Fund.

In regard to the Territorial Prison, the Commissioners are happy to inform the Honorable the Legislative Assembly that the contractors for the erection of the Prison and its appurtenances, had, when the Board last visited the Prison, nearly completed the building in accordance with the plans and specifications, as will appear by reference to the report of the Superintendent of the Prison, hereto annexed, (marked "C.") The building has not yet been accepted by the Board, nor have the contractors been released from their contract. They, however, are anxious to have the Commissioners visit the Prison and ascertain if any portion of their contract remain unperformed, and if not, they desire to be discharged therefrom. The Board of Commissioners respectfully suggest to your Honorable Body the appointment of a Committee from the Legislature to visit, at their earliest convenience, the Capitol and Territorial Prison, in company with the Commissioners, for the purpose of inspecting said buildings.

From the Fund appropriated by Congress for the erection of a Territorial Prison, there has been expended, up to the present date, the sum of \$19,174 51; of which amount \$15,816 00 has been paid to J. Taylor & Co., the contractors, for material furnished and labor performed, in the erection of the building, and the remainder, \$3,258 51 has been expended in payment of salaries of officers, per diem of Commissioners, site, for building, office rent, &c., leaving in the Treasury an unexpended balance of \$825 49.

For further information concerning the disbursement of the Prison Fund, the Board would refer you to the report of the Treasurer.

To complete the Public Buildings, according to the original plans and specifications, and surround the Capitol with a corresponding enclosure, and other necessary attending expenses, will require further appropriations from Congress. The Board would, therefore, suggest to the Honorable the Legislature to take such action as will secure such appropriation at the earliest moment.

For further information, the Board beg leave to refer your Honorable Body to their Journal, and the reports hereto annexed as a part of this Report.

By order of the Board,

I. VAN ETTEN,

Secretary of Board of Commissioners,

St. Paul, February 10, 1853.

JOURNAL OF PROCEEDINGS.

SAINT PAUL, February 6, 1852.

Board met pursuant to adjournment.

Absent—Roberts and McKusick.

A communication was received from J. Daniels, accompanying bill for \$1050 00.

On motion of D. F. Brawley,

Resolved, That the bill of J. Daniels for \$1050 00 be allowed, and an order be drawn on the Treasurer of the Capitol Fund for this amount in his favor.

Carried.

Ayes—Brawley and Hatch.

On motion of E. A. C. Hatch,

Resolved, That an order be drawn on the Treasurer of the Prison Fund for Eighteen Dollars, in favor of C. K. Smith's Attorney, being the amount audited and allowed on his account of May, 1851.

On motion of E. A. C. Hatch,

Resolved, That this Board do now adjourn to meet again on Monday, 23d February, at 2 o'clock P. M.

Carried.

Ayes—Brawley and Hatch.

Board adjourned.

ALEX. RAMSEY,
President Board Commissioners.

Attest :

CHARLES F. TRACY,
Secretary.

SAINT PAUL, M. T., February 23, 1852.

Board met pursuant to adjournment.

Absent—Gov. A. Ramsey and L. Roberts.

J. McKusick in the chair.

The Secretary presented the certificates of the Members of the Board for the last quarter, ending February 19, 1852, from which it appeared that Gov. A. Ramsey had

been in attendance eight (8) days ; E. A. C. Hatch six days ; J. McKusick five days ; L. Roberts seven days, and D. F. Brawley eight days.

On motion of E. A. C. Hatch,

Resolved, That an order be drawn on the Treasurer of the Capitol Fund for One hundred and seventy-four dollars in favor of D. F. Brawley, for one quarter salary as Building Commissioner for the Capitol, and per diem attendance the last quarter.

Carried.

Ayes—Hatch and Brawley.

On motion of E. A. C. Hatch.

Resolved, Than an order be drawn on the Prison Fund for \$265 in favor of J. McKusick, being one quarter salary (\$100) as Treasurer of the Fund ; \$150 as Building Commissioner of the Territorial Prison, and \$15 per diem for attendance on the Board.

Carried.

Ayes—Brawley and Hatch.

On motion of E. A. C. Hatch,

Resolved, That an order be drawn on J. McKusick, Treasurer of the Prison Fund for twenty-one dollars, in favor of L. Roberts, for seven days per diem last quarter. Also, an order in favor of Gov. Ramsey for \$48, being per diem for two quarters.

Carried.

Ayes—Hatch and Brawley.

On motion of D. F. Brawley,

Resolved, That an order be drawn on the Treasurer of the Capitol Fund, for One hundred and eighteen dollars, in favor of E. A. C. Hatch, for one quarter salary as Treasurer and per diem the last quarter.

Carried.

Ayes—Brawley and Hatch.

On motion of E. A. C. Hatch.

Resolved, That the account of C. F. Tracy, for one hundred and ninety dollars and sixty cents, be and the same is hereby allowed, and an order be drawn on Treasurer of the Capitol Fund, in his favor, in full payment of same.

Carried.

Ayes—Brawley and Hatch.

On motion of E. A. Hatch,

The Board adjourned to to-morrow morning at 10 o'clock, A. M.
Board adjourned.

J. McKUSICK,
President, *pro tem.*

Attest:

CHARLES F. TRACY,
Secretary.

February 24th, 1852.

Board met pursuant to adjournment.

Absent—Hatch and McKusick.

The account of H. W. Tracy, for rent of office, was presented. And,

On motion of D. F. Brawley,

Resolved, That an order be drawn on the Treasurer of the Capitol Fund, for the amount of eighteen dollars, in full payment of same.

Carried.

Ayes—Brawley and Roberts.

On motion of D. F. Brawley,
The Board adjourned to meet again on Tuesday, March 9th, 1852, at 8 o'clock. P.
M.

ALEX. RAMSEY,
President of the Board,

Attest :

CHARLES F. TRACY,
Secretary.

ST. PAUL, M. T., March 9. 1852.

Board met pursuant to adjournment.
Absent—Gov. Alex. Ramsey, L. Roberts and J. McKusick.
There being no quorum, the board adjourned to to-morrow, the 10th inst., at 8 o'clock
P. M.

CHARLES F. TRACY,
Secretary of the Board.

SAINT PAUL, M. T., March 10th, 1852.

Board met.
Absent—J. McKusick.
There being no business before the Board,
On motion of E. A. C. Hatch,
The Board adjourned to meet again on the 23d of April, at 8 o'clock, P. M.
ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary Board.

ST. PAUL, April 23d, 1852.

Board met pursuant to adjournment.
Absent—Roberts and McKusick.
Communication received from Elias McKean, read and ordered to be filed.

On motion of E. A. C. Hatch,

The Board adjourned to meet again on to-morrow, 24th, at 2 o'clock P. M.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

ST. PAUL, April 24th, 1852.

Board met pursuant to adjournment.

Absent—Roberts.

Bill of Messrs. Jesse Taylor & Co., for \$1800 00, for iron, &c., on the Territorial Prison, certified to by John McKusick, Building Commissioner, was read.

On motion of D. F. Brawley,

Resolved, That an order be drawn on the Treasurer of the Territorial Prison Fund, in favor of Jesse Taylor & Co., for one thousand (\$1,000) dollars, on account of said bill.

Carried.

Ayes—Hatch, Brawley and McKusick.

Absent—Roberts.

On motion of A. E. C. Hatch.

Resolved, That when this Board adjourns, it adjourn to meet again on Monday, 24th May, at 2 o'clock P. M.

Carried.

Ayes—Hatch, McKusick, and Brawley.

On motion of E. A. C. Hatch,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

SAINT PAUL, May 24th, 1852.

Board met pursuant to adjournment.

The certificate of per diem of members the last quarter, was submitted by the Secretary.

A communication was received from Messrs. J. Taylor & Co., accompanying bill of \$1805 00.

On motion of D. F. Brawley,

Resolved, That the bill of J. Taylor & Co., for \$1805 00, be allowed by this Board.

Lost.

Ayes—McKusick.

Noes—Brawley, Roberts, and Hatch.

On motion of E. A. C. Hatch,

Resolved, That an order be drawn on J. McKusick for \$1000, in favor of J. Taylor & Co., on account of their bill rendered this day.

Carried.

Ayes—Hatch, McKusick, and Gov. Ramsey.

Noes—Roberts and Brawley.

On motion of E. A. C. Hatch,

Resolved, That warrants be issued by the President of the Board on the Treasurer of the Capitol Fund, in favor of the following persons, for salaries and per diem the last quarter, ending May 23d, to wit: In favor of D. F. Brawley, for one hundred and sixty-eight dollars; in favor of E. A. C. Hatch, for one hundred and fifteen dollars; in favor of L. Roberts, for six dollars; in favor of Gov. Ramsey, for twelve dollars. And that there also be a warrant issued by the President on the Treasurer of the Prison Fund, in favor of J. McKusick, for two hundred and fifty-six dollars, in full for one quarter's salary, as Building Commissioner and Treasurer, and per diem last quarter.

H. W. Tracy's bill for rent of Secretary's office, was read by the Secretary.

On motion of E. A. C. Hatch,

Resolved, That a warrant be issued by the President of the Board on the Treasurer of the Prison Fund, for eighteen dollars, in full payment of same; and also a warrant on the Treasurer of the Capitol Fund for fifty dollars, in favor of E. A. C. Hatch, for six months rent of Treasurer's office to 23d May.

Carried unanimously.

On motion of D. F. Brawley,

Resolved, That the Building Commissioners be instructed by this Board to endorse no bills for materials furnished, unless the material is on the ground and labor performed on the same.

Laid on the table till to-morrow.

The Secretary presented his account for services last quarter, amounting to \$168.

On motion of J. McKusick,

Resolved, That the Secretary's bill be allowed, and an order be drawn on the Treasurer of the Capitol Fund in favor of C. F. Tracy for \$168, in full payment of same.

Carried.

Ayes—Hatch, McKusick, and Roberts.

Noes—Brawley.

On motion of L. Roberts,

Resolved, That in the opinion of this Board, all materials delivered and paid for, be and thereby become the property of the United States, and are not to be removed unless by consent of the Board.

Laid over till to-morrow.

J. McKusick presented a bill of \$50 for six months rent of office.

On motion of E. A. C. Hatch,

Resolved, That J. McKusick's bill be allowed, and an order be drawn on the Treasurer of the Territorial Prison Fund for fifty dollars, in full payment of same.

Carried.

Ayes—Hatch, Roberts, McKusick, and Brawley.

On motion of E. A. C. Hatch,

Resolved, That this Board do now adjourn to meet again to-morrow morning, the 25th, at 8 o'clock, A.M.

Carried unanimously.

Board adjourned.

ALEX. RAMSEY,
President.

Attest:

CHARLES F. TRACY,
Secretary.

SAINT PAUL, May 25, 1852.

Board met pursuant to adjournment.

On motion of J. McKusick,

Resolved, That when this Board adjourns, it adjourn to meet again on Monday, 28th June, at 2 o'clock, P.M.

Carried.

Ayes—Brawley, Roberts, Hatch and McKusick.

Mr. Brawley's resolution of yesterday being in order, it was amended, on motion of J. McKusick, by inserting the word "being" before the word performed and passed as follows :

Resolved, That the Building Commissioners be instructed by this Board to endorse no bills for materials furnished, unless the material is on the ground, and the labor being performed on the same.

Ayes—Brawley, Roberts and McKusick.

Noes—Hatch.

Mr. Roberts' resolution of yesterday was amended by striking out the words "be, and," in the second line.

The resolution, as amended, passed as follows :

Resolved, That, in the opinion of this Board, all materials delivered and paid for, thereby become the property of the United States, and are not to be removed, unless by consent of the Board.

Ayes—Brawley, Roberts and McKusick.

Noes—Hatch.

On motion of J. McKusick,

Resolved, That the Board do now adjourn.

Carried.

Ayes—Brawley, Roberts, McKusick, and Hatch.

Board adjourned to 28th June, at 2 o'clock, P.M.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

SAINT PAUL, June 28, 1852.

Board met pursuant to adjournment.

Absent—J. McKusick.

A bill of \$2,103 from Messrs. Jesse Taylor & Co., was presented, and ordered to be laid on the table till the next meeting.

On motion of E. A. C. Hatch,

Resolved, That a warrant be drawn in favor of F. N. Hudson, for fifteen dollars, for draft of Plan of Capitol Building.

Carried.

Ayes—Roberts, Brawley and Hatch.

Mr. J. Daniels presented a bill for extra work done on the Capitol, amounting to \$772 00 ; also, a modification of the plan of the roof of the Capitol.

On motion of E. A. C. Hatch,

Resolved, That a warrant be drawn on Treasurer of the Capitol Building Fund, for Seven Hundred and Seventy-two Dollars, in favor of Jos. Daniels, being for extra work done on the Capitol, not included in the contract.

Carried.

Ayes—Hatch, Roberts and Brawley.

On motion of D. F. Brawley,

Resolved, That the modification of the plan for roof of Capitol, presented this day by Joseph Daniels, be accepted by the Board.

Carried.

Ayes—Hatch, Brawley and Roberts.

On motion of L. Roberts,

Resolved, That when this Board adjourns, it adjourn to meet again on Monday, the 26th July, at 3 o'clock.

Carried.

Ayes—Hatch, Brawley and Roberts.

On motion of E. A. C. Hatch,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

SAINT PAUL, July 26, 1852.

Board met pursuant to adjournment.

Absent—Hatch and L. Roberts.

The account of J. Taylor & Co., for \$2103, having been laid over to this meeting, was taken up.

The Building Commissioner having endorsed the bill,

On motion of D. F. Brawley,

Resolved, That an order be drawn on Treasurer of the Prison Fund, for \$2103, in favor of J. Taylor & Co., being amount of their account in full.

Carried.

Ayes—Brawley and McKusick.

On motion of J. McKusick,

Resolved, That when this Board adjourns, it adjourn to meet in Stillwater to-morrow, the 27th, at 10, A.M., at the Minnesota House.

Carried.

Ayes—Brawley and McKusick.

On motion of D. F. Brawley,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

STILLWATER, M. T., July 27, 1852.

Board met.

Absent—Hatch and Roberts.

After sometime spent in an examination of the work done on the Penitentiary, the Board returned to the Minnesota House.

On motion of D. F. Brawley,

Resolved, That in the opinion of this Board, the finish of the gables of the roof of the Warden's House is not according to the Plan, and that the Building Commissioner be instructed to notify the contractors that a cornice should extend around the gables, and the roof be projected so as to cover the same.

Carried.

Ayes—Brawley and McKusick.

On motion of D. F. Brawley,

Resolved, That the Building Commissioner for the Prison be authorized to erect a fence around the Penitentiary ground; to clear away the subsoil, and to dig a trench on the upper side of the wall; and report the expense of said work to the Board for action thereon.

Carried.

Ayes—Brawley and McKusick.

On motion of J. McKusick,

Resolved, That when this Board adjourns, it adjourn to meet again next Tuesday week, the 10th August, at 10 o'clock, A.M., at St. Paul.

On motion of J. McKusick,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest :

CHARLES F. TRACY,
Secretary.

SAINT PAUL, M. T., August 10, 1852.

Board met, 10 A.M.

Absent—Hatch, McKusick and Roberts.

A communication was received from Mr. Hawes in regard to the finish of the dome of the Capitol Building, and continuing stairway from the basement.

There being no quorum.

On motion of D. F. Brawley,

The Board adjourned to 3 o'clock, P.M.

3 o'clock, P.M.

Board met.

Absent—Hatch and Roberts.

There being a quorum, the Board proceeded to business.

Bills were presented from Messrs. Taylor & Co., Joseph Daniels, and Pattison & Benson.

The account of Messrs. Taylor & Co., of \$1,489 00, having been endorsed by the Commissioner, having the work in charge;

On motion of D. F. Brawley,

Resolved, That the said account be allowed, and an order be drawn on the Treasurer of the Prison Fund, for \$1,489 00, in full payment of same.

Carried.

Ayes—McKusick and Roberts.

The account of Mr. Joseph Daniels, for \$2,500, work done and materials furnished, on the Capitol Building, having been endorsed by the Commissioner;

On motion of J. McKusick,

Resolved, That the said account be allowed, and an order be drawn on the Treasurer of the Capitol Fund for \$2,500, in full payment of same.

Carried.

Ayes—Brawley and McKusick.

On motion of D. F. Brawley,

Resolved, That the account of Messrs. Pattison & Benson, of five dollars, for use of carriage to Stillwater, be allowed, and an order be drawn in their favor for five dollars on the Treasurer of the Prison Fund, in payment of the same.

Carried.

Ayes—McKusick and Brawley.

On motion of D. F. Brawley,

Resolved, That the Board do now adjourn, to meet again on Tuesday, the 24th August, 1852, at 11 o'clock, A.M.

Carried.

Ayes—Brawley and McKusick.

Board adjourned.

ALEX. RAMSEY,
President.

Attest:

CHARLES F. TRACY,
Secretary.

TUESDAY, August 24th, 1852, 10 o'clock, A.M.

Board met.

Present—Gov. Ramsey and D. F. Brawley.

Absent—Hatch, McKusick and Roberts.

There being no quorum, the Board adjourned to three o'clock, P.M.

3 o'clock, P.M.

Board met.

There being no quorum.

On motion of D. F. Brawley,
The Board adjourned to to-morrow evening, at 3 P.M.
Board adjourned.

ALEX. RAMSEY,
President.

Attest :
CHARLES F. TRACY,
Secretary.

WEDNESDAY, August 25th.

Board met.

Absent—Roberts and McKusick.

The communication of Wm. Hawes, in relation to the alteration of the dome of the Capitol, being before the Board, it was decided after some discussion, to postpone the further consideration until there should be a full meeting of the Board.

On motion of E. A. C. Hatch,

Resolved, That when this Board adjourns, it adjourn to meet on Wednesday, Sept., 1st, 1852, at 11 o'clock, A.M.

Carried.

Ayes—Brawley and Hatch.

On motion of D. F. Brawley,

Resolved, That this Board do now adjourn.

Carried.

Ayes—Brawley and Hatch.

Board adjourned.

ALEX. RAMSEY,
President.

Attest :
CHARLES F. TRACY,
Secretary.

SAINT PAUL, M. T., Sept. 1st, 1852.

Board met pursuant to adjournment.

Absent—L. Roberts.

On motion of J. McKusick,

Resolved, That Joseph Daniels, the contractor, be advised to construct the dome of the Capitol building according to the original plan.

Carried.

Mr. Wm. Barton, presented a bill for J. Daniels of \$2037 58,

The Building Commissioner having endorsed the said bill to the amount of \$1000 only,

On motion of E. A. C. Hatch,

Resolved, That there be allowed on the said account \$1000, and an order be drawn

on the Treasurer of the Capitol Fund for this amount in favor of the contractor, Joseph Daniels.

Carried unanimously.

On motion of J. McKusick,

Resolved, That when the Board adjourns, it adjourn to meet again on Monday, the 20th Sept., at 10 o'clock, A.M.

Carried.

Ayes—Brawley, Hatch and McKusick.

On motion of E. A. C. Hatch,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest:

CHARLES F. TRACY,
Secretary.

SAINT PAUL, Sept. 20, 1852.

Board met pursuant to adjournment.

Present—Alex. Wilkin, presiding officer, and D. F. Brawley.

There being no quorum,

The Board adjourned till to-morrow, the 21st, at 1 o'clock, P.M.

ALEX. WILKIN,
President.

SAINT PAUL, Sept. 21, 1852.

Board met pursuant to adjournment.

Present—Alex. Wilkin, President, and D. F. Brawley.

The Secretary was ordered to notify J. McKusick that there would be a meeting on Monday, the 27th, at 2, P.M.

There being no quorum,

The Board adjourned to Monday, 27th Sept., at 2 o'clock, P.M.

ALEX. WILKIN,
President.

SAINT PAUL, Sept 27, 1862.

Board met pursuant to adjournment.

Present—Alex, Wilkin, D. F. Brawley and J. McKusick.

Absent—Hatch and Roberts.

A bill was presented from Messrs. J. Taylor & Co., for \$2,469, bearing the endorsement of the Building Commissioner having the work in charge.

On motion of D. F. Brawley,

Resolved, That the account of J. Taylor & Co., of \$2,469, be allowed, and an order be drawn on the Treasurer of the Prison Fund for this amount in their favor.

Carried.

Ayes—McKusick and Brawley.

On motion of J. McKusick,

Resolved, That the Secretary of the Board be authorized to receive proposals for painting the outside of the Capitol Building, three-coat work. Bids to state the price per square yard.

Carried.

Ayes—McKusick and Brawley.

The Secretary presented his bill for services to date.

On motion of J. McKusick,

Resolved, That this Board do now proceed to audit and allow the accounts of salaries for the last quarter, ending 23d August.

Carried.

Ayes—Brawley and McKusick.

On motion of J. McKusick,

Resolved, That the account of C. F. Tracy, for \$168 00, for services as Secretary the last quarter, ending August 23d, be allowed; and orders be drawn on the Treasurer of the Capitol Fund for \$150 00, and \$18 00 in full payment of same.

Carried.

Ayes—Brawley and McKusick.

On motion of J. McKusick,

Resolved, That the account of C. F. Tracy, for \$168 00, as Secretary, from the 23d August to 27th September, be allowed; and an order be drawn on the Treasurer of the Prison Fund, for this amount in his favor.

Carried.

Ayes—McKusick and Brawley.

From the certificate of the Secretary for the last quarter, ending 23d August, it appears that D. F. Brawley was in attendance six days; E. A. C. Hatch, three days; L. Roberts, three days, and Alex. Ramsey, six days.

On motion of J. McKusick,

Resolved, That orders be drawn on the Treasurer of the Capitol Fund, in favor of the following persons, to wit:—In favor of D. F. Brawley, for \$168 00, for salary and per diem for the quarter ending August 23d; in favor of E. A. C. Hatch, for \$108 00, one quarter's salary as Treasurer and per diem for the last quarter ending August 23d; in favor of L. Roberts for \$9 00, per diem in full last quarter; and in favor of Alex. Ramsey, for \$18 00, per diem last quarter; and in favor of Willoughby & Powers, for \$7 00, amount in full of their bill rendered to date.

Carried.

Ayes—Brawley and McKusick.

Mr. J. McKusick presented his bill for \$564 00, being for salary, rent of office, and per diem last quarter ending August 23d, for expenses paid livery bill in attendance at sixteen sessions of the Board, and for expenses incurred in cashing government draft.

On motion of D. F. Brawley,

Resolved, That the account of J. McKusick for \$564, for salary, &c., be allowed,

and an order be drawn on the Treasurer of the Prison Fund for this amount in his favor, in full payment of same.

Carried.

On motion of J. McKusick,

Resolved, That this Board do now adjourn.

Carried.

Ayes—Brawley and McKusick.

Board adjourned to Thursday, 30th, at 2 o'clock, P.M.

ALEX. WILKIN,
President.

Attest:

CHARLES F. TRACY,
Secretary.

ST. PAUL, Sept. 30th, 1852.

Board met pursuant to adjournment.

Present—Alex. Wilkin and D. F. Brawley.

Absent—McKusick, Roberts and Hatch.

There being no quorum, the Board adjourned to Monday, 4th October, at 2 o'clock P. M.

ALEX. WILKIN,
President.

Attest:

CHARLES F. TRACY,
Secretary.

ST. PAUL, Oct. 4th, 1852.

Board met pursuant to adjournment.

Present—Alex. Wilkin, D. F. Brawley and E. A. C. Hatch.

Absent—McKusick and Roberts.

The Board proceeded to examine proposals for painting the outside wood work of the Capitol, and it appearing that the bid of I. P. Wright, for 20 cents per square yard, three coat work, was the lowest, the contract was awarded to him.

Mr. Daniels presented an account of \$7000 for work done and material furnished on the Capitol Building, hearing the endorsement of the Building Commissioner having the work in charge.

On motion of D. F. Brawley,

Resolved, That the account of J. Daniels, for \$7000, for work done on the Capitol,

be allowed, and an order be drawn in his favor on the Treasurer of the Capitol Fund for this amount.

Carried.

Ayes—Brawley and Hatch.

Mr. Hatch presented a bill for \$25 for rent of office for quarter ending August 23d, 1852.

On motion of D. F. Brawley,

Resolved, That the account of E. A. C. Hatch for \$25 be allowed, and an order be drawn in his favor on the Treasurer of the Capitol Fund for this amount.

Carried.

Ayes—Hatch and Brawley.

On motion of E. A. C. Hatch,

Resolved, That this Board do now adjourn to meet again on Saturday, the 9th October, at 10 o'clock A. M.

Carried.

Ayes—Brawley and Hatch.

Board adjourned.

ALEX. WILKIN,
President Board Commissioners.

Attest :

CHARLES F. TRACY,
Secretary.

St. PAUL, October 9th, 1852.

Board met pursuant to adjournment.

Present—Hatch and Brawley.

There being no quorum, the Board adjourned to meet again on Monday, 11th October, at 2 o'clock P. M.

Attest :

CHARLES F. TRACY,
Secretary.

St. PAUL, Oct. 13th, 1852.

Board met pursuant to adjournment.

Present—Hatch, Brawley, and Hon. Alexander Wilkin.

Mr. Brawley presented an account of \$68 40 from I. P. Wright, the contractor for painting the Capitol. And also a bill of \$1176 00 from J. Taylor & Co., endorsed by Noah McKusick.

The consideration of these bills was indefinitely postponed.

The certificate of attendance of members was presented by the Secretary, from which it appeared that

E. A. C. Hatch	was present	4 days	since August 23d.
D. F. Brawley	" " "	10 " " " "	" " " "
J. McKusick,	" " "	2 " " " "	" " " "
Gov. Ramsey	" " "	3 " " " "	" " " "
Alex. Wilkin	" " "	6 " " " "	" " " "

The amount of salary due each officer to date, is for one month and two-thirds.

On motion of E. A. C. Hatch,

Resolved, That orders be drawn on the Treasurer of the Capitol Fund in favor of the following persons for salaries, &c., to date, viz: In favor of E. A. C. Hatch for \$70 55, being for one and one-third months salary as Treasurer, \$55 55, and \$15 per diem. Also an order in favor of same for \$13 88, for rent of office in full. An order in favor of D. F. Brawley for \$133 33, for one and two-thirds months salary as Building Commissioner, and ten days per diem in full. An order in favor of O. F. Tracy for \$45 33, for services as Secretary in full to date. An order in favor of D. F. Brawley for \$7, being amount paid expenses to Stillwater.

Carried.

Ayes—Brawley and Hatch.

On motion of D. F. Brawley,

Resolved, That an order be drawn the Treasurer of the Territorial Prison Fund in favor of the following persons, for per diem, &c., in full to date, viz: In favor of J. McKusick for \$158 76, being for salary as Treasurer and Building Commissioner, \$138 88, and \$19 88 per diem and rent of office in full to date. In favor of Governor Ramsey for \$9, per diem. And in favor of Alex. Wilkin for \$18, per diem in full to date.

Carried.

Ayes—Brawley and Hatch.

On motion of E. A. C. Hatch.

The Board adjourned *sine die*.

ALEX. WILKIN,
President.

Attest:

CHARLES F. TRACY,
President.

ST. PAUL, November 12, 1852.

Board met pursuant to call for meeting.

Present—Governor and Chief Justice.

The Board proceeded to business,

Gov. Ramsey presiding.

On motion of Chief Justice,

Resolved, That the Board do now proceed to the election of a Secretary.

Carried.

Ayes—Chief Justice.

On motion,

I. Van Etten was elected Secretary to this Board.

Ayes—Hayner.

On motion of Chief Justice,

Resolved, That a Superintendent of the Capitol Building be now elected by this Board.

Carried.

Ayes—Governor and Chief Justice.

On motion of Chief Justice.

Resolved, That C. P. V. Lull be elected Superintendent.

Carried.

Ayes—Governor and Chief Justice.

On motion of Governor,

Resolved, That the Rules of the late Board of Commissioners be adopted by this Board until otherwise amended.

Carried.

Ayes—Governor and Chief Justice.

On motion,

Resolved, That this Board do now adjourn to meet at Stillwater, November 14, 1852.

Carried.

Ayes—Governor and Chief Justice.

The Board adjourned to meet pursuant to Resolution.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

STILLWATER, November 14, 1852.

Board met pursuant to adjournment.

Present—Governor, Chief Justice and Secretary Wilkin.

The Board proceeded to examine the Prison Building;

After which it again assembled, when,

On motion of Chief Justice,

Resolved, That the Board proceed to elect a Superintendent of the Territorial Prison Building.

Carried.

Ayes—Chief Justice and Secretary Wilkin.

On motion of Secretary Wilkin,

It was ordered that a warrant be drawn on the Treasurer of the Prison Fund in favor of J. Taylor & Co., for \$1,176 00.

Ayes—Chief Justice and Secretary Wilkin.

On motion,

Resolved, That this Board do now adjourn to meet again at St. Paul.

Carried.

Ayes—Chief Justice and Secretary Wilkin.

ALEX. RAMSEY,
President of Board.

Attest:

I. VAN ETTEN,
Secretary.

SAINT PAUL, December 18, 1852.

Board met.

Present—Governor, Chief Justice and Secretary Wilkin.

A communication from Joseph Daniels, of December 10th, was read and ordered to be filed.

A bill of Jesse Taylor & Co., for \$3,760 was then presented, for work on Penitentiary.

On motion of Secretary Wilkin,

Ordered that a warrant be drawn on the Treasurer of the Prison Fund for \$2000.

Carried.

Ayes—Chief Justice and Secretary Wilkin.

On motion of Chief Justice Hayner,

Resolved, That the contract heretofore existing between the Board of Commissioners of Public Buildings and Joseph Daniels is hereby declared annulled and at an end.

Carried.

Ayes—Chief Justice and Secretary.

On motion of Secretary Wilkin,

Ordered that a warrant of \$25, in favor of the Superintendent of Penitentiary, for services rendered, be drawn on Treasurer of Prison Fund.

Carried.

Ayes—Governor, Chief Justice and Secretary Wilkin.

ALEX. RAMSEY,
President Board of Building Commissioners.

Attest:

I. VAN ETTEN,
Secretary.

SAINT PAUL, December 29, 1852.

Board met.

Present—Governor Ramsey and Secretary Wilkin.

On motion of Secretary Wilkin,

Resolved, That the salaries of superintendents of Capitol and Penitentiary buildings be at the rate of \$250 per annum, and of the Secretary of the Board a like amount.

Also that the Treasurer of the Board be allowed two per cent. upon moneys received and paid out by him, but such allowance not to exceed at the rate of \$250 per annum.

On motion of Secretary Wilkin,

The Board adjourned.

ALEX. RAMSEY,
President Board Building Commissioners.

Attest:

I. VAN ETTEN,
Secretary.

ST. PAUL, Jan. 28th, 1853.

Board met.

Present—Governor Ramsey and Secretary Wilkin.
 A communication from Daniel F. Brawley, late superintendent of Capitol building, was then presented, and read as follows:

REPORT OF THE BUILDING COMMISSIONER.

To the Board of Commissioners of Territorial Buildings for the Territory of Minnesota:

GENTLEMEN:—As Ex-Building Commissioner, I have the honor to submit the following report of my stewardship while in office:

On the 12th day of October, I endorsed the bill of J. Daniels, Esq., for \$7000, for the payment of materials for the Capitol, as follows:

For brick from the second story to the completion of the building, (231,120 brick) laid in the wall,	\$2,311 20
The remainder of the bill was for seventy-five thousand shingles at \$3 per thousand,	225 00
And putting on roof and partition, flooring, cornice, window casings, doors and frames, and columns for portico, including the lumber thereof,	4,440 00
	\$7000 00

The above sums are according to my own estimation. In the making of which I under estimate the carpenter's estimate thereof.

At this date, October 12th, Mr. Daniels' contract is completed with the exception of about ten days' work for a carpenter, lathing and plastering, putting in window sash and glass.

Respectfully submitted,
 D. F. BRAWLEY,
 Ex-Building Commissioner.

October 12, 1852.

Which,

On motion of Secretary Wilkin,
 Was ordered to be filed.

The following preamble and resolution was then offered, viz:

Whereas, Joseph Daniels has given an order, dated Nov. 2, 1852, on this Board for \$400, in favor of Haus & Lewry, sub-contractors, for work done on Capitol, under the contract of said Daniels, and whereas, said Haus & Lewry have presented their bill for \$500, properly certified.

On motion of A. Wilkin,

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for \$400, in favor of said Haus & Lewry upon said account and order.

On motion of Alex. Wilkin,

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for \$1600 in favor of J. Daniels, upon account of bill for lumber, presented this day by William R. Marshall, to whom the same was assigned, December 1st, 1852.

On motion of Alex. Wilkin,

Ordered, That a warrant for seventy-nine dollars be drawn on the Treasurer of the Capitol Fund in favor of Isaac P. Wright, upon account of bill for painting, presented this day.

On motion of Alex. Wilkin,
Adjourned.

ALEX. RAMSEY,
President Board Building Commissioners.

Attest:
I. VAN ETTEN,
Secretary.

SAINT PAUL, February 5th, 1852.

Board met.

Present—Governor and Secretary.

The following report of Superintendent of the Capitol, was then read and ordered to be filed :

To the Honorable Board of Building Commissioners for the Territory of Minnesota :

The Superintendent of Capitol respectfully begs leave to report, that he has examined said Buildings, and estimated the cost of completing the same, and finds that there remains to complete said Building according to the plan and specification, to the best of his knowledge :

Finishing dome and turning columns, and floor in front ; casing windows, sash and glass, and setting same ; setting partitions and base and door ; stairs and filling front opening, and completing the plastering in the Building ;

That the above work will cost, to the best of his knowledge, \$2,150 00.

Most respectfully yours,

C. P. V. LULL,

Superintendent of Capitol.

Saint Paul, February 2, 1853.

A. Wilkin then offered the following, which was adopted :

Whereas, M. Wise & Co. had contracted with Joseph Daniels, late contractor &c., to supply sash for said Building ; but had not delivered the same on account of non-payment of said Daniels for same, until the indebtedness was assumed by this Board, and the same have been delivered in consequence of such assumption, and such delivery has been properly certified to by the Superintendent, and said Daniels has authorized the Board to pay said bill to said Wise & Co.

On motion of Alex. Wilkin,

Resolved, That a warrant for \$146 02, be issued by the Treasurer of the Capitol Fund, in favor of said Wise & Co., in payment of their bill, dated November 5th, 1852.

ALEX. RAMSEY,
President Board Building Commissioners.

Attest:
I. VAN ETTEN,
Secretary.

REPORT OF TREASURER OF CAPITOL AND PRISON FUNDS.

The Treasurer of the Capitol and Prison Funds herewith presents to the Honorable the President and Members of the Council of Minnesota Territory, his annual report.

For the convenience of the Members of the Council, I have specified the different funds by separate statements, showing the amount drawn from each fund since January 5th, 1852, up to the present time; and also the balance of each fund now in the Treasury.

I have the honor to remain,
Very respectfully,

A. WILKIN,
Treasurer.

St. Paul, Feb. 7, 1853.

<i>Statement of the Capitol Fund.</i>		Dr.	Cr.
United States, In account with Alex. Wilkin, Treasurer, &c.			
1852.			
Jan. 5	To balance in hand of E. A. C. Hatch,		\$16,150 87
United States, In account with Alex. Wilkin, Treasurer, &c.			
1852.			
Feb. 16	To draft No. 19, in favor of J. Daniels, contractor,	\$1,050 00	
" 23	" " " 20, " D. F. Brawley per diem	174 00	
April 16	" " " 21, " C. F. Tracy, Secretary,	190 60	
" " " 22, " E. A. C. Hatch "	118 00		
" " " 23, " H. W. Tracy, room rent 1 quarter, -	18 00		
May 20	" " " 24, " A. Ramsey, per diem -	12 00	
" 24	" " " 25, " D. F. Brawley, Buil. Com.	168 00	
" " " 26, " E. A. C. Hatch, per diem.	115 00		
" " " 27, " L. Roberts	6 00		
" " " 28, " C. F. Tracy, salary	150 00		
" " " 29, " " " room rent,	18 00		
" " " 30, " E. A. C. Hatch, salary,	50 00		
June 28	" " " 31, " J. Daniels, extra work on Capitol	772 00	
" " " " 32, " F. R. Hudson, for draft of building	15 00		
Aug. 5	" " " 33, " J. Daniels, on contract,	2,500 00	
Sept. 27	" " " 34, " " "	1,000 00	
" " " 35, " D. F. Brawley, per diem,	168 00		
" " " 36, " E. A. C. Hatch, salary,	109 00		
Amount carried forward - - -		\$6,638 60	

		Amount brought forward,		\$6,633 60	
Sept. 27.	To draft No. 37, in favor of L. Roberts, per diem			9 00	
" "	" " " 38, " A. Ramsey " "			18 00	
" "	" " " 39, " Willoughby & Powers				
	Livery bill - - - - -			7 00	
" "	" " " 40, " C. F. Tracy, Secretary			150 00	
" "	" " " 41, " " " "			18 00	
Oct. 7.	" " " 42, " J. Daniels, on contract			7,000 00	
" 13.	" " " 43, " E. A. C. Hatch, salary			70 55	
" "	" " " 44, " " " office rent			13 88	
" "	" " " 45, " C. F. Tracy, salary			45 33	
" "	" " " 46, " D.F. Brawley, per diem			113 33	
" "	" " " 47, " " salary			7 00	
1853.					
Jan. 25.	" " " 48, " J. Daniels, on contract			1,000 00	
" "	" " " 49, " Haus & Lewry, on con't			400 00	
" "	" " " 50, " I. P. Wright, painting			79 00	
Feb. 2.	" " " 51, " M. Wise & Co., sash, &c.			140 02	
				\$19,554 84	
Add to this amount drawn by E. A. C. Hatch				25 00	\$19,579 84
Balance in Treasury - - - - -				\$420 16	

Recapitulated.

Sum total received from the United States per appropriation - - - - -		\$20,000 00
Amount disbursed up to January 5, 1852, as per report of Treasurer of that date - - - - -	\$3,849 13	
Amount disbursed since January 5, 1852, up to date - - - - -	1 5,730 71	
Balance in hands of Treasurer - - - - -	420 16	
Total - - - - -	\$20,000 00	

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<i>Statement of the Prison Fund.</i>		Dr.	Cr.
United States, In account with Alex. Wilkin, Treasurer, &c.			
1852. Jan 5.	To balance in the hands of J. McKusick,		\$14,708 25
1852.			
Feb. 6.	To draft No. 23, in favor of C. K. Smith, Att'y.	\$18 00	
March 8.	" " " 24, " L. Roberts, per diem.	21 00	
" "	" " " 25, " J. McKusick, as Treas- urer and Commis'r.	265 00	
April 16.	" " " 26, " A. Ramsey, per diem	48 00	
" 24.	" " " 27, " J. Taylor & Co., on contract - - -	1,000 00	
May 24.	" " " 28, " " " "	1,000 00	
" "	" " " 29, " J. McKusick, as Build- ing Commissioner -	256 00	
" "	" " " 30, " " Treasurer -	50 00	
" "	" " " 31, " H. W. Tracy, room rent	18 00	
July 26	" " " 32, " J. Taylor & Co., on contract - - -	2,103 00	
Aug. 10.	" " " 33, " " " "	1,489 00	
" "	" " " 34, " Pattison & Benson, Livery bill - - -	5 00	
Sept. 27.	" " " 35, " J. Taylor & Co., on contract - - -	2,469 00	
" "	" " " 36, " J. McKusick, as Treas- urer and Commis'r	564 00	
" "	" " " 37, " Chas. F. Tracy, salary	100 00	
Oct. 13.	" " " 38, " J. McKusick, as Treas- urer and Commis'r	158 76	
" "	" " " 39, " A. Ramsey, per diem	9 00	
" "	" " " 40, " A. Wilkin, " "	18 00	
Dec. 18.	" " " 41, " J. Taylor & Co., on contract - - -	1,176 00	
" "	" " " 42, " " " "	2,000 00	
" "	" " " 43, " Alden Bryant, salary	25 00	
1853.			
Jan. 28.	" " " 44, " J. Taylor & Co., on contract - - -	1,000 00	
		\$13,792 76	
	Balance in Treasury - - - -		\$925 49

Recapitulated.

Total received from the United States, per appropriation - - - -		\$20,000 00
Amount disbursed up to January 5, 1852 -	\$5,281 77	
Amount disbursed since January 5, 1852, up to date - - - -	13,792 76	
Balance in hands of Treasurer - - - -	925 49	
Total - - - -	\$20,000 00	

REPORT OF THE SUPERINTENDENT OF THE CAPITOL.

To the Honorable Board of Building Commissioners for the Territory of Minnesota :

The undersigned Superintendent of Capitol, respectfully begs leave to report, that he has examined said building and estimated the cost of completing the same, and finds that there remains to complete said building, according to Joseph Daniels' contract for said Capitol building, to the best of his knowledge :

Finishing dome and tinning, columns and floor in front, casing windows, sash and glass, and setting same, setting partitions, and base and door stairs, and filling front opening, and completing the plastering in the building—that the above work will cost to the best of his knowledge, \$2,150 00.

Most respectfully yours,

C. P. V. LULL,
Superintendent of Capitol.

St. Paul, Feb. 2d, 1853.

REPORT OF PRISON SUPERINTENDENT.

To the Honorable Board of Building Commissioners of the Territory of Minnesota :

The undersigned, Superintendent of the Prison Buildings, begs leave to make the following report :

The buildings are nearly completed according to the plans and specifications thereof. Six (6) cells (being the number called for by the contract) are now ready for the reception of prisoners.

The main Prison is nearly completed. The Warden's house, situated outside of the walls of the Prison, is also ready for occupancy by the Warden.

The wall surrounding the Prison will require some more work before it is completed. According to the best of my judgment, not more than two hundred dollars will be required to complete the whole work, as called for by the contract under which they have been built.

All of which is respectfully submitted.

ALDEN BRYANT,
Superintendent of Prison Buildings.

St. Paul, Feb. 4th, 1853.

CHAPTER IV. THE CONSTITUTION.

The Constitution of the United States was adopted on September 17, 1787, at Philadelphia. It is the supreme law of the land, and all laws made in accordance with it are valid. The Constitution is divided into seven articles. The first three articles deal with the executive, legislative, and judicial branches of the government. The last four articles deal with the states, the federal government, and the amendment process.

ARTICLE I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

CHAPTER V. THE STATES.

The Constitution provides for a federal government and a system of state governments. The federal government is made up of three branches: the executive, the legislative, and the judicial. The states are also organized into three branches: the executive, the legislative, and the judicial. The Constitution sets out the powers and responsibilities of each branch of both the federal and state governments.

ARTICLE II.

Section 1. The executive Power shall be vested in a President of the United States of America.

Section 2. The President shall hold Office, from the beginning of his Term, until the next Election Day, and he shall be re-eligible to that Office.

I N D E X .

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- VAN DUZEN, J.** elected Fireman to the House, 63.
VERMILION RIVER, Falls of, road from to Iowa State line, (*see Bills.*)

W.

- WALKER, ORANGE**, and others, petition of, (*see Petition.*)
WEIGHTS AND MEASURES, bill to establish, (*see Bills.*)

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

OF THE
TERRITORY OF MINNESOTA,

DURING THE FIFTH SESSION

OF THE
LEGISLATIVE ASSEMBLY

MINN AND HELD AT ST. PAUL, ON WEDNESDAY, JANUARY FOURTH, ONE
THOUSAND EIGHT HUNDRED AND FIFTY FOUR.

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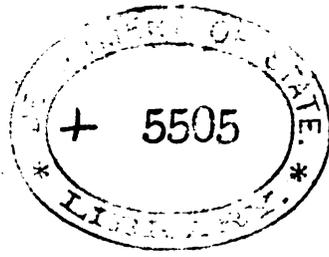
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16

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JANUARY 4, 1854.

The Legislative Assembly of Minnesota Territory commenced its fifth session in the Capitol at St. Paul, the seat of Government, on Wednesday, the 4th day of January, A. D. 1854.

On which day, at 12 o'clock meridian, the House was called to order by Joseph R. Brown, Esq., Chief Clerk of the last House of Representatives.

Prayer was offered by Rev. Mr. Bradley.

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

From the first Council District—John Fisher, Nathan C. D. Taylor, Robert Watson, Wm. McKugick,

From the 2d Council District—Wm. Noot, Wm. A. Davis, Louis Bartlett, John H. Day, Levi Sloan.

From the 3d Council District—Cephas Gardner, Henry S. Plumer.

From the 4th Council District—

From the 5th Council District—Reuben M. Richardson, Peter Roy.

From the 6th Council District—Hezekiah Fletcher.

From the 7th Council District—Joseph Rolette, Donald G. Morrison.

Mr. Day moved that Mr. Nobles be permitted to take his seat, he having been elected one of the Representatives from the 6th Council District. Which motion prevailed, and Mr. Nobles accordingly took his seat.

On motion of Mr. Noot,

The oath of office was then administered to the members elect by Chief Justice Welch.

On motion of Mr. Fisher,

Cephas Gardner was elected Speaker, *pro tem*.

Mr. Gardner declining the honor, Mr. Plumer moved that he be excused;

Which motion was lost.

Whereupon, Mr. Gardner, Speaker pro tem, took the chair.

The following communication was then read by the Chief Clerk :

To the Speaker of the House of Representatives :

SIR—Permit me through you, to tender my resignation as Chief Clerk of the House of Representatives.

Respectfully your ob't servant,
JOSEPH R. BROWN.

On motion of Mr. Noot,

The communication was accepted.

On motion of Mr. Noot,

A. J. Morgan, Esq., was appointed Chief Clerk, *pro tem*.

The oath of office having been administered to the Chief Clerk *pro tem*. by Chief Justice Welch,

On motion of Mr. Noot,

Mr. Henry Jackson was appointed Assistant Clerk *pro tem*.

On motion of Mr. Day,

Mr. Alden Bryant was appointed enrolling clerk, *pro tem*.

On motion of Mr. Watson,

Mr. H. L. Morse was appointed Sergeant-at Arms, *pro tem*.

On motion of Mr. Richardson,

Mr. Joseph Tesrow was appointed Messenger, *pro tem*.

On Motion of Mr. Taylor,

Mr. Joshua Draper was appointed Fireman, *pro tem*.

On motion of Mr. Watson,

The chief clerk was requested to furnish a copy of the Rules of the last House to each member.

On motion of Mr. Noot,

A committee of two was appointed to wait on the Council, and inform that body that the House is now temporarily organized and ready to proceed to business.

The Speaker, pro tem, appointed Messrs Noot and Day said committee.

After a short absence, the committee returned and informed the House that they had performed the duty assigned them.

On motion of Mr. Rolette,

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

THURSDAY, JANUARY 5, 1854.

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

Prayer by Rev. Mr. Bradley.

On motion of Mr. Rolette,

The reading of yesterday's journal was dispensed with.

On motion of Mr. Noot,

The rules of the last House of Representatives were adopted for the temporary government of this House.

On motion of Mr. Watson,

The use of the Hall of the House was granted the Minnesota Agricultural Society, to hold its session this day at 2 o'clock, P. M.

Mr. Day moved, that the House do now adjourn until to-morrow at 10 o'clock, A. M.,

And the ayes and noes being called for and ordered,

There were ayes 8 and noes 7.

Those who voted in the affirmative were,

Messrs. Day, McKusick, Morrison, Nobles, Plumer, Rolette, Richardson and Speaker, pro tem.—8.

Those who voted in the negative were,

Messrs. Fisher, Fletcher, Noot, Roy, Sloan, Taylor and Watson—7.

So the House adjourned until 10 o'clock to-morrow morning.

FRIDAY, JANUARY 6, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

The journal of yesterday was read and approved.

Mr. Watson moved that Mr. Lord, of Wabashaw, be allowed to take his seat.

Mr. Fletcher objected, unless Mr. Lord had his certificate of election.

Mr. Lord, on leave, stated that he was deprived of his certificate, owing to the negligence of the Register of Deeds of his County, in not forwarding the election returns of the late election to the Register of Deeds of Ramsey County.

The question then recurring, on admitting Mr. Lord to a seat in the House,

And ayes and noes being called for and ordered,

There were ayes 6 and noes 8.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Fisher, Noot, Sloan and Watson—6.

Those who voted in the negative were,

Messrs. Day, Fletcher, McKusick, Morrison, Nobles, Plumer, Rolette and Richardson—8.

So the motion was lost.

Mr. Fletcher, on leave, offered the following resolution, which was adopted:

Resolved, That each member of this House be allowed fifteen dollars and each chairman of a committee twenty dollars worth of stationery for the use of his desk.

Mr. Day, on leave, offered the following resolution, which was adopted:

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

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

Resolved, That the Secretary of the Territory be requested to furnish a clock for the use of this House.

Mr. Rolette moved to amend the resolution by adding—

And spittoons.

After debate thereon, the amendment was withdrawn.

The question then recurring on the original resolution, It was decided in the negative.

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

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

Mr. Rolette, moved the House proceed to an election of permanent Speaker, And the ayes and noes being called for and ordered,

There were ayes 9 and noes 7.

Those who voted in the affirmative were,

Messrs. Day, Fletcher, McKusick, Morrison, Nobles, Plumer, Rolette, Richardson and Speaker, *pro tem.*—9.

Those who voted in the negative were,

Messrs. Bartlett, Davis, Fisher, Noot, Roy, Sloan, Taylor and Watson—7,

So the motion prevailed.

Mr. Noot nominated William A. Davis,

And the roll being called, the following was the result of the first vote:

Mr. Bartlett	voted for	Mr. Davis,
“ Davis	“	“ Noot,
“ Day	“	“ Rolette,
“ Fisher	“	“ Davis,
“ Fletcher	“	“ Gardner,
“ McKusick	“	“ Fletcher,
“ Morrison	“	“ Rolette,
“ Noot	“	“ Davis,
“ Nobles	“	“ Noot,
“ Plumer	“	“ Morrison,
“ Rolette	“	“ Day,
“ Richardson	“	“ McKusick,
“ Roy	“	“ Davis,
“ Sloan	“	“ Davis,
“ Taylor	“	“ Davis,
“ Watson	“	“ Davis,
Speaker, <i>pro tem.</i>	“	“ Taylor,

The result of the vote was then declared, as follows:

(7)

Mr. Davis received 7 votes,	
“ Noot “	2 “
“ Rolette “	2 “
“ Gardner “	1 “
“ Fletcher “	1 “
“ McKusick “	1 “
“ Day “	1 “
“ Morrison “	1 “
“ Taylor “	1 “

Whole number of votes cast	17
Necessary to a choice	9

No one receiving a majority of all the votes, there was no election;
Mr. Fletcher moved that the House now proceed to a second vote for Speaker,
Which was agreed to;

The roll being called, the following was the result of the second vote:

Mr. Bartlett voted for Mr. Davis,	
“ Davis “	“ Bartlett,
“ Day “	“ Taylor,
“ Fisher “	“ Davis,
“ Fletcher “	“ Taylor,
“ McKusick “	“ Taylor,
“ Morrison “	“ Taylor,
“ Noot “	“ Davis,
“ Nobles “	“ Taylor,
“ Plumer “	“ Taylor,
“ Rolette “	“ Taylor,
“ Richardson “	“ Taylor,
“ Roy “	“ Davis,
“ Sloan “	“ Taylor,
“ Taylor “	“ Davis,
“ Watson “	“ Taylor,
Speaker, pro tem. “	“ Taylor,

The result of the vote was then declared, as follows:

Mr. Taylor received 11 votes,	
“ Davis “	5 “
“ Bartlett “	1 “

Whole number of votes cast	17
Necessary to a choice	9

Mr. Taylor, having received a majority of all the votes cast, was declared duly elected Speaker of the House during the present session.

Mr. Fletcher moved that a committee of two be appointed to inform the Speaker elect of his election, and escort him to the Chair,

The Speaker, pro tem., appointed Messrs. Day and Nobles said committee:

On taking the Chair, the Speaker said:

Gentlemen of the House of Representatives:

I sincerely thank you for the evidence of confidence and regard manifested in selecting me to preside over your deliberations. The office of Speaker of the House of Representatives is certainly one of great importance and honor, and should be filled by one who would confer honor and dignity upon the House. I feel conscious you have over estimated my ability to confer such honor, and as I have had no experience in any deliberative body, I can only pledge myself to act impartially and to perform my duties according to the best of my abilities.

Mr. Fisher moved that a vote of thanks be tendered to the Speaker, *pro tem.*, for the able manner in which he presided over the temporary organization of this House.

Which motion was unanimously carried.

On motion of Mr. McKusick,

The House proceeded to ballot for Chief Clerk;

Mr. Roloff nominated Andrew Jackson Morgan,

And the roll being called, the vote resulted as follows:

Mr. Bartlett	voted for	Mr. Morgan,
" Davis	" "	" Morgan,
" Day	" "	" Morgan,
" Fisher	" "	" Morgan,
" Fletcher	" "	" Morgan,
" Gardner	" "	" Morgan,
" McKusick	" "	" Morgan,
" Morrison	" "	" Morgan,
" Nott	" "	" Morgan,
" Nobles	" "	" Morgan,
" Plumer	" "	" Morgan,
" Roloff	" "	" Morgan,
" Richardson	" "	" Morgan,
" Roge	" "	" Morgan,
" Siban	" "	" Morgan,
" Watson	" "	" Morgan,
" Speaker	" "	" Morgan,

The result of the vote was then declared, as follows:

Mr. Morgan received 17 votes.

Whole number of votes cast	17
Necessary to a choice	9

Mr. Morgan, having received all the votes cast, was declared unanimously elected Chief Clerk of the House of Representatives, during the present session.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. SPEAKER:—The Council has permanently organized by the election of the following officers:

S. B. Olmstead, President;
 J. B. Dixon, Secretary;
 James Starkey, Assistant Secretary;
 John M. Lamb, Enrolling Clerk;
 W. H. Chapman, Sergeant-at-Arms;
 Wm. M. Dwinnell, Messenger;
 Louis LaSarte, Fireman;
Rev. Mr. Kern, Chaplain;

And then he withdrew.

On motion of Mr. Fletcher,
 The House proceeded to ballot for Assistant Clerk.
 Mr. Gardner nominated G. W. Prescott;
 The roll being called, the vote resulted as follows:

Mr. Bartlett	voted for	Mr. Lott,
" Davis	"	" Lott,
" Day	"	" Prescott,
" Fisher	"	" Prescott,
" Fletcher	"	" Prescott,
" Gardner	"	" Prescott,
" McKusick	"	" Prescott,
" Morrison	"	" Prescott,
" Noot	"	" Lott,
" Nobles	"	" Prescott,
" Plumer	"	" Prescott,
" Rolette	"	" Prescott,
" Richardson	"	" Prescott,
" Roy	"	" Prescott,
" Sloan	"	" Prescott,
" Watson	"	" Prescott,
" Speaker	"	" Prescott,

The result of the vote was then declared, as follows:

Mr. Prescott	received	14	votes,
" Lott	"	3	"

Whole number of votes cast	17
Necessary to a choice	9

Mr. Prescott, having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House of Representatives during the present session.

On motion of Mr. Fisher,
 The House proceeded to vote for Enrolling Clerk.
 Mr. Fisher nominated Henry Jackson;
 The roll being called, the vote resulted as follows:

Mr. Bartlett	voted for	Mr. Jackson,
" Davis	"	" Jackson,
" Day	"	" York,
" Fisher	"	" Jackson,

Mr. Fletcher voted for Mr. York,
 " Gardner " " Jackson,
 " McKusick " " York,
 " Morrison " " York,
 " Noot " " Jackson,
 " Nobles " " Jackson,
 " Plumer " " York,
 " Rolette " " York,
 " Richardson " " York,
 " Roy " " Jackson,
 " Sloan " " Jackson,
 " Watson " " Jackson,
 " Speaker " " Jackson,

The result of the vote was then declared, as follows:

Mr. Jackson received 10 votes,
 " York " 7

Whole number of votes cast 17
 Necessary to a choice 9

Mr. Jackson, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the House of Representatives during the present session.

O motion of Mr. Watson,

The House proceeded to vote for Sergeant-at-Arms.

Mr. Fisher nominated James Middleton,

And the roll being called the following was the result:

Mr. Bartlett voted for Mr. Middleton,
 " Davis " " Middleton,
 " Day " " Crane,
 " Fisher " " Middleton,
 " Gardner, " " Middleton,
 " McKusick " " Middleton,
 " Morrison " " Crane,
 " Noot " " Middleton,
 " Nobles " " Crane,
 " Plumer " " Crane,
 " Rolette " " Crane,
 " Richardson " " Crane,
 " Roy " " Middleton,
 " Sloan " " Middleton,
 " Watson " " Middleton,
 " Speaker " " Middleton.

The result of the vote was then declared as follows:

Mr. Middleton received 10 votes.
 Mr. Crane received 6 votes.

Whole number of votes cast 16
 Necessary to a choice, 9

Mr. Middleton having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms of the House of Representatives during the present session.

On motion of Mr. Fisher,

The House proceeded to vote for Messenger.

Mr. Fisher nominated Joseph Tesrow; and the roll being called the following was the result:

Mr. Bartlett	voted for	Mr. Tesrow,
" Davis	"	" Tesrow,
" Day	"	" Bates,
" Fisher	"	" Tesrow,
" Fletcher	"	" Tesrow,
" Gardner	"	" Tesrow,
" McKusick	"	" Tesrow,
" Morrison,	"	" Tesrow,
" Noot	"	" Tesrow,
" Nobles	"	" Tesrow,
" Plumer	"	" Tesrow,
" Rolette	"	" Tesrow,
" Richardson	"	" Tesrow,
" Roy	"	" Tesrow,
" Sloan	"	" Tesrow,
" Watson	"	" Tesrow,
" Speaker	"	" Tesrow,

The result of the vote was then declared as follows:

Mr. Tesrow received 16 votes,

Mr. Bates received 1 vote.

Whole number of votes cast 17.

Necessary to a choice 9.

Mr. Tesrow, having received a majority of all the votes cast was declared duly elected Messenger of the House of Representatives during the present Session.

On motion of Mr. Fletcher,

The House proceeded to vote for fireman. The roll being called the following was the result of the first vote:

Mr. Bartlett	voted for	Mr. LeBonne,
" Davis	"	" LeBonnes,
" Day	"	" Brown,
" Fisher	"	" Draper,
" Fletcher	"	" Draper,
" Gardner	"	" Draper,
" McKusick	"	" Brown,
" Morrison	"	" LeBonnes,
" Noot	"	" Draper,
" Nobles	"	" Draper,
" Plumer	"	" Brown,

	Mr. Rolette voted for Mr. LeBonne,
	“ Richardson “ “ Brown,
	“ Roy “ “ LeBonne,
	“ Sloan “ “ Draper,
	“ Watson “ “ Draper,
	“ Speaker “ “ Draper.

The result of the vote was then declared as follows:

Mr. Draper received	8	votes,
Mr. LeBonne	5	“
Mr. Brown	4	“

Whole number of votes cast	17
Necessary to a choice	9

No one having received a majority of all the votes, the House proceeded to a second vote for Fireman, which resulted as follows, viz:

Mr. Bartlett voted for Mr. LeBonne,
“ Davis “ “ LeBonne,
“ Day “ “ LeBonne,
“ Fisher “ “ LeBonne,
“ Fletcher “ “ Draper,
“ Gardner “ “ Draper,
“ McKusick “ “ Draper,
“ Morrison “ “ LeBonne,
“ Noot “ “ LeBonne,
“ Nobles “ “ Draper,
“ Plumer “ “ Draper,
“ Rolette “ “ LeBonne,
“ Richardson “ “ Draper,
“ Roy “ “ LeBonne,
“ Sloan “ “ Draper,
“ Watson “ “ Draper,
“ Speaker “ “ Draper,

The result of the vote was then declared as follows:

Mr. Draper received	9	votes.
Mr. LeBonne	8	“

Whole number of votes cast	17
Necessary to a choice	9

Mr. Draper having received a majority of all the votes cast, was declared duly elected Fireman of the House of Representatives during the present Session.

On motion of Mr. Noot,

The several officers were sworn into office by the Speaker.

Mr. Fletcher, on leave, offered the following resolution, viz:

Resolved. That the Rev. Mr. Bradley be hereby elected Chaplain of the House during the present Session.

Which was adopted.

Mr. Rolette moved that the House adjourn until Monday morning at 10 o'clock. And the ayes and noes being called for and ordered, there were ayes—14 noes—3.

Those who voted in the affirmative were
Messrs Bartlett, Davis, Day, Fletcher, Gardner, Morrison, Noot, Nobles, Plumer, Rolette, Richardson, Roy, Sloan and Speaker—14 ;

Those who voted in the negative were
Messrs Fisher, McKusick and Watson—3.

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

MONDAY, JANUARY 9, 1854.

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

Prayer by the Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

The reading of Friday's journal was commenced, and

On motion of Mr. Rolette,

The further reading of the journal was dispensed with.

The Fireman was then sworn in.

On motion of Mr. Day,

The Chief Clerk was instructed to inform the Council of the permanent organization of the House.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared, and delivered the following message:

Mr. Speaker:—The Council has passed the following resolution, in which the concurrence of the House is respectfully requested, viz:

Resolved, By the Council (with the concurrence of the House,) that a joint committee of two, from each house, be appointed to report joint rules for the government of the two Houses during the present Session,

And then he withdrew.

On motion of Mr. Noot,

The message from the Council was taken up, and the Joint Resolution relative to drafting rules for the government of the two Houses was adopted, and the Speaker appointed Messrs. Davis and Gardner a committee on the part of the House, under the above joint resolution.

Mr. Nobles moved, That Mr. Lord be admitted to his seat, he having his certificate of election.

And the ayes and noes being called for and ordered,

There were ayes—12; noes—5.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Fisher, Fletcher, Gardner, McKusick, Noot, Nobles, Roy, Sloan, Watson, and Speaker—12;

Those who voted in the negative were,
Messrs. Day, Morrison, Plumer, Rolette, and Richardson—5.

So the motion prevailed

Mr. Noot moved, that Mr. Lord be sworn in.

Which motion prevailed.

And Mr. Lord appeared at the Speaker's desk and took the usual oath of office.

Mr. Day offered the following resolution:

Resolved, That a committee of two be appointed by the Speaker, to draft rules for the government of the present House of Representatives.

Which was adopted.

The Speaker appointed Messrs Day and Bartlett said committee.

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

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

The Speaker appointed Messrs. Watson and Noot said committee.

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

Resolved, That the Secretary of the Territory, be required to furnish the members of this House with copies of the statutes and session laws of the Territory.

On motion of Mr. Day.

The vote by which the resolution to subscribe for newspapers for the use of members and officers was passed, was reconsidered.

The question then recurring on the adoption of the resolution, Mr. Day moved to strike out the word twelve where it occurs in the resolution, and insert the word thirty.

Which motion prevailed.

Mr. Day moved the resolution as amended be adopted.

Which motion prevailed.

The Speaker announced the following Standing Committees of the House of Representatives:

ON INTERNAL IMPROVEMENTS,

Messrs. Watson, Noot and Rolette.

ON TERRITORIAL AFFAIRS,

Messrs. Day, Davis and Sloan.

ON JUDICIARY,

Messrs. Fisher, Fletcher and Day.

ON AGRICULTURE AND MANUFACTURES,

Messrs. Davis, Morrison and Watson.

ON MILITIA,

Messrs. Rolette, Roy and Noot.

ON SCHOOLS,

Messrs. Gardner, Nobles and Plumer.

ON INCORPORATIONS,

Messrs. Fletcher, Roy and McKusick.

ON TERRITORIAL ROADS,

Messrs. Nobles, Morrison and McKusick.

ON PRINTING.

Messrs. McKusick, Fletcher and Fisher.

ON PUBLIC BUILDINGS.

Messrs. Sloan, Richardson and McKusick.

ON ENGROSSED BILLS,

Messrs. Lord, Gardner and Bartlett.

ON ENROLLED BILLS,

Messrs. Plumer, Noot, and Richardson.

ON LEGISLATIVE EXPENDITURES,

Messrs. Noot, Day and Bartlett.

ON TERRITORIAL EXPENDITURES,

Messrs. Richardson, Gardner and Davis.

ON ESTATES AND ESCHEATS,

Messrs. Bartlett, Fletcher and Lord.

Mr. Richardson moved that the House adjourn until 3 o'clock this afternoon,
Which motion was lost.

Mr. Rolette moved that the House adjourn until to-morrow morning at 10
o'clock,

Which motion prevailed.

And the House adjourned.

TUESDAY, JANUARY 10, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members was called and a quorum answered to their names.

Mr. Nobles moved that the reading of the Journal be dispensed with, Which motion was lost.

The Journal was then read and approved.

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

Resolved, That the Chief Clerk of this House be instructed to purchase such stationery as may be necessary for the use of his desk,

Which resolution was adopted.

The Chief Clerk laid before the House the following correspondence:

HALL OF THE HOUSE OF REPRESENTATIVES, }
St. Paul, Jan. 9, 1854. }

To the Hon. Speaker of the House of Representatives:

SIR:—In conformity to a resolution of the House of Representatives of the 7th inst., relative to the postage of members of this body, I have the honor to lay before the House the following correspondence relative thereto between the Post Master and myself. Respectfully,

Your obed't servant,

A. J. MORGAN,
Chief Clerk, H. of R.

HALL OF THE HOUSE OF REPRESENTATIVES, }
St. Paul, Jan. 7, 1854. }

Wm. Henry Forbes, Esq., Post Master, St. Paul:

SIR:—The House of Representatives, at its session on yesterday, adopted the following resolution:

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

In conformity with the above resolution, you will please inform me, at your earliest convenience, whether you will give the members of this House the credit desired on their letters and papers, Respectfully,

Your obed't servant,

A. J. MORGAN,
Chief Clerk, H. of R.

ST. PAUL, P. O. }
Jan. 9, 1854. }

A. J. Morgan, Esq., Chief Clerk, H. of R.

SIR:—In answer to your communication of the 7th inst., I am willing to open an account with the H. of R. for postage, provided the Secretary of the

Territory will pay the account at the close of its session, as I have to take the responsibility of so doing on myself—being expressly forbid by the Post Office Department to make any accounts on their behalf.

I remain respectfully,

WM. HENRY FORBES, P. M.

A message from the Council being announced, James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. SPEAKER:—Messrs. Murray and Freeborn have been appointed a Committee on the part of the Council to wait upon his Excellency, the Governor, and inform him that the two Houses are now organized and ready to receive any communication he may have to make.

Messrs. Brown and Van Etten have been appointed on behalf of the Council to draft joint rules for the government of the two Houses during the present session.

And then he withdrew.

Mr. Day from the Committee to which was referred the drafting of rules for the government of the House, made the following report:

The Committee appointed to report rules for the government of the House beg leave to report the following rules of order:

J. H. DAY,
LOUIS BARTLETT,
Committee.

STANDING RULES OF THE HOUSE OF REPRESENTATIVES.

I. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

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

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

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

V. The Speaker shall call some member to the chair when the House votes to go into committee of the whole, and may then debate the question before the committee. He shall also have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. In case the Speaker shall be absent at the hour to which the House was adjourned, the Clerk shall preside until a Speaker *pro tem.*, shall be chosen.

VI. He shall appoint all committees unless otherwise directed by the House. He shall sign all acts, memorials, addresses and resolutions; and all writs, warrants and subpoenas (issued by the House) shall be signed by him and attested by the Chief Clerk.

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

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

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

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

2. Resolutions may be offered and considered; notices of leave to introduce bills may be given; and bills may be introduced on leave granted.

3. Reports of committees may be made and considered:

1st, from standing committees; 2d, from select committees.

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

5. Bills and Resolutions from the Council on their second reading.

6. Bills on their third reading.

7. Bills ready for third reading.

8. Bills reported by a committee of the whole.

9. Bills in which a committee of the whole has made progress and has leave to sit again.

10. Bills not yet considered in committee of the whole.

X. Bills of a public nature shall always have the preference of private bills.

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

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

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

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

XV. No member shall vote on any question in any case where he was not within the bar of the House when the question was put, unless by leave of the House.

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

XVII. Every member who shall be in the House when the question is put, shall give his vote, unless the House for special reasons, shall excuse him. All motions to excuse a member from voting, shall be made before the House divides,

or before the call of the yeas and nays is commenced. And any member wishing to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XVIII. When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the Chief Clerk, and read before debate.

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

XX. After a motion is stated by the Speaker, or read by the Chief Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn before a decision or amendment.

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

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

XXIII. The previous question shall be in this form: "Shall the main question now be put?" It shall 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 of the previous question, and prior to the main question being put, a call of the House shall be in order.

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

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

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

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

XXVIII. Every petition, memorial, remonstrance, resolution, bill and report

of committee, shall be endorsed with its appropriate title; and immediately under the endorsement the name of the member presenting the same shall be written.

XXIX. Any member may make a call of the House, and require absent members to be sent for, but a call of the House cannot be made after the voting has commenced; and the call of the House being ordered, and the absentees noted, the door shall be closed, and no member 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.

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

On Internal Improvements.

On Territorial Affairs.

On the Judiciary.

On Agriculture and Manufactures.

On the Militia.

On Schools.

On Incorporations.

On Territorial Roads.

On Printing.

On Public Buildings.

On Engrossed Bills.

On Enrolled Bills.

On Legislative Expenditures.

On Territorial Expenditures.

On Estates and Escheats.

XXXI. The rules observed in the House shall govern as far as practicable, the proceedings in 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.

XXXII. Amendments made in committee of the whole shall be entered on a separate piece of paper, and so reported to the House by the chairman, standing in his place, which amendment shall not be read by the Speaker unless required by one or more of the members. The report having been first acted upon, the bill shall then be subject to debate and amendment before the question to engross it be taken.

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

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

XXXV. No bill, memorial or joint resolution shall be committed or amended until it has been twice read. If objections are made to a bill on its first reading,

the question shall be, "Shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading.

XXXVI. All bills, memorials and joint resolutions requiring the approval of the Governor, shall, on a second reading, be considered in committee of the whole before they shall be acted upon by the House, and those originating in the House, except resolutions not requiring the approval of the Governor, before being considered in committee of the whole, shall be printed, unless otherwise ordered by the House.

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

XXXVIII. No more than three bills originating in the House shall be committed to the same committee of the whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

XXXIX. The final question upon the second reading of every bill, or other paper originating in the House, and requiring three readings previous to being passed, shall be, "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the Council, "Shall it be read a third time?"

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

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

XLII. Every bill, joint resolution or memorial, originating in the House, shall be carefully engrossed before being transmitted to the Council for concurrence.

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

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

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

XLVI. The Chief Clerk shall keep a correct journal of the daily proceedings of the House, and shall perform such other duties as shall be assigned to

him as Chief Clerk. He shall permit no journal, records, accounts, or papers to be taken from the table or out of his custody, other than in the regular mode of business; and if any papers in his charge shall be missing, he shall report the fact to the Speaker, that inquiry may be made. He shall superintend the recording of the journal of proceedings, engrossing, enrolling, transcribing and copying of bills and resolutions, and generally perform the duties of Chief Clerk, under the direction of the Speaker.

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

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

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

The report of the committee was accepted, and

The question then recurring on the adoption by the House of the rules reported by the committee as the permanent Rules of the House during the present session,

It was decided in the affirmative.

Mr. Davis, from the Joint Committee appointed to draft Joint Rules for the government of the two Houses during the present session, made the following report, viz:

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 rules of order:

JOSEPH R. BROWN,
I. VAN ETTEN,
WM. A. DAVIS,
CEPHAS GARDNER,
Committee.

JOINT RULES AND ORDERS OF THE TWO HOUSES.

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

2. When a message shall be sent from the Council to the House of Repre-

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 their respective Houses.

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

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

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

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

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

10. Each House shall transmit to the other all papers, on which any bill, 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 House first acting on the same, if it shall be thought necessary to have it printed, shall order a sufficient number of copies for both branches, and shall immediately inform the other House of its action upon the subject.

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

14. The committees of each house on Territorial Expenditures, on Ed-

rolled 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, requesting 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.

Mr. Day moved that the report of the committee be accepted.

Which motion prevailed.

And the question then recurring on the adoption by the House of the Joint Rules reported by the Joint Committee as the rules for the government of the two Houses during the present session.

It was decided in the affirmative.

Mr. Plumer on leave offered the following resolution:

Resolved, That the Chief Clerk of the House, procure, printed, and bound in pamphlet form, for the use of the House, one hundred and twenty-five copies of the rules of the House, to contain also the rules of the Council, Joint Rules of the Council and House, and the standing committees.

Which resolution was adopted.

Mr. Richardson offered a resolution, which was read as follows, viz :

Resolved, That the Chief Clerk of the House be, and he is hereby authorized to purchase from the Post Master in this city, two hundred stamped envelopes and five hundred newspaper stamps, for the use of each member and Clerk of the House, and to be paid for out of the moneys appropriated for defraying the expenses of the Legislative Assembly.

Which was adopted.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared, and delivered the following message:

MR. SPEAKER:—The Council has passed the following resolution, in which the concurrence of the House is respectfully requested, viz :

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

And then he withdrew.

Mr. Watson moved that the Sergeant-at-Arms be instructed to furnish seats within the bar of the House for the accommodation of the Council when they meet the House in Joint Convention.

Which motion prevailed.

Mr. Fisher offered the following resolution:

Resolved, That a Committee of two be appointed to inform the Council that seats have been prepared and the House will be ready at 11 o'clock, to receive the Council in Joint Convention.

Mr. Plumer moved to amend the motion by striking out committee of two, and inserting Chief Clerk of this House be directed.

Which motion prevailed.

On motion of Mr. Rolette,

The House adjourned until 11 o'clock.

The House was called to order by the Speaker.

The Speaker called Mr. Davis to the Chair.

Mr. Fisher moved that a committee of two be appointed to wait on the Council and inform that body that the House is now waiting to receive them.

The Speaker appointed Messrs. Fisher and Roy said committee.

Mr. Fisher, from the above committee, after a short absence, reported that the duty had been performed.

The Hon. Council were then announced, and took their seats in the Representatives' Hall, in Joint Convention of the two Houses.

JOURNAL OF THE JOINT CONVENTION.

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

Prayer by the Rev. Mr. Bradley.

The roll being called,

Messrs. Brown, Freeborn, Kittson, Mower, Murray, Stearns, Sumner, Van Etten and President of the Council;

And Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot, Nobles, Plumer, Rolette, Richardson, Roy, Sloan, and Speaker of the House of Representatives, answered to their names.

The Governor was then introduced by Messrs. Murray and Freeborn, committee on the part of the Council, and Messrs. Watson and Noot, committee on the part of the House of Representatives, and having taken a place between the President of the Council, and Speaker of the House, delivered the following message:

Fellow Citizens of the Council and House of Representatives:

You have assembled here to-day in obedience to law, to deliberate upon the most suitable measures to be adopted for the promotion of the general good of the country.

Since your last meeting, a change in the administration of the General Gov-

ernment, has produced a change in the Executive Department of the Territory. And I may be allowed to hope, that by your co-operation, we may be able to so direct the legislation of the country, that its varied resources may be developed; and a new impetus given to its prosperity. And allow me to congratulate the country upon the advent of a new National Administration, which has inspired new hope in the people, that our national honor will be vindicated, our resources developed, our commerce extended, and our constitutional obligations to the States faithfully kept.

During the year that has just closed, it has pleased the Great Ruler of the Universe to continue his blessings toward us individually and collectively, and especially to protect us from the ravages of such epidemics as have scourged other portions of the Union. The great estate of agriculture has been blessed and our farmers have gathered an abundant harvest. The moral, social and political condition of the people has been improved, population has poured into the country with unparalleled rapidity, and every branch of industry has been richly rewarded.

The short time that I have had the honor to preside over the Territory and the unprecedented amount of labor that has devolved upon me, from the day I landed on your shores, up to within a few days before your meeting, has precluded my giving that attention to our laws and institutions, which under my ordinary duties, it would have been my pleasure to have done, will give you a full apology I hope, for my not going into a more detailed review of the necessary future legislation.

The maxim that "that government is best which governs least," has much wise admonition to a State in its infancy. The laws for the government of a plain republican people, should be few, simple, and with uniform application to every section of the country, and bearing alike upon all, leaving to each individual the largest liberty consistent with the good of the whole. Capital always comes forward with the largest demands upon the Legislator, whilst labor is more humble in its pretensions, and stands yet far more in need of your fostering care. I hope we may all profit by an occasional recurrence to those great principles which lie at the foundation of all legislation. Therefore, should it be your pleasure during the present session, to incorporate companies for the development of our resources, I recommend that they be so guarded with restrictions as to keep them constantly under the control of the people's representatives. Population and commerce will command capital, and without the aid of Legislative protection, that capital concentrated, will command power enough for all legitimate purposes.

The resources of Minnesota are such, as to give those who have seen them, ample cause for congratulating themselves on a most hopeful future. In June, 1849, His Excellency, Governor Ramsey, issued his proclamation for organization; then this beautiful city, now of near 5000 souls, had scarcely emerged from the dominion of the savage; then but a few small houses composed the now flourishing city of St. Paul, and scarcely could a white man be found except upon the St. Croix, save the adventurer to the Indian trading posts in the bosom of an uninhabited and comparatively unexplored wilderness. Then from Prairie du Chien to Crow Wing there was scarcely a village to dot the advance of civili-

zation. Now Prairie La Crosse, Winona, Wabasha, Rolling Stone, Red Wing, Point Prescott, Point Douglas, Hastings, Kaposia, Red Rock, St. Paul, Mendota, St. Anthony, Menomith, Anoka, Itasca, Sauk Rapids, and Watab, are flourishing points, and mark the advance of commerce and civilization on the Mississippi River. No less prosperous are all the villages on the St. Croix and Minnesota, from the mouth of each to the Indian country, and population is spreading into the interior, upon our lakes and prairies. The fine flourishing settlements on Lake Minnetonka, deserve especial notice. The lovely valley of the Minnesota is now fast filling up with a hardy and industrious population who are opening farms and building villages, with a rapidity unparalleled in the Northwest.

This fall, the Dakota or Sioux tribe of Indians have been permanently removed from their old homes on the Mississippi and lower Minnesota Rivers, leaving that beautiful country free for settlement and cultivation. No event has transpired since your last meeting that will tend in a higher degree to promote the prosperity and growth of the Territory, when the fact is known to those who may desire to locate within our borders. The laws for the protection of the rights, and enforcement of legal remedies on these lately ceded lands may, and probably will demand your attention.

No doubt every member of this General Assembly, will be animated with a sense of the propriety of asking, in a proper manner, of the Congress of the United States, a reasonable appropriation for the opening of roads in the Territory. An appropriation of this sort will redound to the advantage of the General Government equally as much as to our own.

The President of the United States, in his message delivered to the present Congress, with that high spirit of liberality and progress that characterizes the man and his principles, has wisely said that he regards our public domain "as chiefly valuable to provide homes for the industrious and enterprising," and fully concurs in the propriety of appropriations for the construction of roads within the Territories. In a country like ours, just emerging from a wilderness, the new settler, as a matter of primary importance, must first build a cabin to shelter himself and family, next must fence, plow and plant; the mechanic must build his shop, the merchant his store room. Every individual coming to a new country must attend first to these primary wants, before he can spare the time to construct roads. Thus it is, we need the fostering care and aid of the parent Government, to assist the infant settlers. By these appropriations, the General Government invites the population from which she derives a revenue from the sale of her public lands. When without this facility for travel and transportation a new country must long struggle against the natural impediments to prosperity. Your superior acquaintance with the geography of the country, will enable you in your wisdom, to determine what points to designate. It will give me pleasure to co-operate with you in whatsoever may be the result of your deliberations.

I beg leave to call your attention to the condition of the settlers on the west side of the Mississippi river, on the lands ceded to the Government by the Sioux tribe of Indians, by the treaties of 1851. It will be remembered that this fertile region, ever since the date of those treaties, has been filling up with a hardy,

industrious, intelligent and enterprising people. Hundreds of farms have been opened, neat houses built, villages laid off, hotels erected, machine shops and mercantile houses established. Your familiarity with a new country, will, no doubt, enable you to devise the proper memorial to Congress for their protection. Nearly all of these settlements are unprotected by the present pre-emption laws of the United States, until the surveys are made. So powerfully does this interest appeal to the justice of the General Government, that I most earnestly recommend that you, by joint resolution, ask Congress to recognize and confirm to actual settlers their claims to 160 acres of land.

In my judgment that duty is enjoined upon Congress by a higher consideration than ordinary pre-emption laws; it will dispel any danger that might arise by speculators attempting to rob honest toil and worthy enterprise of its just reward. Should Congress in their enlightened judgment legalize these actual settlements; it would avoid all possible future litigation between our citizens, and prevent those scenes of violence that have sometimes occurred, growing out of conflicting interests at the land sales.

This desired action of Congress, I deem of increased interest and importance, from the fact, that several years may elapse before the surveys and subdivisions will be completed.

If Congress in its wisdom, sees proper to amend the pre-emption laws in this regard, it will in my judgment greatly facilitate the settlement of the country.— The subject of granting lands to actual settlers has always been a favorite measure with the western people.

If population is the basis of our National power and greatness, then the policy of the Government should be to facilitate and encourage the speedy settlement and cultivation of the soil, by proper enactments of Congress.

The Creator of the earth intended that civilized man should own and enjoy it, and in a government where the sovereign power is in the people, it should not tax the occupant of that soil any more than may be necessary for their good; and now, when the revenues derived from imports has created and is accumulating a large surplus in the national treasury, seems to me a most propitious moment for relieving the bona fide settler from this land tax of \$1.25 per acre. Now is a favorable moment to reward the hardy pioneer for going in advance and clearing away the difficulties, dangers, and obstacles to a rapidly approaching civilization, commerce and wealth. This class of our countrymen have taken their rifle, axe and plow, and stood between a higher civilization and the wild savage of the wilderness, and prairie, and they deserve a land warrant of their country as richly as any gallant soldier, for dangerous and distinguished services, and all the reward they need or ask is that the powers that govern them shall deal justly by them.

These hardy men feel that close upon their track are always found the school and the house of God. They are not speculators, traders, merchants, bankers, or brokers, but sentinels upon the out-posts, guarding each of these from danger and molestation. And without intending to be invidious, it is too often the case that opulence and comfort lead the Legislator to forget what these frontier people are daily doing for the cause of civilization and christianity. I therefore submit whether it would not be proper for you to give an expression of your views on

this question, so vitally important to Western interests. The great power of this Union is now in the West; its great agricultural resources are here in the valley of the Mississippi. The conservative principle on almost every question of great National importance is in the West; and it is no longer the fancy of the poet, that says:

"Westward the star of Empire takes its way."

It is now a stern reality, that no power can resist. The South have their peculiar institutions and the North their prejudices of education; but it is here, in the great West, where we "know no North, no South, nothing but the Union," and the laws of progress.

By an act of the last Congress, appropriations were made to prosecute surveys and explorations of the different routes for a railroad to the Pacific. These have been commenced, and by this time mostly completed. Information of a reliable character has been received from Governor Stevens, giving the most satisfactory report upon the practicability of the Northern route. A most extraordinary natural pass has been found in the mountains for a road, thereby obviating all anticipated difficulty.

It has been objected to the Northern route, that the winter snows present an obstacle which is supposed to embarrass it, but the Government need only to be properly informed to dispel this unfounded objection. This objection is made without reason, and against the experience of the people of equally high Northern latitudes, where railroads are now in full and successful operation, without obstacle or inconvenience.

If Congress should grant public lands to aid in the construction of this great work of the 19th century, it would seem unjust not to give that portion of the Union a fair consideration, from which these lands will have to be chiefly taken.

The country from the Mississippi, to far beyond the limits of Minnesota, and to near Fort Union, is level, and possesses timber, water, and a fertile soil. In a word, no country in the Union for the same distance has so few and so slight obstacles to the speedy and cheap construction of a railroad; and such we are assured, will be the views of Governor Stevens in his official report to the Government. It, therefore, would not be improper to have an official expression from you on this subject.

The question of opening up our communication with the South and East during the winter season, is one of great concern, among the people. Nothing is so much needed as this. Indeed this barrier must not exist any longer than it can be obviated and overcome.

To get out from here, during the winter, to the most accessible point to regular communication with the great marts of commerce and trade, is far above and beyond any other consideration to the people of Minnesota. To accomplish this, in my judgment, you must concentrate all the energies of the people to one or two roads, AND NO MORE, for the present. I have but little doubt that Congress will grant us land sufficient to unlock our ice-bound home, if we confine our request to one point. Our internal resources are now of sufficient importance to command capital enough for this purpose. If the Legislature, in its wisdom, will lay aside all local interests, and concentrate its whole energy and power to this

great point, they will have done more than can by possibility be accomplished in many years to come, by any other policy or course of action.

I therefore earnestly recommend that you single out the route which will give us the quickest and most safe transit from this Capitol to where the channels of communication are uninterrupted, and let the Congress of the United States be properly informed of this, your united request, and it will be granted beyond all reasonable doubt.

Your action will give the whole people the initial point, and from that hour capital will seek investment in the enterprise.

It is to be hoped that the General Government will take early steps to extinguish the Indian title to that portion of the copper region lying within the Territory of Minnesota, on Lake Superior. Public attention is being attracted to the vast mines of copper on the shores of this Lake, and soon we may look for a strong tide of immigration to set in that direction. Indeed, to-day, the region is attracting the attention of capitalists, and population is giving it the germ of a great Lake city.

By a late act of Congress, the military reserve attached to Fort Snelling, has been reduced to perhaps one-fourth its original size.

Before this limitation of its boundaries, many persons settled thereon, at least by the sufferance of the Government, and now, in my judgment, they should not lose the result of their labor. Some of their improvements are valuable and extensive, and it seems to me the Government will, and surely ought, to recognize their bona fide pre-emption right. You are supposed to be familiar with the circumstances, and it might not be amiss to make the proper memorial on the subject.

The unexampled increase of population within the territory lately ceded by the Sioux Indians to the United States, makes the present law appropriating the members of the Council and House of Representatives, in my judgment, unequal, and it should be changed.

I would also call your attention to the taxes of the Territory and counties.—The burdens of a new settlement should be as light as possible. No one thing retards the settlement of a new country more than the fear of heavy taxation.—This subject needs your attention, and will no doubt receive it in the proper way.

Where the field of speculation is large, and the use of money demands a high rate of interest, the temptation for creating banks to circulate paper money is, and has always been in every section of the Union, very great. The school of politics to which I have always had the honor to belong has opposed upon principle, the establishment of such banking institutions, and it would be repeating the well established doctrines of the country, to attempt a re-argument of this question. I therefore content myself by saying that no law, creating a bank within this Territory, for circulating a paper currency, can receive my official sanction. I should be doing injustice to a highly meritorious class of our fellow citizens, engaged in the lumbering business, were I not to call your attention to the embarrassments, that surround them. The act, organizing this Territory, says that "the Legislative power of the Territory shall extend to all the rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act, but no law shall be passed interfering with the primary disposal of the soil." The extent of your power on the subject of protecting the Government lands from trespassers is complete, and as the pinerias of Minnesota, for the present, to some extent, bear the same relation to our people and our commerce, that the mines of California do to their people and their commerce, it seems to me that you can act on this subject in such a way as to disembarass our enterprising lumbermen, and secure the Government against damage until the pine lands are all in the market. I have taken some pains to ascertain the character and extent of this trade on the St. Croix and Upper Mississippi, for which I am greatly indebted to Mr. Setzer, of Stillwater, and Mr. McAlpin, of St. Anthony, which is deemed entirely reliable.

A Table showing the extent of the Lumbering Business and the number of Mills in the valley of the St. Croix, etc.

Name.	Proprietors.	Power.	Where situated.	No. of saws for cutting lumber.	Annual Product.	Remarks.
Falls St. Croix.	Disputed.	water power,	Wisconsin.	five upright,	4 million,	This mill has to contend with many disadvantages, natural and legal; it exports its manufactured lumber.
Oscola,	William Kent,	"	"	2 upright,	"	Exports its products.
Marine,	Judd, Walker, & Co.	"	Minnesota.	1 " "	"	Exports its manufacture.
Arcola,	M. Moyer,	"	"	2 " "	"	Exports its manufacture.
Do.	Do.	"	"	2 " "	"	Exports its manufacture.
Stillwater,	Sawyer & Hedden	steam power,	"	2 " "	"	Exports its manufacture.
Do.	J. McKusick,	water power,	"	2 " "	"	Exports its manufacture.
Do.	Nelson, Calton & Co.	steam power,	"	two upright, one rotary,	"	Exports its manufacture.
Jamestown,	Eastern Capitalists,	water power,	Wisconsin.	2 upright,	8 hundred thousand,	Home consumption.
Willow River,	Joe. Bowron.	water power,	"	1 " "	"	"
Lakeland.	M. Ferrin.	steam power,	Minnesota.	"	"	"
Point Prescott,	"	"	Wisconsin.	"	"	"

The whole of the above mills are provided with the necessary machinery for converting their slabs, &c., into laths; the annual export of which amounts to about ten million, valued one dollar per thousand.

The whole product of manufactured lumber amounts annually to about twenty millions of feet at an average value of \$1.50 per M. (this amount is exported) equal to \$30,000,000.

The whole amount of exports of lumber in logs run to the lower markets and passed through the St. Croix boom, is from Apple River is estimated at 5,000,000 feet.

The above amount is reported; the estimated amount of logs now remaining on the St. Croix and its tributaries of last season's cutting will be quite equal to 15,000,000 feet.

At an estimated average value of \$5.00 per M., it is equal to \$157,500,000.

St. Anthony Mills.

Manufacture eight millions feet of long lumber per year,—eight upright saws in operation—average one million per saw.

600,000 laths,

1,300,000 shingles,

100,000 pickets for fencing.

Has \$50,000 invested to carry on the operations.

Employs in connection with the mills, cutting logs, &c., 100 men.

To which should be added the mills at Manómin, Rum River, Elk River and Little Falls.

This vast trade has been much annoyed by the heretofore uncertain regulations of the Government, and it is believed that action by the Territory can afford a remedy, either by the proper memorial to Congress, or to the Secretary of the Interior. The latter is taking much pains to expedite the surveys, and have the public lands speedily brought into market, which must prove highly advantageous to our Territorial prosperity.

The improvement of the Little Rapids in the Minnesota River would be of incalculable benefit to the rapidly growing country above that point, and should claim your attention.

I call your attention to the propriety of considering the best means to organize a few independent companies of volunteer militia. The city of St. Paul and the town of St. Anthony would no doubt get up two or three uniform companies that would have a salutary influence upon the Indian population of the Territory.—The people will feel that those whose business it is to provide for the defence of the country in emergencies were neglectful of the public weal, if they should fail to take some steps to this end.

The "University of Minnesota" as yet exists only in name, but the time has come when a substantial reality may and should be created, to which that name may be permanently attached.

The provisions made in the Statutes for the establishment of a University "at or near the Falls of St. Anthony," and the appropriation of two townships of land by Congress for its endowment, are most wise and liberal.

The inhabitants of this Territory will soon need such an institution full grown; and they very much need some of its departments now. Could a department of agricultural chemistry be opened, with facilities for analyzing the different soils in the Territory and giving instruction upon the various branches of agriculture, the department of industry upon which the prosperity of the Territory must mainly depend, it must and would result in inestimable benefit to this rising and rapidly growing country. Such a department of practical knowledge would tend directly and immediately to increase the interest in the cultivation of the soil, and place in the hands of the people the means of obtaining the richest and most abundant productions of which it is capable. Much need not be said to enforce the necessity of adding every facility and encouragement for the pursuit of agriculture, which an enlightened people and wise legislation can invent.

While other branches of labor and enterprise will more naturally be promoted

and sustained, agriculture, from its complex nature and unparalleled importance, as well as the tendency of all classes from the safe and the sure to the speculative pursuits; needs more attention and encouragement from Legislative influence.

It is highly desirable that some steps be taken to have the two townships of land granted to the Territory for the purposes of the University, selected and made available at as early a day as possible. With this view, some action will be necessary by the Legislature. And allow me to hope that it will not be delayed longer than a proper deliberation can be had.

It would not embarrass our resources in my judgment, if a small loan was effected to erect a building and establish one or two Professorships and a preparatory department. Such loan to be based upon the two townships of land appropriated for the sole use of this institution.

Its present location at the Falls of St. Anthony, is eminently eligible. This point must ere long attract the attention of the Southern people as a summer retreat, and delightful watering place. Its beautiful scenery, and surrounded as it is by an unsurpassed fertility of soil, and roaring by its side the grand cataract of the King of Rivra, make it a most fitting point for the seat of literature and science.

Upon the subject of Common Schools a full report will be made, and more definite information given by the Superintendent.

It gives me pleasure in being able to say, that our school system, although it is susceptible of improvement, is working well. Provision for the general diffusion of knowledge, for which the people of this Republic generally are so justly celebrated, has not been neglected in Minnesota. Our common schools are sustained with the ability and usefulness of those in older sections of the country.

In these schools the means of mental culture are provided for the young without distinction, and there the foundation is laid for their future usefulness. These schools are the more important from the fact that in them a large number receive their entire education. ~~Either from want of means or disposition to avail themselves of the advantages of schools of a higher grade, a great portion of the young of this Territory will never go beyond the common schools for that education which is to qualify them to act as citizens and useful members of society.~~ While schools of a higher order should not be neglected, the common schools should share largely in the interests of the people, and government should most vigilantly foster, and sustain these colleges of the people.

The number of schools the last year has considerably increased in the Territory, and every new settlement is soon christened with a school house. It should ever be the policy of the citizens to bear with them or create wherever they go, the means of educating their children. If government could provide the means and point the way, the people would be induced wisely to avail themselves of the benefit of its provisions.

The gradual increase of the Territorial Library is highly desirable. The liberality of Congress would no doubt, promptly respond to a request on your part for such purpose. And it would be appropriate, in my judgment, should the Legislature add a small sum for such purpose from the Territorial Treasury.

The Territorial prison at Stillwater has been nearly completed, and is ready for the reception of convicts. An additional appropriation of about five thousand

dollars will be needed to complete the grading, and do such work as will protect the walls and buildings from the action of the surface and spring water. The report of the board of inspectors will give you a more detailed view of the affairs of the prison, to which I refer you. The Capitol has been nearly completed, but we need a small appropriation to dig a well, and erect a fence around, and otherwise protect it. It is also highly important that the Government should be asked for a small additional appropriation to purchase a fire engine to be kept for its special protection. I regret to say that some of the work is not done in that substantial manner contemplated by the liberal appropriations made by Congress. For a history of the financial condition of the Territory, I refer you to the reports of the Auditor and Treasurer. I beg leave to call your attention to the subject of providing more stringent laws to enforce the strictest accountability of all your public officers from the lowest to the highest. Without an honest and faithful discharge of all public trusts, the people are always the sufferers. It is the unsuspecting masses that are the main props of a republican government; they bear its burden and defend its honor, and every public officer should be held to the strictest accountability for the faithful discharge of his duty.

I hope that in all your legislation, you may find it profitable to recur frequently to the great political truths that have guided those wise statesmen of the past, and illuminated the path and progress of republican liberty throughout this great confederacy. Give the people the largest political rights consistent with the constitution of the United States and the organic act of the Territory. Enforce the strictest obedience to the laws. Be guided by the safest economy in all public expenditures, let your action be controlled by the rule that the "RIGHT IS ALWAYS EXPEDIENT." Encourage a high morality amongst the people. Guard the weak against the strong. Give equal rights to all, exclusive privileges to none. And thus, by keeping these great truths before our eyes, we shall merit and receive the approbation of Him who holds the destiny of nations in his hand, and lay the foundation, broad and deep, for a State in whose high destiny we shall all be proud.

WILLIS A. GORMAN.

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

Mr. Van Etten moved that the Convention proceed to the election of two persons, to act as Territorial Printers for the ensuing year.

Mr. Murray moved to amend the motion by striking out the words, "two persons," and inserting "printer or printers."

Which motion was lost.

Mr. Murray then moved to amend the motion by adding after the word "two," the words "or more."

Which motion was lost.

The question then recurring on the original motion,

And the ayes and noes being called for and ordered,

There were ayes—14; noes—13.

As follows:

Those who voted in the affirmative were,

Messrs. Brown, Freeborn, Kittson, Mower and Van Etten, of the Council;
Day, Fletcher, McKusick, Morrison, Noot, Nobles, Rolette, Sloan and Mr.
Speaker of the House—14;

Those who voted in the negative were

Messrs. Murray, Stearns, Stimson, and President of the Council; Bartlett,
Davis, Fisher, Gardner, Lord, Plumer, Richardson, Roy, and Watson—13.
So the motion prevailed,

And the Convention proceeded to vote for two persons to act as Territorial
Printers.

Mr. Van Etten nominated Joseph R. Brown, and David Olmsted,

Mr. Murray nominated General Armstrong and Beverly Tucker,

Mr. Gardner nominated Geo. W. Prescott and David Olmsted.

Mr. Plumer nominated Owens & Moore, & Geo. D. Bowman,

The roll being called,

Mr. Brown voted for D. Olmsted and Gen. Armstrong;

Mr. Freeborn voted for D. Olmsted & Joseph R. Brown,

Mr. Kittson " " " "

Mr. Murray " " " "

Mr. Mower " " " "

Mr. Stearns voted for Owens & Moore and Geo. D. Bowman,

Mr. Stimson voted for D. Olmsted and J. R. Brown,

Mr. Van Etten " " " "

President " " " "

Mr. Bartlett " D. Olmsted,

Mr. Davis " " " "

Mr. Day " Owens & Moore,

Mr. Fisher " D. Olmsted,

Mr. Fletcher voted for J. R. Brown and D. Olmsted,

Mr. Gardner voted for D. Olmsted and Geo. W. Prescott,

Mr. Lord voted for D. Olmsted and J. R. Brown,

Mr. McKusick voted for Owens & Moore,

Mr. Morrison voted for J. R. Brown & D. Olmsted,

Mr. Noot " " " "

Mr. Nobles " " " "

Mr. Plumer " Owens & Moore and Geo. D. Bowman,

Mr. Rolette " Owens & Moore and J. R. Brown

Mr. Richardson " " " D. Olmsted,

Mr. Roy " D. Olmsted, Prescott and J. R. Brown,

Mr. Sloan voted for D. Olmsted and J. R. Brown,

Mr. Watson voted for D. Olmsted,

Speaker voted for D. Olmsted and J. R. Brown.

The result of the vote was then declared as follows:

Whole number of votes 27;

Necessary to a choice 14.

D. Olmsted and J. R. Brown received	14 votes;
D. Olmsted received	4 "
Owens & Moore and Geo. D. Bowman received	2 "
Owens & Moore received	2 "
Olmsted and Gen. Armstrong received	1 vote:
Olmsted and Prescott received	1 "
Olmsted, Prescott and Brown received	1 "
Owens & Moore and Brown received	1 "
Owens & Moore and Olmsted received	1 "
	27

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

Mr. Murray moved that the Convention do now proceed to the election of Book Binder,

Which motion prevailed.

Mr. Richardson nominated W. M. Coles.

The roll being called the following was the result:

Mr. Brown	voted for	W. M. Coles,
" Freeborn	"	"
" Kittson	"	"
" Mower	"	"
" Murray	"	"
" Stearns	"	Hansington,
" Stimson	"	W. M. Coles,
" Van Eiten	"	"
" President	"	Jas. McIntosh,
" Bartlett	"	W. M. Coles,
" Davis	"	"
" Day	"	"
" Fisher	"	"
" Fletcher	"	"
" Gardner	"	Hansington,
" Lord	"	W. M. Coles,
" McKusick	"	"
" Morrison	"	"
" Noot	"	"
" Nobles	"	"
" Plumer	"	Hansington,
" Rolette	"	W. M. Coles,
" Richardson	"	"
" Roy	"	"
" Sloan	"	"
" Watson	"	"
" Speaker	"	Jas. McIntosh.

The result of the vote was then declared as follows:

Whole number of votes cast 27;
Necessary to a choice 14;

Mr. Coles received 23 votes,

" Hansington " 3 "

" McIntosh " 2 "

27

W. M. Coles having received a majority of all the votes, was declared duly elected Book Binder for the ensuing year.

Mr. Murray moved that the Convention now proceed to the election of Building Commissioner, for the ensuing year.

Which motion prevailed.

Mr. Murray nominated Reuben Haus.

Mr. Day nominated B. W. Brunson.

The roll being called the following was the result:

Mr. Brown voted for Mr. Haus,

" Freyborn " " "

" Kittson " " "

" Mower " " "

" Murray " " "

" Stearns " Brunson,

" Stinson " Haus,

" Van Etten " " "

" President " " "

" Bartlett " " "

" Davis " " "

" Day " Brunson,

" Fisher " Haus,

" Fletcher " " "

" Gardner " " "

" Lord " " "

" McKusick " Brunson,

" Morrison " " "

" Noot " Haus,

" Nobles " C. P. V. Lull,

" Plumer " Brunson,

" Rolette " " "

" Richardson " " "

" Roy " Haus,

" Sloan " " "

" Watson " " "

" Speaker " " "

The result of the vote was then declared as follows:

Whole number of votes cast 27;

Necessary to a choice 14.

Mr. Haus received 19 votes;

Mr. Brunson " 7 "

Mr. Lull " 1 "

27

Mr. Haus having received a majority of all the votes cast, was declared duly elected Building Commissioner for one year.

On motion of Mr. Brown,

The Convention adjourned *sine die*, and the Council returned to the Council Chamber.

The Council having withdrawn, the House of Representatives resumed its session, when

On motion of Mr. Bartlett,

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

WEDNESDAY, JAN. 11, 1854.

The House was called to order by Speaker.

Prayer by Rev. Mr. Bradley.

The Roll of members was called and a quorum answered to their names.

Mr. Bartlett moved the reading of the Journal of yesterday be dispensed with,

Which motion was lost.

The Chief Clerk then proceeded to read the Journal, and,

During the reading thereof,

Mr. Nobles moved that so much of the Journal as relates to the Rules of the House and the Governor's message be dispensed with,

Which motion prevailed.

The Chief Clerk laid before the House the following communication :

Hall of the House of Representatives, }
ST. PAUL, M. T. Jan. 11th, 1854. }

To the Hon. the Speaker

Of the House of Representatives :

SIR,—I have the honor to report that I have purchased from the Postmaster at this place two hundred stamped Envelopes for each member and Clerk of this House, to be paid for out of the monies appropriated for the payment of the expenses of the Legislative Assembly.

I would also report that I was informed by the Postmaster that he had but very few newspaper Stamps on hand at this time, but expects a supply in a few days, and in the mean time, he has very kindly offered to mark the papers of the members paid until the Stamps arrive, and then deduct from the number to be furnished, the amount so charged on newspapers. He wishes the papers for the members of the House to be sent by the Messenger of the House. All of which is respectfully submitted.

A. J. MORGAN,

Chief Clerk H. of R.

Mr. Noet, on leave, introduced,
No. 1, H. of R.,

A Memorial to Congress relative to the Military Reserve,

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

Mr. Nobles gave notice that on to-morrow or some future day, he would ask leave to introduce a Memorial to Congress to survey and open a road from St. Paul, M. T., to California and Oregon.

Mr. Fisher presented the following petition from W. B. Dodd, which was read and ordered to be printed.

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

Your memorialist respectfully represents to your honorable bodies that on the 5th day of January, 1853, he left St. Paul for the town of Traverse des Sioux, in this Territory, with a party of ten men, for the purpose of opening a road from St. Paul to Traverse des Sioux; that he did open a road at his own expense and furnish all things necessary for the same; furnishing the means of communication and transit through a district of country heretofore inaccessible; and that the said road was completed on the 4th day of July, 1853; that the General Government has availed itself of the labor and expenditure of your memorialist, who prays that your honorable bodies will pass a Joint Resolution and memorialize the Congress of the United States for an appropriation for his benefit to the amount of three thousand seven hundred and fifty-two and a half dollars.

WILLIAM B. DODD.

On motion of Mr. Nobles,

The House resolved itself into a Committee of the Whole to consider the Governor's Message,

Mr. Nobles in the Chair,

And after some time passed therein,

The Committee rose,

And by the Chairman reported the following resolutions,

In which the concurrence of the House was requested.

1. *Resolved*, That so much of the Governor's message as refers to roads be referred to the Committee on Roads.

2. *Resolved*, That so much of the Governor's message as relates to the enforcement of legal remedies for the protection of citizens upon the lately ceded lands in the Territory be referred to the Committee on the Judiciary.

3. *Resolved*, That so much of the Governor's message as relates to the protection of settlers on unsurveyed lands be referred to the Committee on Territorial Affairs.

4. *Resolved*, That so much of the Governor's message as relates to public schools be referred to the Committee on Public Schools.

5. *Resolved*, That that portion of the message relating to the grant of lands for the building of railroads be referred to the Committee on Roads.

6. *Resolved*, That so much of the Governor's message alluding to opening roads in the Territory be referred to the Committee on Roads.

7. *Resolved*, That so much of the Governor's message as relates to public buildings be referred to the Committee on Public Buildings.

8. *Resolved*, That so much of the Governor's message as refers to the granting of lands to actual settlers be referred to the Committee on Territorial Affairs.

9. *Resolved*, That so much of the Governor's message as relates to the extinguishment of the Indian title to the Indian lands on Lake Superior be referred to the Committee on Territorial Affairs.

10. *Resolved*, That so much of the message as relates to incorporations, be referred to the Committee on Incorporations.

11. *Resolved*, That so much of the Governor's message as relates to the improvement of the Little Rapids on the Minnesota River, be referred to the Committee on Internal Improvements.

12. *Resolved*, That so much of the Governor's message alluding to militia, be referred to the Committee on Militia.

13. *Resolved*, That so much of the Governor's message as refers to the University of Minnesota, be referred to the Committee on Public Schools.

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

15. *Resolved*, That so much of the Governor's as relates to the Territorial Library, be referred to the Committee on Schools.

16. *Resolved*, That so much of the Governor's message as refers to Agriculture, be referred to the Committee on Agriculture and Manufactures.

The report of the Committee of the Whole was accepted, and

The question then recurring on the adoption of the report,

Mr. Noot moved,

That the question be taken on the resolutions separately,

Which motion prevailed;

And the first resolution having been read,

The House refused to concur therein.

Mr. Watson moved that the report of the Committee of the Whole be laid on the table,

Which motion prevailed,

Mr. Noot moved that the references of the Governor's message be re-committed to a Committee of the Whole House,

Putting which,

Mr. Rolette moved the House adjourn till to-morrow at 10 o'clock,

Which motion was lost.

The question then recurring on the motion to go into Committee of the Whole, it was adopted.

Mr. Noot in the Chair:

And after some time passed therein,

The Committee rose,

And, by their Chairman reported a series of Resolutions.

The report was accepted.

Mr. Rolette moved that the reading of the report be dispensed with,

Which motion prevailed.

Mr. Noot moved that the report of the Committee be adopted,

Which motion prevailed.

The report of the committee which was adopted by the House is as follows:—

1. *Resolved*, That so much of the Governor's message as refers to corporate companies, be referred to the Committee on Incorporations.
2. *Resolved*, That so much of the Governor's message as refers to the prosperity and improvement of the Territory, be referred to the Committee on Agriculture and Manufactures.
3. *Resolved*, That so much of the Governor's message as refers to the protection of rights and enforcement of legal remedies on the unsurveyed lands in this Territory, be referred to the Committee on the Judiciary.
4. *Resolved*, That so much of the Governor's message as refers to the opening of roads in the Territory, be referred to the Committee on Roads.
5. *Resolved*, That so much of the Governor's message as relates to granting lands to actual settlers, be referred to the Committee of Estates and Escheats.
6. *Resolved*, That so much of the Governor's message as relates to railroads, be referred to the Committee on Corporations.
7. *Resolved*, That so much of the Governor's message as refers to the copper region in this Territory, be referred to the Committee on Territorial Affairs.
8. *Resolved*, That so much of the Governor's message as refers to the Fort Snelling reserve, be referred to the Committee on Incorporations.
9. *Resolved*, That so much of the Governor's message as relates to the apportionment of representation in the Territory, be referred to the Committee on Estates and Escheats.
10. *Resolved*, That so much of the Governor's message as relates to banks, be referred to the Committee on Incorporations.
11. *Resolved*, That so much of the Governor's message as refers to taxation in this Territory, be referred to the Committee on Territorial Expenditures.
12. *Resolved*, That so much of the Governor's message as relates to the lumber interest, be referred to the Committee on Manufactures.
13. *Resolved*, That so much of the Governor's message as relates to the improvement of the Little Rapids, be referred to the Committee on Internal Improvements.
14. *Resolved*, That so much of the Governor's message as refers to volunteer companies, be referred to the Committee on the Militia.
15. *Resolved*, That so much of the Governor's message as relates to the University and University lands, be referred to the Committee on Schools.
16. *Resolved*, That so much of the Governor's message as refers to common schools, be referred to the Committee on Schools.
17. *Resolved*, That so much of the Governor's message as relates to the increase of the Territorial Library, be referred to the Committee on Territorial Expenditures.
18. *Resolved*, That so much of the Governor's message as relates to the Territorial buildings, be referred to the Committee on Public buildings.
19. *Resolved*, That so much of the Governor's message as relates to the financial condition of the Territory be referred to the Committee on Territorial Expenditures.

20. *Resolved*, That so much of the Governor's message as refers to a fire engine, be referred to the Committee on Militia.

21. *Resolved*, That so much of the Governor's message as relates to the duty of public officers, be referred to the Committee on the Judiciary.

22. *Resolved*, That so much of the Governor's message as relates to the encouragement of a high morality among the people, be referred to the Committee on the Judiciary.

On motion of Mr. Richardson,

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

(Signed,)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

THURSDAY, JANUARY 12, 1854.

The House was called to order by the Speaker.

Prayer by Rev. Mr. Bradley.

The journal of yesterday was read and approved.

On a call of the roll a quorum answered to their names.

On motion of Mr. Fisher,

The Petition of Capt. Dodd was referred to a Select Committee of five.

The Speaker appointed Messrs. Fisher, Richardson, Fletcher, Day and Davis.

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

A Memorial to Congress praying for the rejection of the late Winnebago Treaty.

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

A Bill to alter and amend Chapter 29 of the Statutes of Minnesota, relating to Common Schools.

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

A Memorial to Congress for an appropriation to construct a Military Road from Winona, on the Mississippi River, to Fort Ridgely.

Mr. Bartlett offered the following Resolution, viz :

Resolved, That the Chief Clerk be instructed to procure the printing of fifteen hundred copies of the Governor's Message, in pamphlet form, in the English language; five hundred copies in the French language, and five hundred copies in the German language.

Mr. Rolette moved to amend the Resolution by striking out the words "fifteen hundred" and inserting "one thousand;"

Which was agreed to.

Mr. Noot moved to amend by adding—

And that the Chief Clerk be authorized to appoint a person or persons to translate the Governor's Message into the German and French languages;

Which motion prevailed.

The resolution as amended prevailed.

Mr. Fletcher introduced the following resolution:

Resolved, That the Chief Clerk of the House be instructed to purchase for the Sergeant-at-Arms the necessary material for wrapping such papers and documents as the members and officers of this House shall direct;

Which resolution prevailed.

Mr. Noot offered the following:

Resolved, That the Committee on Schools be instructed to call on the Superintendent of Schools, and request him to lay his report before this House on or before Wednesday next.

Mr. Rolette moved the resolution be laid on the table,

Which motion prevailed.

Mr. Richardson offered the following:

Resolved, That the officers and Chaplain of this House be allowed stationery to the amount of fifteen dollars each, to be paid out of the monies appropriated to defray the expenses of the Legislative Assembly.

Mr. Rolette moved to amend the resolution by striking out the word "fifteen" and inserting "ten."

Which motion prevailed.

The resolution as amended was adopted.

Mr. Davis offered the following resolution:

Resolved, That the Committee on Militia be instructed to call on the Adjutant General of the militia of the Territory, and request him to lay his report before this House, on or before Thursday next.

Mr. McKusick moved to lay the resolution on the table;

Which motion prevailed.

On motion of Mr. Bartlett,

The House adjourned until Monday next, at 10 o'clock, A. M.

(Signed,)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

MONDAY, JANUARY 16, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members was called and a quorum answered to their names.

On motion of Mr. Rolette,

The reading of the Journal was dispensed with.

Mr. Fletcher, on leave, presented the following memorial:

To the Hon. the House of Representatives of the Territory of Minnesota, in General Assembly met:

The undersigned, a citizen of the county of Washington, in said Territory, respectfully represents to your honorable body, that he claims to have been lawfully elected by the legal voters of the legislative district, composed of the precincts of Cottage Grove and Point Douglass, in said county of Washington, to be a member of your honorable body; he having received, at the late election, held on the eleventh day of October last, past, for the purpose of electing representatives to the Legislature of said Territory, and for other purposes, of the votes cast by the legal and qualified electors the number of forty-three (43) votes at the Precinct of Point Douglas, and the number of fifteen (15) of the votes cast by the legal voters of the Precinct of Cottage Grove; making the number of fifty-eight (58) votes; which this memorialist verily believes to have been a majority of all the votes lawfully cast in the said district, for the election of a representative therefrom.

Your memorialist further states, that a certificate of a majority of votes has been obtained by one Robert Watson, who now holds a seat in said Legislature, which certificate sets forth, as this memorialist believes, that the said Watson received at the election aforesaid, the number of eight (8) votes in the Precinct of Point Douglas and the number of sixty-three (63) votes in the Precinct of Cottage Grove, making a whole of seventy-one (71) votes.

Your memorialist challenges, and contests the validity of the said certificate of election, so given to the said Robert Watson, and his right to occupy a seat in your honorable body upon the following several grounds:

1st. The said Robert Watson is not, as this memorialist believes, a citizen of the United States, and is therefore ineligible to the office.

2nd. There were ten votes polled in the Precinct of Cottage Grove, all of which this petitioner believes to have been cast for the said Watson by persons who were not citizens of said district, and who were not otherwise legal voters.

3rd. That there were also two votes cast for the said Watson by persons who were minors and not of the legal ages of voters.

4th. There were one or more votes cast for the said Watson, by a person or persons who did not reside in the Territory for six months prior, and before the day of holding the said election.

5th. That there was one person voted, in same precinct, for the said Watson, who is a citizen of Point Douglas, who has been convicted of felony, and who is therefore not qualified to vote.

6th. There were also nine votes cast for the said Watson, in same precinct, by aliens to the laws of the United States and of this Territory, all of which ballots were therefore illegal.

Your memorialist and contestant, therefore, states that of the seventy-one votes so certified to have been cast for the said Robert Watson, twenty-three are believed to have been illegally received, which would leave the number of legal votes given for him at forty-eight; and which make a majority of ten qualified votes in favor of this memorialist, and therefore entitles him to admission as a member of the House of Representatives of this Territory.

Your memorialist, therefore, asks your honorable body to take such measures as your wisdom may deem proper, as will enable him to assume those rights and duties, of which he should legally be possessed.

And he will ever pray,

Respectfully submitted,

G. W. CAMPBELL.

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

Personally appeared before me the above named George W. Campbell, who, being sworn according to law, doth depose and say, that the facts set forth in the above memorial, are true, to the best of his knowledge and belief.

Sworn and subscribed this twelfth day of January, A. D., 1854.

W. P. MURRAY,

Notary Public.

On motion of Mr. Rolette,

The memorial was referred to a committee of three;

The Speaker appointed Messrs. Rolette, Davis and Gardner, said committee.

Mr. Richardson, on leave, introduced the following joint resolution:

Resolved, By the House of Representatives, (the Council concurring,) that each member and officer of this Legislative Assembly, hereby contributes one day's salary towards the erection of the Washington National Monument;

On motion of Mr. Rolette,

The resolution was adopted.

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

A bill for an act granting a city charter to the town of St. Paul:—And

A bill for an act to encourage the raising of stock in Minnesota.

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

A bill for an act to charter the "Cataract Ferry Company."

Mr. Rolette moved that the House adjourn until 10 o'clock, A. M., to-morrow,

And the Ayes and Noes being called for and ordered,

There were Ayes 9,—Noes 7.

Those who voted in the affirmative were,

Messrs. Bartlett, Fisher, Fletcher, Lord, Nobles, Plummer, Rolette, Richardson and Watson—9.

Those who voted in the negative were,
Messrs. Davis, Day, Gardner, McKusick, Morrison, Noot and Speaker—7.
So the House adjourned until to-morrow morning at 10 o'clock, A. M.

(Signed,)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

TUESDAY, JAN. 17, 1854.

The House was called to order by the Speaker.

The roll of members being called a quorum answered to their names.

Prayer by the Rev. Mr. Bradley.

Mr. Rolette moved that the reading of the Journal be dispensed with,
Which motion was lost.

The Journal was then read and approved.

Mr. Davis offered the following resolution:

Resolved, That the Chief Clerk of this House be authorized to procure the remainder of the Governor's Messages ordered for the use of this House, bound similar to the Rules of the House.

Mr. Noot moved the resolution be adopted.

Which motion prevailed.

Mr. Rolette offered the following resolution:

Resolved, That George W. Campbell, who claims the seat in this House now occupied by Robert Watson, be admitted to a seat within the bar of this House, and be allowed to take part in any debate relative to his right to said seat.

Mr. Plummer moved the adoption of the resolution,

Which motion was lost.

Mr. McKusick offered the following resolution:

Resolved, That the select committee to which was referred the memorial of George W. Campbell, claiming a seat in this House, be authorized and empowered to send for persons and papers, and to administer oaths—and if in the opinion of said committee the rights of the parties can best be established by such a course, the committee is hereby authorized to appoint three persons to take testimony in the case, with full powers to examine witnesses, and to report the testimony so obtained to this House.

On motion of Mr. Plummer,

The resolution was adopted.

Mr. Lord introduced

(No. 2, H. of R.) A memorial to Congress for an appropriation to construct a

Military Road from Winona, on the Mississippi River, to Fort Ridgely, on the Minnesota River.

Mr. Nobles moved that the rules be suspended and the memorial be ordered to be engrossed.

Which motion prevailed, and the memorial was ordered to be engrossed for a third reading.

Mr. McKusick asked and obtained leave to introduce,
(No. 3 H. of R.) A memorial to Congress for an appropriation of \$80,000, for the completion of the Point Douglass and Saint Louis River road.

On motion of Mr. Fisher,

The memorial was read a first and second times and laid on the table to be printed.

Mr. Nobles gave notice, that on to-morrow or some future day of the session, he would ask leave to introduce a bill requiring the Register of Deeds of each county in this Territory to keep an alphabetical index of all books of records.

Mr. Noot moved that the resolutions reported by the first Committee of the Whole on the Governor's Message and laid on the table, be now taken up:

Which motion prevailed;

And the said resolutions were then taken up, viz:

1. *Resolved*, That so much of the Governor's message as refers to roads be referred to the Committee on Roads.

2. *Resolved*, That so much of the Governor's message as relates to the enforcement of legal remedies for the protection of citizens upon the lately ceded lands in the Territory be referred to the Committee on the Judiciary.

3. *Resolved*, That so much of the Governor's Message as relates to the protection of settlers on unsurveyed lands, be referred to the Committee on Territorial affairs.

4. *Resolved*, That so much of the Governor's Message as relates to Public Schools, be referred to the Committee on Public Schools.

5. *Resolved*, That that portion of the Message relating to the grant of lands for the building of railroads, be referred to the Committee on Roads.

6. *Resolved*, That so much of the Governor's Message alluding to opening roads in the Territory, be referred to the Committee on Roads.

7. *Resolved*, That so much of the Governor's message as relates to public buildings be referred to the Committee on Public Buildings.

8. *Resolved*, That so much of the Governor's message as refers to the granting of lands to actual settlers be referred to the Committee on Territorial Affairs.

9. *Resolved*, That so much of the Governor's message as relates to the extinguishment of the Indian title to the Indian lands on Lake Superior be referred to the Committee on Territorial Affairs.

10. *Resolved*, That so much of the message as relates to incorporations, be referred to the Committee on Incorporations.

11. *Resolved*, That so much of the Governor's message as relates to the improvement of the Little Rapids on the Minnesota River, be referred to the Committee on Internal Improvements.

12. *Resolved*, That so much of the Governor's message alluding to militia, be referred to the Committee on Militia.

13. *Resolved*, That so much of the Governor's message as refers to the University of Minnesota, be referred to the Committee on Public Schools.

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

15. *Resolved*, That so much of the Governor's as relates to the Territorial Library, be referred to the Committee on Schools.

16. *Resolved*, That so much of the Governor's message as refers to Agriculture, be referred to the Committee on Agriculture and Manufactures.

Mr. Noot moved that said resolutions be indefinitely postponed,
Which motion prevailed.

On motion of Mr. Noot,
The House resolved itself into Committee of the Whole,
Mr. Noot in the chair:

Having under consideration,
(No. 1, H. of R.) A memorial to Congress relative to pre-emption rights to settlers on public lands recently embraced in the Military Reserve of Fort Snelling.

After some time passed therein,
The committee rose,

And by their chairmen reported the same back to the House with an amendment.

The question recurring on agreeing to the amendment of the Committee of the Whole,

It was agreed to.

On motion of Mr. Noot,
The memorial was then ordered to be engrossed for a third reading.

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

(Signed.)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,
A. J. MORGAN,
Chief Clerk of the House of
Representatives.

WEDNESDAY, JANUARY 18, 1854.

The House was called to order by the Speaker.

Prayer by the Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Nobles,
The reading of the Journal was dispensed with.

Mr. Davis offered for adoption the following resolution:

Resolved, That the thanks of the members of this House are due, and are hereby tendered to the Hon. J. Travis Rosser, for his unremitting endeavors to contribute to the comfort of the members of this Legislative Assembly during the present session.

On motion of Mr. Noot,

The resolution was unanimously adopted.

Mr. Nobles offered the following resolution:

Resolved, That the Judges of the Supreme Court be, and they are hereby requested to give their opinion as to the legality of Chapter 88, page 414 Revised Statutes, relative to persons holding claims on United States lands.

On motion of Mr. Fletcher,

The resolution was adopted.

Mr. Bartlett offered the following—

Resolved, That the Secretary of the Territory be requested to furnish each member of this House with ten copies of Minnesota and its Resources.

Mr. Plumer moved to amend by adding the words and also the Chief Clerk, Assistant Clerk and Enrolling Clerk,

Mr. Fletcher moved to amend the amendment by adding Sergeant-at-Arms, Messenger, Fireman and Chaplain,

Mr. Rolette moved the resolution be laid on the table,

And the ayes and noes being called for and ordered, there were ayes—2
noes—13.

Those who voted in the affirmative were
Messrs. Rolette and Watson—2.

Those who voted in the negative were,
Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick Morrison; Noot, Nobles, Plumer and Speaker—13.

The question recurring on the amendment to the amendment,

It was adopted;

The question then recurring on the amendment as amended,

It was adopted;

The question then recurring on the resolution as amended,

It was adopted.

Mr. Fletcher gave notice that on to-morrow or a subsequent day he would bring in

A bill for an Act to establish the County seat of Hennepin County.

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

A bill for an Act for the construction of a Territorial Road from Reed's Landing, at the foot of Lake Pepin, south, to the Iowa State Line.

Mr. Fletcher introduced

(No. 1, H. of R.) A bill for an act to charter the Cataract Ferry Company; Which was read a first and second times and laid on the table to be printed.

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

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

(No. 1, H. of R.) A Memorial to Congress relative to pre-emption rights to settlers on Public Lands recently embraced in the Military Reserve of Fort Snelling.

(No. 2, H. of R.) A Memorial to Congress for an Appropriation to construct a Military Road from Winona on the Mississippi River to Fort Ridgely, on the Minnesota River.

O. M. LORD,
CEPHAS GARDNER, } Committee,
LOUIS BARTLETT, }

The question then being on the passage of

(No. 1, H. of R.) A Memorial to Congress relative to pre-emption rights, to settlers on Public Lands recently embraced in the Military Reserve of Fort Snelling,

It was adopted.

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

It was agreed to.

The question then being on the passage of

(No. 2, H. of R.) A Memorial to Congress for an appropriation to construct a Military Road from Winona on the Mississippi River to Fort Ridgely, on the Minnesota River,

It was passed.

The question then being on agreeing to the title,

It was agreed to.

On motion of Mr. Bartlett,

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

(Signed.)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

THURSDAY, JANUARY 19, 1854.

The House was called to order by the Speaker.

Prayer by the Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

The Journal of yesterday was read.

Mr. Fletcher gave notice that he should on to-morrow or some future day introduce

A bill to amend Article fourth of Chapter fourth; also Chapter twenty-eighth of the Revised Statutes of Minnesota.

Mr. Nobles introduced

(No. 4, H. of R.) Memorial to Congress for a Military Road to Oregon and California.

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

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

A bill to amend the Revised Statutes.

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

A memorial to Congress, praying for an appropriation to build the Territorial Road from the Falls of St. Anthony to the west line of Sibley County.

Mr. Fletcher introduced.

(No. 2, H. of R.) A Bill to establish the County Seat of Hennepin County,

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

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Reports of the Warden and Inspectors of the Territorial Prison have been laid before the Council, and one hundred copies thereof ordered to be printed.

And then he withdrew.

On motion of Mr. Plumer,

The House resolved itself into a committee of the Whole, Mr. McKusick in the Chair.

Having under consideration,

(No. 3, H. of R.) A memorial to Congress for an appropriation of \$50,000 for the completion of the Point Douglas and St. Louis River Road.

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, amendment adopted, and the memorial ordered to be engrossed for a third reading.

On motion of Mr. Noot,

The message from the Council was taken up.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed

(No. 1, C. F.) A bill relative to the County Officers of Dakota County.

Also, the following resolution, viz:

Resolved, (the House concurring) That the committee on Public Buildings be, and they are hereby instructed to visit and inspect the public buildings, and

to report to the Council and House of Representatives as soon as convenient.

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

And then he withdrew.

Mr. Gardner moved the House concur with the Council in the passage of the resolution.

Which motion prevailed.

(No. 1, C. F.) A bill relative to the County Officers of Dakota County,

Was read a first time.

On motion of Mr. Davis,

The bill was read a second time by its title.

Mr. Fisher moved that Mr. Watson of Cottage Grove, be granted leave of absence till Thursday next, at 2 o'clock.

Which was carried.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, Appeared, and delivered the following message:

MR. SPEAKER:—The Council has indefinitely postponed the following resolution, viz:

Resolved, By the House of Representatives (the Council concurring) That the members and officers of this Legislative Assembly contribute one day's salary towards the completion of the Washington National Monument.

And then he withdrew.

On motion of Mr. McKusick,

The message from the Council was taken up.

Mr. Nobles moved that the House insist on the concurrence of the Council in the resolution.

And the ayes and noes being called for and ordered, there were ayes 7 and noes 6.

Those who voted in the affirmative were,

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles and Plumer—7.

Those who voted in the negative were,

Messrs. Bartlett, Davis, Fisher, Noot, Watson and Speaker—6.

So the motion prevailed.

Mr. Fletcher moved,

That a committee of two be appointed to meet a committee on the part of the Council, on the disagreeing vote on the Joint Resolution relative to the Washington Monument.

Which motion prevailed.

The Speaker appointed Messrs. Fletcher and Noot said committee.

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

A bill for an act to incorporate the Town of Stillwater.

Mr. Bartlett moved the House adjourn until to-morrow at 10 o'clock.

And the ayes and noes being called for and ordered, there were ayes 2, Noes 10.

Those who voted in the affirmative were

Messrs. Bartlett and Speaker—2.

Those who voted in the negative were
Messrs. Davis, Day, Fletcher, Fisher, Gardner, Lord, McKusick, Noot, Nobles, and Plumer—10.

So the House refused to adjourn.

Mr. McKusick moved to reconsider the vote by which the following resolution was passed yesterday:

Resolved, That the Secretary of this Territory be requested to furnish each member, also the Chief Clerk, Assistant Clerk, and Enrolling Clerk, Sergeant-at-Arms, Mesrenger, Freman, and Chaplain, with ten copies of Minnesota and its Resources.

And the ayes and noes being called for and ordered, there were Ayes—11
Noes—1.

Those who voted in the affirmative were
Messrs. Davis, Day, Fisher, Flether, Gardner, Lord, McKusick, Noot, Nobles, Plummer and Speaker—11.

Those who voted in the negative were

Mr. Bartlett—1

Two thirds of the members voting in the affirmative, the motion prevailed and the vote was reconsidered.

The question then recurring,

On the passage of the resolution;

Mr. McKusick moved

To scratch out the word "10" and insert the word "2."

Mr. Plummer moved to amend the amendment by striking out "2" and inserting "9."

And the yeas and nays being called for and ordered

There were yeas 1; nays 11.

Those who voted in the affirmative were

Mr. Plummer,

Those who voted in the negative were

Messrs. Bartlett, Davis, Fay, Fisher, Fletcher, Gardner, Lord, McKusick, Noot, Nobles, and Speaker—11.

So the amendment to the amendment was lost.

The question then recurring on the amendment of Mr. McKusick, and the yeas and nays being called for and ordered,

There were yeas 7; nays 5.

Those who voted in the affirmative were

Messrs. Davis, Fisher, Gardner, Lord, McKusick, Nobles and Speaker—7.

Those who voted in the negative were

Messrs. Bartlett, Day, Fletcher, Noot, and Plummer—5.

So the amendment was adopted.

The question then recurring on the original resolution as amended, and the yeas and nays being called for and ordered,

There were yeas 8; nays 4.

Those who voted in the affirmative were

Messrs. Bartlett, Davis, Fisher, Gardner, Lord, McKusick, Nobles and Speaker—8

Those who voted in the negative were
Messrs. Day, Fletcher, Noot and Plummer—4.
So the resolution as amended was adopted.

Mr. Fisher then moved that the House adjourn till to-morrow morning at ten o'clock, and the Ayes and Noes being called for and ordered,
There were ayes 6; noes 6.

Those who voted in the affirmative were,
Messrs. Bartlett, Davis, Fisher, Gardner, McKusick, and Speaker—6
Those who voted in the negative were,
Messrs. Day, Fletcher, Lord, Noot, Nobles, and Plummer—6.
So the House refused to adjourn.

A message from the Council being announced,
Jas. B. Dixon, Esq., Secretary thereof, appeared and delivered the following message :

Mr. SPEAKER: The Council has passed the following resolution, viz:

Resolved, That the Secretary of the Council be instructed to call the attention of the House of Representatives, by message, to the 8th of the "Joint Rules and Orders of the two Houses."

And then he withdrew.

Mr. Nobles moved that the House adjourn till to-morrow morning at ten o'clock, and the yeas and nays being called for and ordered,
There were yeas 8; nays 4.

Those who voted in the affirmative were
Messrs. Davis, Day, Fisher, Fletcher, Lord, Noot, Nobles, and the Speaker—8.

Those who voted in the negative were.

Messrs. Bartlett, Gardner, McKusick, and Plummer—4

So the motion prevailed, and the House adjourned until to-morrow at 10 o'clock
(Signed,)

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,
A. J. MORGAN,
Chief Clerk of the House of
Representatives.

FRIDAY, JAN. 20, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

The Journal of yesterday was read and approved.

Mr. Lord on leave introduced
(No. 3, H. of R.) A bill for an act for the construction of a road from Reed's Landing to the Iowa State line;

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

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

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

(No. 3, H. of R.) Memorial to Congress for an appropriation of eighty thousand dollars for the completion of the Point Douglass and St. Louis River road.

O. M. LORD,
CEPHAS GARDNER, } Committee.
LOUIS BARTLETT, }

On motion of Mr. Fletcher,

The House resolved itself into a Committee of the Whole,

Mr. Fletcher in the chair,

Having under consideration,

(No. 1, C. F.) A bill relative to the county officers of Dakota county;

After some time passed therein,

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

The report of the committee 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.

On motion of Mr. Noot,

The House resolved itself into Committee of the Whole,

Mr. Fisher in the chair,

Having under consideration,

(No. 1, H. of R.) A bill for an act to charter the Cataract Ferry Company.

After some time passed therein,

A message from the Council being announced,

The Speaker took the chair, when

Jas. B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed,

(No. 1, C. F.) A memorial for the erection of a Fort at or near Pembina River,

In which the concurrence of the House is respectfully requested;

And then he withdrew;

And the Committee of the Whole resumed its sitting.

And after some further time passed therein;

The committee rose and by their chairman reported the bill back to the House with amendments.

The report of the committee was adopted, and the amendments agreed to.

Mr. Rolette moved that the bill be laid on the table.

And the Ayes and Noes being called for and ordered,

There were ayes 7—noes 6.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Day, Fisher, Lord, Noot and Rolette—7.

Those who voted in the negative were,

Messrs. Fletcher, Gardner, McKusick, Nobles, Plumer and Speaker—6.

So the bill was laid on the table.

Mr. Plumer, on leave, introduced,

(No. 5, H. of R.) A memorial to Congress praying for an appropriation to construct the Territorial Road from the Falls of St. Anthony to the west line of Sibley county.

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

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

A bill to establish a rule by which all pine, oak and other saw logs of this Territory shall be surveyed.

Mr. Rolette moved the House do now adjourn till Monday next, at 2 o'clock, P. M.,

And the yeas and nays being called for and ordered,

There were yeas 9—nays 4.

Those who voted in the affirmative were

Messrs. Bartlett, Davis, Fisher, Gardner, McKusick, Noot, Plumer, Rolette and Speaker—9.

Those who voted in the negative were

Messrs. Day, Fletcher, Lord and Nobles—4.

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

(Signed,)

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,

Chief Clerk of the House of
Representatives.

MONDAY, JAN. 23, 1854.

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

On motion of Mr. Fletcher,

The reading of the Journal was dispensed with.

On motion of Mr. Bartlett,

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

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of
Representatives.

TUESDAY, JAN. 24, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

The Journal of yesterday was read and approved.

Mr. Day called for the correspondence between members of the House and his Excellency, Gov. W. A. Gorman,

The Chief Clerk then read the following correspondence:

ST. PAUL, M. T., January 19, 1854.

His Excellency, Gov. W. A. Gorman:

SIR:—We, the Representatives from the Sixth Council District, would respectfully call your attention to a conference we had with yourself a few days since, in which you expressed your willingness to join with us in any measures necessary to prevent the ratification of the treaty concluded with the Winnebago Indians, at Watab, on the 8th day of August, 1853, if the provisions of said treaty would materially conflict with the prosperity of our Territory, or a large portion of its population.

We would again respectfully assure you that the ratification of the treaty referred to, would lead to consequences most ruinous to the interests of the inhabitants of the Sixth Council District, and at the last election that question was considered paramount to all others by a large portion of the electors. The fact that the treaty was made within the Winnebago country, and attended by but few whose interests would be effected by it, will readily suggest a reason why it did not call forth a remonstrance against it during the negotiations. Since the negotiation, however, it has been objected to by most, if not all of those whose interests are directly compromised by its provisions.

1st. Because it places Indians sustaining the worst character for drunkenness and other evil and disorderly propensities of any in our Territory, upon lands already partially settled by whites, adjoining some of the most flourishing settlements within our Territory, within some twenty-five miles of St. Anthony, a flourishing town of fifteen or eighteen

hundred inhabitants, the same distance from the county seat of Hennepin county, and not forty miles from St. Paul, the capital of the Territory.

2d. Because the location would be such as would of necessity become surrounded by white settlements, on every side, a situation that in the natural course of events would lead to disagreements and probably to bloodshed, and could only result in a necessity for another treaty, and another removal within a few years.

3d. Most of the settlements on Lake Minnetonka and at other points, by colonists from the east were made in good faith, and under the belief that the surrounding country to which the Indian title had been recently extinguished, would be relieved from its Indian population. Instead of which, they find that by this treaty, other and more objectionable Indians are to be located in their vicinity, which if consummated, would cause an abandonment to a great extent of those flourishing settlements by that virtuous and enterprising class of persons which have recently made homes in those beautiful portions of our Territory.

Actuated by these views, and confident that your desire to promote the interests and prosperity of the Territory and its inhabitants will prompt you to join with us in asking the Department to allow the treaty to be withdrawn—that it may not reach the Senate for its action.

We remain respectfully,

Your obedient servants,

JOSEPH R. BROWN,
Member of Council.
H. FLETCHER,
Member of House.
Wm. H. NOBLES,
Member of House.

We, the undersigned members of the Legislature from the Fifth Council District, fully concur in the foregoing statement and recommendation.

C. T. STEARNS,
Member of Council.
CEPHAS GARDNER,
Member of House.
HENRY S. PLUMMER,
Member of House.

We, the undersigned members of the Legislature from the Fifth Council District, fully concur in the foregoing statement and recommendation.

S. B. OLMSTEAD,
Member of Council.

We, the members from the Second Council District, fully concur in the foregoing statement and recommendation.

WILLIAM NOOT,
WILLIAM A. DAVIS,
LOUIS BARTLETT.

EXECUTIVE OFFICE,

St. Paul, Jan. 19, 1854. }

GENTLEMEN:—I have received your note of this date, representing the wishes and feelings of a large body of the people of Hennepin county, and of the Sixth Council District, in regard to the late treaty with the Winnebagoes.

You "assure me respectfully that the ratification of that treaty would lead to consequences most ruinous to the interest of the inhabitants of the Sixth Council District. That the settlements on Lake Minnetonka were made with a firm belief and understanding that the Indian tribes were no longer to be kept in proximity to them, and if they could not rid themselves of these disagreeable neighbors, would tend to embarrass and retard the growth of that interesting region."

The kind terms in which you are pleased to make this evidence of public opinion known to me, commands my respect and requires me to act.

When I was waited upon by the Chiefs of the Winnebago tribe, I had been in official position but six days. I was then shown the memorial of the preceding Legislature; the letter of my predecessor to the Indian Department, and the report of the late Agent, all favoring an exchange of country as a matter of policy, for the good of this tribe and the quiet of the Territory.

I wrote on the 20th May, asking that action might be taken in the matter. The Government acceded to one of the propositions of the Chiefs to have a new home assigned to them on Crow river.

My duties, as a special commissioner in another matter, took my whole time, and left me but little leisure to inquire into the practical results. Consequently, I had necessarily to be counseled and advised by others. It is therefore, enough for me to say, that since I made that treaty and since I wrote my report in September last, only a few weeks thereafter, I have been informed from time to time of the dissatisfaction growing out of the proximity of the new location of the Indians to the growing settlements. Had I known this before, through any official channel, or derived it in any other way than from street rumor, I should not have felt at liberty to have recommended its ratification by the Senate.

I have no pride of opinion in the matter other than a sincere desire to consult the permanent welfare and prosperity of the people and the Territory.

I would be doing myself injustice if I did not say that I distinctly objected to the Indians coming to the Mississippi river, and yielded to it only because of our treaty obligations found in the 3d article of the treaty of 1846, and because the Indians seemed unwilling to give up all their interest on that river. I know that Gen. Fletcher, my co-Commissioner, was actuated by the purest and most honorable motives in all his conduct in consummating the late arrangements, and it is by no means strange that public opinion should change the views of public men in a country like ours, where population is pouring in upon us and peopling the country with strangers, who have to inform themselves before they can act advisedly on such subjects, which is peculiarly exemplified in the change which has taken place on this subject since the session of the Legislature before the last, when an exchange with these Indians for a new home on Crow river seemed to have met public approbation.

I shall, therefore, not feel at liberty longer to insist upon the ratification of said Winnebago treaty in its present shape, and shall request the Indian Department to withhold the same, and not submit it for the action of the Senate.

With great respect, I am your obedient servant,

W. A. GORMAN.

After the reading Mr. Fisher offered the following resolution:

Resolved, That the members of this House entertain full confidence in the honesty, capacity, and integrity, of the Superintendent of Indian Affairs, Gov. W. A. Gorman.

Mr. Rolette moved the resolution be laid upon the table.

A call of the House was ordered and Mr. Sloan reported absent.

Mr. Fletcher moved further proceedings under the call be dispensed with, which motion prevailed.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER: The Council has passed,

(No. 3, C. F.) A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls,

In which the concurrence of the House is respectfully requested.

And then he withdrew.

The reading of the correspondence between members of the House and his Excellency, was again called for and read.

The question then recurring on the motion of Mr. Rolette, to lay the resolution of Mr. Fisher on the table.

And the yeas and nays being called for and ordered, there were yeas 8, and nays 8.

Those who voted in the affirmative were,

Messrs. Day, Fletcher, McKusick, Morrison, Nobles, Plummer, Rolette and Richardson—8.

Those who voted in the negative were,

Messrs. Bartlett, Davis, Fisher, Gardner, Lord, Noot, Roy and Speaker—8.

So the motion was lost.

Mr. Richardson moved to amend the resolution by inserting after the words W. A. Gorman; H. M. Rice, Ex-Gov. Ramsey, Hon. H. H. Sibley.

Mr. Rolette offered the following amendment to the amendment: Insert after the word H. H. Sibley; Dr. Borup and J. R. Brown.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER: The Council has passed,

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgeley, to the Missouri river.

In which the concurrence of the House is respectfully requested.

And then he withdrew.

A call of the House was ordered and Mr. Sloan reported absent.

The Sergeant-at-Arms was sent for the absent member and when he returned, he reported Mr. Sloan sick.

Further proceedings under the call of the House were then dispensed with.

Mr. Rolette moved the House adjourn till to-morrow morning at 10 o'clock.

The yeas and nays being called for and ordered, there were yeas 2; and nays 14.

Those who voted in the affirmative, were

Messrs. Bartlett and Richardson—2.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot, Nobles, Plummer, Rolette, Roy and Speaker—14.

So the motion was lost.

The Speaker signed the following bill:

(No. 1, C. F.) A bill relative to the County Officers of Dakota County.

The question then recurring on the adoption of the amendment of Mr. Rolette,

And the ayes and nays being called for and ordered there were ayes 9; and nays 7.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, McKusick, Morrison, Nobles, Plummer, Rolette and Richardson—9.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Lord, Noot, Roy and Speaker—7.

So the amendment to the amendment was adopted.

The question then recurring on the passage of the amendment as as amended,

And the ayes and nays being called for and ordered, there were ayes 8; and nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, McKusick, Morrison, Nobles, Plummer, Rolette and Richardson—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Gardner, Lord, Noot, Roy and Speaker—8.

So the amended amendment was lost.

Mr. Rolette moved the original resolution be referred to a committee of three.

And the ayes and nays being called for and ordered, there were ayes 8; and nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, McKusick, Morrison, Nobles, Plummer, Rolette and Richardson—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Gardner, Lord, Noot, Roy and Speaker—8.

So the motion was lost.

The question then recurring on the passage of the original resolution,

Mr. Gardner moved the resolution be laid upon the table.

Mr. Fisher asked leave to withdraw the resolution, which was granted.

Mr. Roy moved the House adjourn till 10 o'clock to-morrow morning.

And the ayes and nays being called for and ordered, there were ayes 0; and nays 15.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot, Plummer, Rolette, Richardson, Roy and Speaker—15.

So the House refused to adjourn.

The report of the Superintendent of Common Schools was then laid before the House and its reading commenced by the Chief Clerk.

Mr. Fisher moved the further reading of the report be dispensed with, and that it be laid on the table to be printed.

Which motion prevailed.

THIRD ANNUAL REPORT.
OF THE
SUPERINTENDENT OF COMMON SCHOOLS.

To the Legislative Assembly of the Territory of Minnesota:

The Statutes enjoin upon the Superintendent of Common Schools "to prepare and submit an annual report to the Legislature." In compliance with that act, I forward to you this, my first report, being the third from this department.

During the past year, there has been much in educational movements and progress to encourage and rejoice the heart of the philanthropist. Although no one great measure has been adopted, calculated to effect any material change; yet there has been a gradual improvement in educational interests and facilities. It is a matter of high gratification to all classes, that our common schools have not been neglected, but on the contrary, have shared liberally in the growth and general prosperity of the Territory.

The inhabitants of Minnesota have not been less sagacious than those of the States they represent, in detecting the sources of prosperity, and adopting the means and necessary appliances to secure it. Like their progenitors, they have wisely laid hold of the Free School System, as the lever that is to move the present for the good and the glory of the future. From an able report of the Commissioner of Common Schools of New Hampshire, I quote the following well-timed remarks on the subject:

"In no way can we exert such controlling power over coming generations, and send forward so wide a wave of elevating influence to break on the shores of the distant future, as by improving the character of the Free School—as by decreeing in advance, and through all time, the thorough education of its youth. Whoever aids in this enterprize, is pre-eminently a benefactor of his race, and posterity, in whatever form it shall utter itself, will do justice to his memory. The Common School contains within its borders the germs of all the intellect which shall control the moral, social and physical conditions of the future. In it may be found those whose history shall awaken increasing congratulations of proud delight, or sweep the most delicate chords of human affection with strains of wild despair. The statesmen, divines and orators of the next age are under the moulding influence of the present. The laborers, the thinkers, and the artists of that dawning period are there; its ethics, its philosophy, and its statesmanship are being elaborated there; not in the gossamer theories of the old schools and of former centuries, garnered in books and buried away as abstractions void of vitality, and useless for any good mark; but in strong vulcanian armaments forged out with hammer and anvil, powerful, terribly powerful, terribly powerful, for weal or woe, as an active and ever operating enginery; and above all its people, thinking or unthinking, free or enslaved, wise or ignorant, happy or unhappy, they are there, all there, immersed in an atmosphere of influence thrown around them by our decrees, and which if salutary, is an element of life-giving efficiency; but if pernicious, is as fatal and as unescapable, as the unseen infection of a most deadly plague. There in our schools are these workshops, and our teachers are the unwearied artisans engaged in fitting to the links of these cohorts of the future, the armor with which they shall battle through life."

The perpetuity of our free institutions is based on the intelligence and virtue of the people, and without the former, the latter will either sicken and die, or linger only as the faint twilight when the sun of its glory has set. "Knowledge is power," not only moral and social, but political. And no where else is this power generated to such an extent and caused to exert so potent and extensive influence—though less obvious to the superficial observer—as in the common schools of our country. Herein is seen the wisdom of the nation in thus fostering and maintaining these little colleges of the people, which are so efficient in moulding the character and educating the future citizens. Let the schools of this Territory ever hold the rank and receive the attention their importance demands. Scattered over the hills and prairies of this land, they will exert, in their quiet and unostentatious way, a powerful influence for the welfare of this growing country. Hence the strongest motives are not wanting to induce the citizens of Minnesota to exert their united efforts and employ their best skill for the improvement and highest elevation of the common schools.

The price of good schools must ever be untiring vigilance and labor, not simply on the part of teachers—they should be held accountable and responsible only for the operation of the enginery, not for its construction—but of officers and patrons. Money alone will not create and sustain a good school; there must be suitable laws, regulations and appliances, with a judicious appropriation of the money. Moreover, many things should be observed and attended to, which cannot conveniently be embodied in the laws—that would by such details, be rendered cumbersome and perplexing. For example, parents should frequently visit the school, and examine their scholars at home on the various branches pursued; and exhibit to both teacher and pupils, in these and various ways, that they are really and zealously engaged for the welfare of their children, and the general prosperity of the school. If any one has a young and valuable horse to be trained for the harness or saddle, he would be unwilling to trust it to an unskilful and inexperienced person; and even when one qualified for the task is found, a general supervision is maintained by the owner lest something should be left undone or carelessly performed. Now, shall parents feel less interested in the education of their children, than of their domestic animals—have less solicitude in the development of immortal minds than in the training of their brutes?

This will serve to illustrate what is meant in saying, all cannot be embodied in the laws that should be done for the success and continued prosperity of the common schools.—Every parent ought to feel that the school in his neighborhood is a subject of personal concern, and one in which *his* interests are intimately blended, and the promotion of which depends, in a measure, upon his *own vigilance and activity*. No parent or guardian should trust his child, where he will not, at least occasionally, go himself. Even if they are not competent judges of the excellencies or deficiencies of the school, the effect of occasionally visiting it, is salutary and encouraging to both the teachers and pupils. It bespeaks an interest in the school's prosperity, and an evidence of its importance.

A man who is having a house built, although himself neither mason nor carpenter, will still exercise a general superintendency over the work. Children learn to attach importance to those things in which their parents are interested. Knowing by experience and observation the beneficial results of parents frequently visiting their schools, and holding the most friendly relations with their teachers, and from the fact that there is so great deficiency in these respects, I deem it of sufficient consequence to urge upon all interested, the importance of what is here recommended.

Amidst the diversified classes of our fellow beings, who need sympathy and encourage-

ment, few, perhaps, have stronger claims upon these cheering influences, than those who are engaged in the avocation of teaching. Confined in the narrow space of the school-room, the teacher must write ideas upon the destitute mind; tax his ingenuity to the highest limit for illustrations; meet perverseness and stupidity; combat dullness; arouse the careless; and interest the indolent; meet with ingratitude for a faithful discharge of duty; and often be censured for that which merits commendation. He must act as council, jury, and judge in all cases of discipline; he must not only act, but act promptly and judiciously. Hence, the teacher is entitled to the most charitable forbearance, and favorable construction, that can be put upon his administration.

This suggests some more definite remarks concerning the sphere and qualifications of

TEACHERS.

Few individuals in community hold more responsible positions, than the man or woman to whom is entrusted the mental training of its youth; and the person who assumes this task without feeling and realizing its responsibilities, is proportionably unqualified for the discharge of its duties, and in a measure recreant to the highest interests of those under his tuition. "The teacher should be a gentleman; and by that name I mean nothing artificial, beyond the universal customs of society; nothing which fashion can guide; nothing to which the gaudy glare of wealth is necessary; nothing which rank or power can give or take away. It is simply that character which christianity carried into action must inevitably produce—a man of gentleness and good will; qualities which were esteemed as necessary to the character of a true Knight in the days of chivalry, as was that of his renown in arms."

The moral character of the teacher should be a model for imitation. So powerful is his example on the minds of the young, and so prone are they to imitate and copy every defect and moral deformity—sanctioned by so high authority—he is under the most imperative obligation to teach properly by example, as well as by precept.

Again appropriating the language of the author just quoted: "*Who* is the teacher said to be *abroad* upon the earth—once the subject of inspiration—now of legislation—seeking to mingle with Statesmen in the government of men? What are his limits? In vain I seek to confine him. It seems to me that earth has no prison-house for him. His limits are the boundaries of mind itself. For into what circle of the arts does he not enter? Over what secret emotions of the soul has he not control? What field in the wide domain of knowledge does he not penetrate? In what lonely nook of society does he send no influence?"

Teachers should be educated, or rather they should educate themselves, especially for their profession. No one is properly prepared to enter upon the responsible duties of training other minds, before his own has been disciplined for that particular branch.

The mechanic and the artist are required to spend much time in preparation for the practice of their trades, before they are considered worthy the confidence of employers. Shall one who is to develop and mould the powers and features of immortal mind, undertake that delicate task—one that requires so great amount of skill—with a hasty or superficial preparation? This interrogation is rendered doubly significant by the consideration that it is easier to make right impressions at first, than afterwards to erase and correct errors.

COMPENSATION OF TEACHERS.

It is a matter of just pride in behalf of our Common School System, that the salary paid teachers in this Territory, generally exceeds that in many of the older States. This is not only liberal, but wise; for competent teachers can be secured only by a competent remuneration. And those who are well qualified for the arduous duties of teaching, will turn their attention to other branches of industry, if in those they are better rewarded for their labor. It is more *profitable* for a district to pay liberal wages to a well qualified teacher, (even if the school is not taught so many months in the year,) than to protract it by employing a *cheap* teacher.

TEXT BOOKS.

It is enjoined by the Statutes, that, "It shall be the duty of the Superintendent of Common Schools to introduce and recommend to the schools such text books as he shall deem best adapted to their wants." It seems to this department that there is a misapprehension on the part of some of the friends of education, concerning this requirement, who would make it obligatory upon him to introduce a certain set of books into the schools in such a way as to cause them to be used; making the clause "Introduce and recommend," imply that the Superintendent has the authority, and is under obligation, to cause such books as he may recommend, to be adopted. I do not so understand the law; but merely being under obligation and having the power to introduce the books, to which he may give the preference, as a legislator would "introduce and recommend" any bill he and his constituents may desire to be passed by the legislature: or as one man may introduce and recommend another for any purpose. With this interpretation the word "introduce" seems nearly and quite superfluous, with the other it certainly seems that it should certainly come after the head "recommended."

I do not therefore consider it imperative upon the Superintendent to enforce the use of the books he may recommend, nor upon the district to adopt them. Still I deem the design of the requirements an importance. It is necessary that by some authority, after due examination, a set or sets of books, should be brought before the community for further examination and experiment; and then let them be adopted—if approved according to merit, in the same way that a superior machine, or implement of husbandry is brought into use. Was there any certainty that the best books published would be obtained, then the best reason would exist in favor of a uniformity throughout the country.

But as to the adaptation and comparative merits of school books, there is a diversity of opinion, and ever will be. I am therefore disposed to endorse the sentiments of a "Superintendent of public Instruction" in Michigan, who had filled that office with great ability, and from long experience was well prepared to judge. He says: "It is *not* in my opinion, of the utmost importance that the same series of books should be used throughout the State. It is, however, very desirable, that there be uniformity in every district and, if practicable, in adjacent districts and towns." There are different text books upon every branch of education, taught in the Common Schools, in which there is not sufficient difference, to justify the consigning one to oblivion, and bestowing all favor upon the other. There may be, in the main, about an equal number in favor of each. Why not then have both or different ones in use, preserving uniformity to the extent above named? To retain *inferior* books in use, for the sake of having a uniformity (or to expect that teachers will, or can, be as successful in their use, as with better ones,) is as unwise and unreasonable, as it would be for the farmer to cling to an inferior plow

when great gain might be experienced in a single season by an exchange. In the recommendation of books, no consideration should outweigh real merit, and to be a competent judge, it is necessary that the individual have experience as a practical educator. A man may be learned and well skilled in theology and metaphysics, and yet be a poor judge of school books.

It is by years of toil, application and experience, that the teacher is properly qualified for his profession, and he can best judge of the adaptation of the implements suitable to be used. Rightly, therefore, has the duty been called a "delicate and a difficult one."

It would be gratifying to the Superintendent, and perhaps more satisfactory to others to give a review of the books recommended, setting forth the points of difference, and the grounds for preference, but that would extend this report beyond proper limits; moreover it can hardly be necessary here, after the extensive introduction and use, as well as the high commendations, they have received from other sources. By the Revised Statutes, Sec. 18th, of the School Law, it is provided that, "The trustees of any two or more school districts may, by a concurrent vote, agree to establish a grammar school for the older and more advanced children of such districts." A grammar school, says Dr. Webster, "is a school in which the learned languages are taught. By *learned* languages we usually mean the Latin and Greek; but others may be included." In accordance with the above provision, corresponding text books are "introduced and recommended."

The following are the Text Books, recommended to be used in the Schools of this Territory. Those previously recommended are here inserted for the sake of a complete list:

Mitchel's School Geographies, and
 Pelton's Outline Maps and Key,
 Sanders' Series of Readers and Spelling Book,
 Wells' English Grammar,
 Davies' Series of Arithmetics, and Higher Mathematics,
 Parker's Natural Philosophy,
 " First Lessons in Philosophy,
 Mayhew's Book-Keeping,
 Cutter's Physiology,
 " First Book in Physiology,
 Mrs. Willard's Histories,
 McElhigatt's Analyzers,
 McClintock & Crook's Greek and Latin Books,
 Woodbury's German Works,
 Fasquelle's French Series.

Davies' Mathematics are very generally used throughout the Territory, but should any town or districts be disposed to make a change in Arithmetics, I can with great confidence recommend to them Thompson's Series, not inferior, in my opinion, to those now in use. As works of superior merit on the general subject of education, and of teaching; I would recommend for the careful study and improvement of teachers, "Page's Theory and Practice of Teaching," "Mayhew on Popular Education," and, "American Education," by Mansfield.

MORAL INSTRUCTION.

The statutes of New Hampshire require that moral instruction be given in the common schools of that State, a provision that might well be incorporated into the laws of every State and Territory in the Union. "Morals," says an author, "are more needed than advanced science. Rogues, swindlers and defaulters are adepts in mathematics, and are conversant with the laws of physical science; but alas for those untutored novices in morality. If therefore, we would purify these corrupt waters at the fountain head, if we would rather place them beyond the influence of future corruption, the school must become a successful instrumentality in our hands. It is the fountain of influence, the great lever whose fulcrum is the human heart, and whose effective arm acts, upon the ear of destiny." The education of youth properly implies not only intellectual culture, but moral and physical. Without the second and third, the first cannot fulfil its legitimate purpose. To make a perfect man or woman, there must be this triune development, or the proportions and symmetry of character are not preserved. Educate the intellects of the youth of this land to the exclusion or neglect of moral culture, and you may raise an army of intellectual giants, but they will be powerful only for evil; they may pile Ossa upon Pelion only to exhibit the greater grandeur in ruins. Without moral principles to govern and guide the actions of men, an intellectual education may become but an engine to accomplish the most ambitious and unholy purposes. So important a part therefore, in the education of the young, should not be overlooked or neglected.

A teacher that is not capable, or is unwilling to impart moral instruction, to those under his tuition, lacks an essential qualification for his profession. By Sec. 12th, Art. 5th of the School Law of this Territory, it is enjoined: "That no teacher shall be employed, who shall not be first examined and found qualified, in moral character and ability to teach a district school." Now, to be "qualified in moral character," does or should imply something more than the mere abstinence from immoral acts. It seems to me that it should be construed to include not only the ability to impart moral instruction, but the exercise of that ability. It is a notorious truth, and one much to be deplored, that in some of the schools of this Territory, profanity pollutes the mantles and corrupts the morals of the youth. Is it requiring too much, for the teacher to make an unceasing effort to counteract this and every other vice? To inculcate the sense of right and wrong, and moral obligation? To enjoin obedience to the Decalogue, the "Golden Rule," &c. "As a text book of morals, the Bible is pre-eminent, and should have a prominent place in our schools either as a reading book or as a source of appeal and instruction. Secularism, indeed, should not be countenanced in the schools; but the Bible is not sectarian. Political partyism should not be tolerated; but the Bible is not partizan. The book of God is replete with the spirit of freedom, and for this reason, if for no other, should be familiar to every American child."

I would not have sectarianism inculcated in any way upon any subject, but what valid objection can there be to a teacher's daily reading a portion of scripture and offering supplication for the blessings of our common Father? Why shall the salutary influence of these exercises be denied our youth, while our legislature, and those of the whole nation from the highest to the lowest enjoy their immunities? Chaplains are provided at a great expense for our forts and navies, and shall not these little garrisons, stationed all over the Territory, to build up the ramparts of moral and political power and excellence, and to beat back the forces of superstition and ignorance, be provided with the hallowing influence of the reading of the Scriptures and prayer? If those of age, experience and

wisdom, need guidance and protection from the high and mighty One, surely do those who are just preparing to act; and must by and by assume their responsibilities.

From the great importance of this subject, allow me to add in conclusion an extract from the admirable lecture of Dr. Humphry, before the American Institute of Instruction, on the Moral and Religious Training of children:

"The parent who says, 'I do not send my child to school to learn religion, but to be taught reading, and writing, and grammar, knows not what manner of spirit he is of.' It is very certain that such a father will teach his children anything but religion at home; and is it right that they should be left, to grow up as heathen in a Christian land? If he says to the schoolmaster, I do not wish you to make my son an Episcopalian, a Baptist, a Presbyterian or a Methodist, very well. That is not the schoolmaster's business. He was not hired to teach sectarianism. But if the parent means to say, 'I do not send my child to school to have you teach him to fear God and keep his commandments, to be temperate, honest and true, to be a good son and a good man,' then the child is to be pitied for having such a father; and with good reason might he tremble for all that he held most dear, if such remonstrances were to be multiplied and to prevail."

SCHOOL LAW.

The Superintendent would most respectfully recommend to your Honorable Body, That the School Law be carefully revised, and some additions made. He would suggest, that a School Inspector for each town, whose duty it shall be to examine teachers as to their qualifications, visit the Schools, and make an annual report—be chosen by the people. That the chairman of the trustees of each district be required to make a full report—to be specified in the law—which should embrace the information asked in a circular found in this report, under the head of "School Statistics," to the town inspector; and that the inspector make a summary annual report to the Superintendent. As the law now reads, none but teachers are required to make any report to the Superintendent, and that deficient in the opinion of this department, in several essential points. Moreover, teachers frequently receive their dues before the required report is made, and then, having no further interest particularly in the matter, sometimes neglect even their report. It requires more permanent citizens than the teachers generally are, to make such reports, certainly those more interested. Let any district that may neglect to make or furnish the proper report to the inspector, forfeit its claim on the school fund.

Unless some system, similar to the one here recommended, be adopted, the Superintendent cannot even fulfil the requirements of the law, (which are already too limited,) in this report to the legislature, and will be unable to place before the people such statistics and information, as ought to be known, and are necessary for a correct appreciation, and proper improvement of our common school facilities. Other suggestions might be made in connection with the above, but they will doubtless occur to the proper committee by a careful review of the School Law.

REMARKS.

Two circulars have been issued from this department to obtain information, especially statistics of the Common Schools; and to make the information wanted definite, the following circular was issued in December:

CIRCULAR.

To the County Commissioners and Trustees of Common Schools:

The Superintendent in making out his report to the Legislative Assembly must rely chiefly upon the Commissioners and Trustees, for such statistics as are necessary to enter into his report, and without which it must necessarily be defective.

Will the County Commissioners, therefore, through their clerks, or otherwise, please inform me immediately of the number of school districts in their several counties at the present time; the aggregate amount of money appropriated by each county, and the amount due to each school from the county treasury, since January first, 1853, and any other information concerning the schools and school fund, in their possession?

Will the Trustees, also, of each district in the Territory, please favor me without delay with the name of their town and number of district; number of male and female scholars between the ages of four and twenty-one years; number of months the school has been taught in 1853 by a male teacher, and by a female teacher; the average salary paid each per month, exclusive of board; the average attendance of scholars in the winter school, and in the summer school; the condition of the school-house, and other conveniences for the school, and how long the school house has been built? Have you any school library, and how many volumes? Any additional information will be thankfully received.

It is expected this circular will reach all the districts in the Territory, and it is earnestly requested that it may receive prompt attention.

E. W. MERRILL,

Superintendent Common Schools.

St. Anthony, December 1853.

If the information solicited in the above Circular had been received, it would enable me to set before you, as the law requires, "A statement of the condition of the Common Schools of the Territory; and Estimates and accounts of expenditures of the School Moneys." But a few districts, however, have been heard from, and there have been so many failures on the part of teachers to make their reports, that I am unable to meet these requirements with satisfactory information. And so will it ever be, until some more perfect system than now exists is adopted to furnish the Superintendent with the requisite data. Here you cannot fail to discover the deficiency in the law that requires the Superintendent to make a financial report, but makes no provision by which it is enabled to do it. It cannot reasonably be expected that he will gain information by visiting the districts of the Territory, or acting the part of an inspector.

By consulting the friends of education, it was thought advisable to call an educational convention, which was done accordingly on the 29th of October, at St. Paul. It was hoped that great good would result from the meeting, but unfortunately personal hostilities and groundless criminations destroyed the harmony of feeling that might have otherwise existed, and but little was accomplished.

CONCLUDING OBSERVATIONS..

Among the States of the West, Minnesota Territory has already assumed a position of influence and importance. By the salubrity of its climate, the fertility of its soil, and every natural advantage, it is destined to become a rich and populous State, possessing its own thinkers, laborers, artists, orators and statesmen. These are all to be formed and fashioned from its own materials for future use.

On the present mental and moral training of its youth will depend in an eminent de-

(70.)

gree the future weal of our Territory. It is from them, forces must be marshaled to win victories on our future intellectual and moral battle grounds. It is from the youth an influence must emanate to carry forward the great enterprizes of the future.

It then devolves upon the present age to educate laborers and actors for the nex.; and the care bestowed and the faithfulness with which that is done, are a pretty sure index to the rank the State will hold in years to come. Let not the people of Minnesota, then, prove recreant to the sacred trust committed to their charge, but may they attend faithfully to this responsible duty. Let the schools be well sustained, not only in the thronged villages, but in the sparsely settled townships, and over the prairies of our Territory, and the light they will shed and the influence they will exert will tell powerfully and yet favorably on our future destiny. For future ages alone can more fully reveal the grand and glorious influence of our Common School System. Let the Free School then continue as a perpetual and untarnished memorial of the intelligence and liberality of a free people.

All of which is respectfully submitted,

E. W. MERRILL,

Superintendent of Common Schools.

St. Anthony, January 21, 1854.

Mr. Day offered the following resolution:

Resolved, That the Secretary of the Territory shall cause all laws, memorials and joint resolutions passed by the Legislative Assembly to be printed in at least two newspapers published in the Territory.

And the ayes and nays beings called for and ordered,

There were ayes 13; nays 2.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Noot, Nobles, Plummer, Rolette, Roy and Speaker.—13.

Those who voted in the negative, were

Messrs. Bartlett and Morrison—2.

So the resolution was adopted.

Mr. Gardner gave notice that to-morrow or some future day, he would introduce a bill to establish a Territorial Road to cross the Mississippi river near Stephen Desnoier's.

Also,

That on to-morrow or some future day, he would ask leave to introduce a bill to establish a Ferry across the Mississippi river, near the residence of Stephen Desnoier; in favor of Darwin E. Moulton and Stephen Desnoier.

Mr. Plummer, 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:

(No. 1, C. F.) A bill entitled an act relative to the County Officers of Dakota County.

WILLIAM FREEBORN,
JOSEPH R. BROWN,
H. S. PLUMMER,

Committee.

Mr. Bartlett moved,

That the House adjourn till to-morrow morning at 10 o'clock.

Which motion was lost.

The following message from the Council was taken up:

MR. SPEAKER:—The Council has passed

(No. 1, C. F.) A memorial for the erection of a Fort, at or near Pembina river.

In which the concurrence of the House is respectfully requested.

Which was read a first and second time.

A second message from the Council was then taken up.

(No. 3, C. F.) A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls.

Which was read a first and second time.

A third message from the Council was taken up.

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgely to the Missouri river.

On motion of Mr. Plummer,

(No. 6, C. F.) A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgely to the Missouri river,

Was read a second time by its title.

Mr. Fisher moved that the House adjourn till two o'clock this afternoon.

Which motion was lost.

Mr. Rolette moved that the House adjourn till to-morrow morning at ten o'clock.

And the yeas and nays being called for and ordered,

There were yeas 2; and nays 14.

Those who voted in the affirmative, were

Messrs. Noot and Speaker—2.

Those who voted in the negative, were

Messrs. Bartlett, Davfs, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Nobles, Plummer, Rolette, Richardson and Roy—14.

So the House refused to adjourn.

Mr. Nobles presented the following petition:

MINNEAPOLIS, January 23, 1854.

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

The undersigned citizens of Hennepin County, having but recently learned that a bill, locating permanently the County Seat of Hennepin County, is now before you, will here respectfully represent, that in their opinion the best interests of the County would be provided for, in locating the said County Seat, by the following persons, who are interested personally alike, and who know the wants of said County equal to any three persons; being interested in different localities, said persons being Emanuel Case, above the Falls of St. Anthony; R. P. Russell, at the Falls; and Isaac Atwater, below said Falls; not having time to circulate a petition to this effect, adopt this plan in asking our Legislature to make such a selection, and by so doing will meet the views of the citizens of the County of Hennepin generally.

Should this plan not be adopted, we earnestly ask totally disinterested Commissioners be appointed and make such location immediately.

Names:

Edward Murphy,
W. G. Murphy,
Charles Rye,
S. W. Hatch,
Z. M. Brown,
John M. Stiles,
A. C. Godfrey,
John L. Tenny,
J. C. Whitney,
A. E. Ames,
D. W. Coollough,
James Mountain,
Edwin Hedderly,
William Hanson,
John C. Cooper,
Calvin A. Tuttle,
Samuel C. Wheeler,
Albert Bartholomew,
George E. Huey,
William Goodwin,
L. K. Russell,
Moore Russell,
Michael Casedy,
B. S. Russell,
E. P. Boynton,
J. Le Duc,
Eben Wardwell,
A. L. Cummings.

After which,

On motion of Mr. Nobles,

The House resolved itself into a committee of the whole, on
(No. 2, H. R.) A bill for an act to establish the County Seat of Hennepin County
Mr. Nobles in the Chair,

After some time passed therein, the committee rose, and by their Chairman reported the same back to the House without amendment, and recommended its passage.

Mr. McKusick moved that the bill be laid on the table,

Which motion prevailed.

Mr. Fisher moved that the House adjourn till two o'clock this afternoon,

And the yeas and nays being called for and ordered, there were yeas 10, and nays 6.

Those who voted in the affirmative were,

Messrs. Day, Fletcher, Fisher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Roy—10.

Those who voted in the negative were,

Messrs. Bartlett, Davis, Morrison, Noot, Rolette and Speaker—6.

So the House adjourned till two o'clock this afternoon.

AFTERNOON SESSION.

Two O'Clock, P. M.

House called to order by the Speaker.

The roll of members being called, a quorum answered to their names.

Mr. Bartlett gave notice that on to-morrow or some future day he would ask leave to introduce a memorial to Congress for an appropriation of five thousand dollars, to open a road from Little Canada to the banks of Rum River.

Mr. Fletcher gave notice that on to-morrow or some future day, he would ask leave to introduce a bill granting to Mr. M. Brown, the right to establish a ferry on the Mississippi River, at Cheever's Landing.

Mr. Lord gave notice that on to-morrow or some future day he would ask leave to introduce a bill to amend Chapter 73, of the Revised Statutes, in regard to the fees of Clerk of the District Court.

Mr. McKusick gave notice that on to-morrow or some future day he would ask leave to introduce a bill to provide for the protection of School Lands in this Territory.

On motion of Mr. Plummer,
(No. 3, C. F.) A bill to provide for laying out a Territorial Road from St. Anthony
ty Taylor's Falls,

Was read a second time by its title.

The House resolved itself into a committee of the whole,

Mr. Davis in the Chair,

Having under consideration,

(No. 5, H. R.) A memorial to Congress for an appropriation of ten thousand dol-
lars for the building of a Territorial Road from St. Anthony Falls to the western boun-
dary of Sibley county.

Also,

(No. 4, H. R.) A memorial to Congress for a Military Road to Oregon and Cali-
fornia.

After some time passed therein, the committee rose,

And by their Chairman reported the bills back to the House,

No. 4, with amendments.

The report of the committee was accepted and the amendments adopted.

Mr. Fletcher moved memorial No. 4, be laid on the table and printed as amended,

Which motion prevailed.

Mr. McKusick offered the following resolution:

Resolved, That the Supreme Judges of this Territory be requested to give their opinion
as to the authority of the Legislative Assembly to sell or lease the School Lands,
Which was adopted.

Mr. Noot moved that the House adjourn until to-morrow at two o'clock,

And the ayes and nays being called for and ordered there were ayes 6; and nays 8.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Gardner, Noot, Rolette and Speaker—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Lord, McKusick, Morrison, Nobles, Plummer, and Roy—8.

Lo the motion was lost.

On motion of Mr Rolette,

The House adjourned until to-morrow at half-past one o'clock.

N. C. D. TAYLOR,

Speaker of the House of

Representatives

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

WEDNESDAY, JAN. 25, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

The reading of yesterday's Journal having been commenced,

On motion of Mr. Plummer,

The further reading of the Journal was dispensed with.

Mr. Fletcher offered the following resolutions:

JOINT RESOLUTIONS RELATIVE TO THE WINNEBAGO TREATY.

Whereas, By the treaty with the Winnebago tribe of Indians, concluded at Watab, August 1853, the lands of that tribe ceded to them by the United States, were exchanged for a new home on the West and South side of the Crow and Mississippi rivers to the great detriment of this Territory, and

Whereas, His Excellency, Gov. Willis A. Gorman, has on the representations of a large number of the members of this Legislative Assembly, consented to withdraw that treaty, that it may not receive the ratification of the Senate. Therefore,

Resolved by the Council and House of Representatives of the Territory of Minnesota:

That the promptness with which Gov. Gorman responded to the wishes of the people, when officially notified by their Representatives, of the just and reasonable objections entertained against the treaty, gives every assurance of his integrity as a public officer, and deserves the hearty commendation of the people of the Territory, through their Representatives in Legislature assembled.

That his Excellency, Gov. Gorman, be requested to transmit a copy of these resolutions, together with a copy of the correspondence relative to the Winnebago treaty, between himself and the members of the Legislature, to the President of the United States, to the Indian Bureau, and to our Delegate in Congress.

Mr. Rolette moved the resolutions be laid upon the table.

The ayes and nays being called for and ordered, there were ayes 12; and nays 5.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Lord, McKusick, Morrison, Noot, Plummer, Rolette, Roy, Sloan and Speaker—12.

Those who voted in the negative, were

Messrs. Bartlett, Fletcher, Gardner, Nobles and Richardson—5.

So the motion prevailed.

Mr. Fletcher presented a petition from sundry citizens of Lake Minnetonka, praying for the enactment of a Maine Liquor Law, and moved its reference to a select committee of three.

And the ayes and nays being called for and ordered, there were ayes 9; and nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Plummer, Richardson, and Speaker—9.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Rolette, Roy and Sloan—8.

So the motion prevailed.

The Speaker appointed Messrs. Fletcher, Plummer, and Lord, said committee.

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

introduce a bill to incorporate the St. Croix Bridge Company.

Mr. Lord, on leave, introduced,
(No. 4, H. R.) A bill for an act to amend the Revised Statutes,
Which was read a first and second times, and laid on the table to be printed.

Mr. Fisher from the Select Committee to which had been referred the petition of William B. Dodd for a memorial to Congress for an appropriation of \$3,752,50, made the following report.

To the Honorable, the House of Representatives of the Territory of Minnesota:

Your committee to whom was referred the petition of William B. Dodd, beg leave to make the following report:

That, inasmuch as the General Government did make an appropriation to survey a road from a point on the Missouri River, to Mendota, in this Territory, and that the said Commissioners so appointed by the Government did adopt as a part of that survey a road claimed to have been laid out by your petitioner. Your committee are of opinion that the General Government will make a similar appropriation for the completion of said road, and when said appropriation is made, your petitioner will be re-embursed.

Your petitioner states that if the Government had not availed itself of his labor, he would not have petitioned your honorable body,

Therefore, your committee are of opinion under the existing circumstances, that it would not be proper for this Legislature to memorialize Congress for the amount set forth in his petition.

JOHN FISHER,
H. FLETCHER,
WM. A. DAVIS,
R. M. RICHARDSON,
J. H. DAY,

Committee.

On motion of Mr. Gardner,
The report of the Committee was received.

Mr. McKusick moved,
That the report be laid upon the table,
Which motion prevailed.

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

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

(No. 5, H. R.) A memorial to Congress for an appropriation of Ten Thousand Dollars for the building of a Territorial Road from St. Anthony Falls to the Western boundary of Sibley County.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER,

Committee.

The question then recurring on ordering the memorial to a third reading,

It was decided in the affirmative.

The question then being on agreeing to the title,

It was agreed to.

On motion of Mr. Gardner,
(No. 1, H. R.) A bill for an act to charter the Cataract Ferry Company,
Was taken from the table.

The question being

On ordering the bill engrossed for a third reading;

And the ayes and nays being called for and ordered, there were ayes 10; and nays 7.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Sloan—10.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Morrison, Noot, Rolette, Roy and Speaker—7.

So the motion prevailed.

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

Resolved, That the Judges of the Supreme Court of this Territory are hereby requested to inform this House whether, in their opinion, the provisions of Chapter 88, page 444, of the Revised Statutes, entitled, "Of actions by persons holding claims on United States lands," are consistent with the Constitution and Laws of the United States, and an act entitled, "An Act to establish the Territorial Government of Minnesota," and whether the same is in force and binding in its provisions upon the Courts and inhabitants of this Territory.

Resolved, That the Chief Clerk is hereby instructed to forward certified copies of the above resolution to each of the Judges of the Supreme Court.

On Motion of Mr. Noot,

The resolutions were adopted.

On motion of Mr. Fletcher,

(No. 4, H. R.) A memorial to Congress, for a Military Road to Oregon and California,

Was taken up.

Mr. Fletcher moved the memorial be engrossed for a third reading,

Which motion prevailed.

Mr. McKusick moved to reconsider the vote by which the House passed the following resolution,

Resolved, That the Secretary of the Territory shall cause all laws, memorials and joint resolutions passed by the Legislative Assembly to be printed in at least two newspapers published in the Territory.

Which motion prevailed.

Mr. McKusick then moved to amend the resolution by inserting after the word Resolved, the words "the Council concurring,"

Which motion prevailed.

The resolution as amended was then adopted.

On motion of Mr. Fletcher,

The House resolved itself into a Committee of the Whole,

Mr. Day in the Chair,

Having under consideration,

(No. 3, H. R.) A bill for an act for the construction of a road from Reed's Landing to the Iowa State line.

And after some time passed therein,

The Committee rose and by their Chairman reported the same back to the House with amendments.

The report of the Committee was accepted and the amendments adopted.

The question then recurring on ordering the bill engrossed for a third reading,

It was decided in the affirmative.
On motion of Mr. Fisher,
The House resolved itself into a Committee of the Whole,
Mr. McKusick in the Chair,
Having under consideration,
(C. F. No. 3.) A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls,
And after some time passed therein, the Committee rose,
And by their Chairman,
Reported the same back to the House, with amendments,
The report of the Committee was accepted and the amendments adopted.
The question then recurring on ordering the bill to a third reading,
It was decided in the affirmative.
Mr. McKusick offered the following resolution:
Resolved, That the Secretary of the Territory be requested to furnish this House with a map of the Territory.
Which was adopted.
Mr. Rolette moved that the House adjourn until to-morrow morning at ten o'clock.
And the yeas and nays being called for and ordered, there were yeas 12; nays 5.
Those who voted in the affirmative, were
Messrs. Fisher, Gardner, Lord, McKusick, Morrison, Noot, Nobles, Plummer, Rolette, Richardson, Sloan and Speaker—12.
Those who voted in the negative, were
Messrs. Bartlett, Davis, Day, Fletcher and Roy—5.
So the House adjourned until to-morrow at ten o'clock.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

THURSDAY, JAN. 26, 1854.

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

Prayer by the Rev. Mr. Bradley,

The roll of members being called, a quorum answered to their names.

The Journal of yesterday was read and approved.

Mr. Davis presented the petition of sundry citizens of Chisago County, for a bridge across the St. Croix River, at Taylor's Falls,

Which was laid on the table.

Mr. Plummer presented the petition of sundry voters, also of sundry women of Bloomington Precinct, Hennepin County, for a Prohibitory Liquor Law.

Mr. Nobles moved that the petitions be referred to a select committee on a prohibitory Liquor Law.

And the yeas and nays being called for and ordered, there were yeas 7; noes 9;

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Lord, McKusick, Nobles, Plummer, and Richardson—7.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Rolette, Roy, Watson and Speaker.

—9.

So the motion was lost.

Mr. Noot moved to lay the petitions on the table.

Pending which, a call of the House was ordered and Messrs. Gardner and Sloan reported absent.

The Sergeant-at-Arms was despatched for the absent members;

On motion of Mr. Noot,

Further proceedings under the call were dispensed with,

The question then recurring on laying the petitions on the table,

And the yeas and nays being called for and ordered, there were yeas 8, and nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Rolette, Roy and Watson—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Speaker—9.

So the motion was lost.

Mr. Day moved to refer the petitions to the committee on Incorporations;

Which motion was lost.

Mr. Richardson moved the petitions be referred to a select committee of three,

Which motion prevailed.

The Speaker appointed Messrs. Richardson, Noot and Nobles said committee.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed,

(No. 1, C. F.) Joint resolution relative to the binding of the Session Laws,

In which the concurrence of the House is respectfully requested.

And then he withdrew.

Mr. Nobles, on leave, introduced,

(No. 2, H. R.) Joint Resolution for the relief of William B. Dodd,

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

Mr. Davis, on leave, introduced,

No. 5, H. R.) A bill for an act to incorporate the St. Croix Bridge Company,

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

Mr. Gardner, on leave, introduced,

(No. 6, H. R.) A bill to locate a Territorial Road,

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

Mr. Lord from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined and found correctly engrossed, the following:

(No. 1, H. R.) A bill for an act to charter the Cataract Ferry Company,

(No. 3, H. R.) A bill for an act for the construction of a road from Reed's Landing to the Iowa State line,

(No. 1, H. R.) Joint Resolution relative to printing the Laws, Memorials and Joint Resolutions,

(No. 4, H. R.) A memorial to Congress for a Military Road to Oregon and California.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.

Committee.

(No. 1, H. R.) A bill for an act to charter the Cataract Ferry Company,

Was taken up and 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,

It was agreed to.

(No. 4, H. R.) A memorial to Congress for a Military Road to Oregon and California,

Was then taken up and read a third time.

The question then recurring on the passage of the memorial,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

(No. 3, H. R.) A bill for the construction of a road from Reed's Landing to the Iowa State line.

Was taken up and read a third time.

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. 1, H. R.) Joint Resolution relative to printing the laws, memorials and joint resolutions of the Legislative Assembly,

Was then taken up and read a third time.

The question then recurring on the passage of the resolution,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

The House then resolved itself into a Committee of the Whole,

Mr. Lord in the Chair,

Having under consideration,

(C. F. No. 1.) Memorial to Congress for the erection of a Fort at or near Pembina river.

And

(C. F. No. 6.) A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgely to the Missouri River,

After some time passed therein, the Committee rose,

And by their Chairman,

Reported the same back to the House,

(C. F. No. 1.) Memorial to Congress for the erection of a Fort at or near Pembina River,

Without amendment, and

(C. F. No. 6.) A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgely to the Missouri River,

With an amendment.

The report of the Committee was received and the amendment adopted.

The question then being on ordering (C. F. No. 6,) to a third reading,

It was decided in the affirmative.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

The question then recurring on ordering (C. F. No. 1,) to a third reading,

It was decided in the affirmative.

The question then recurring on the passage of the Memorial,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

On motion of Mr. Fletcher,

The House resolved itself into a Committee of the Whole,

Mr. Gardner in the Chair.

Having under consideration,

(No. 4, H. R.) A bill for an act to amend the Revised Statutes,

After some time passed therein, the Committee rose,

And by their Chairman,

Reported the same back to the House without amendment,

The report was adopted.

The question then recurring on ordering the bill to be engrossed for a third reading;

It was decided in the affirmative.

On motion of Mr. Rolette,

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

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

FRIDAY, JAN. 27, 1854.

The House met pursuant to adjournment and was called to order by the Speaker:
Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Day,

The reading of the Journal was dispensed with.

Mr. Bartlett, on leave, introduced,

(No. 6, H. R.) A memorial to Congress for the construction of a Military Road from St. Paul by way of Little Canada to Rum River,

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

A message from the Council being announced,

Jas. B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has concurred in

(No. 1, H. R.) A memorial to Congress relative to pre-emption rights to settlers on lands recently embraced in the Military Reservation of Fort Snelling,

With an amendment, in which the concurrence of the House is respectfully requested,

And then he withdrew.

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

A bill to amend an act entitled an act to establish the terms of the Supreme and District Courts of the Territory, and for other purposes, approved March 5, 1853.

A message from the Council being announced,

Jas. B. Dixon, Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has concurred in

(No. 5, H. R.) A memorial to Congress for an appropriation of ten thousand dollars for the building of the Territorial Road from the Falls of St. Anthony to the Western boundary of Sibley County,

With amendments, and an amendment to the title thereof,

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

And then he withdrew.

Mr. Davis gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill for a ferry charter across the Minnesota River at Mendota.

Also,

A bill for a charter for a ferry across the Minnesota River at Eureka.

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

A memorial to Congress for an appropriation of \$25,000, for the improvement of the Mississippi river from the Falls of St. Anthony to Sauk Rapids.

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

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

(No. 4, H. R.) A bill for an act to amend the Revised Statutes.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.

Committee.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof,

Appeared and delivered the following message:

MR. SPEAKER:—The Council has concurred in the first amendment, and refused to concur in the second amendment of the House of Representatives, to
(No. 3, C. F.) A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls.

The Bill is herewith transmitted.

And then he withdrew.

Messages from the Council being in order,

(No. 1, C. F.) Joint Resolution relative to the binding of the Session Laws,
Was taken up.

Mr. Rolette moved the resolution be indefinitely postponed,
Which motion prevailed.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

MR. SPEAKER:—The Council has passed:

(No. 2, C. F.) Joint Resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society,
In which the concurrence of the House of Representatives is respectfully requested.
And then he withdrew.

The second message from the Council being taken up,

(No. 5, H. R.) Memorial to Congress for an appropriation of ten thousand dollars for the building of a Territorial Road from St. Anthony Falls, to the West line of Sibley County,

With amendments.

On motion of Mr. McKusick, the amendments of the Council were concurred in.

The third message from the Council being taken up,

(C. F. No. 3.) A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls.

Mr. Fletcher moved the House recede from its second amendment.

Which motion prevailed.

The fourth message from the House was then taken up, and

(C. F. No. 2.) Joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society,
Was read a first and second time.

The fifth message from the Council was then taken up,

The question then recurring on concurring in the amendment made by the Council to
(No. 1, H. R.) A Memorial to Congress relative to pre-emption rights to settlers recently embraced on lands recently embraced in the Military Reservation of Fort Snelling.

It was concurred in.

(No. 4, H. R.) A bill for an act to amend the Revised Statutes,
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 its title,

It was agreed to.

The Speaker laid before the House the Report of the Territorial Librarian;

ANNUAL REPORT
OF THE
TERRITORIAL LIBRARIAN.

TERRITORIAL LIBRARY, }
St. Paul, January 23, 1854. }

In obedience to law, the Territorial Librarian begs leave to submit the following report. The accession during the last year to the Territorial Library, will be found in the accompanying list:

The donations of the past year, are those usually received from the States and Congress. Yet a few have been made by individual donors, and these few deserve a brief notice—J. W. Bond, for his valuable work on Minnesota; Captain Simpson, for his interesting journal of a Military Reconnoissance in Santa Fe, New Mexico and the Navajo country; and also to the Hon. H. H. Sibley, for valuable Public Documents. A number of works that appear in the printed Catalogue are missing. This fact was noticed by my predecessor in his report to the Legislature of January 26th, 1852.

The Books generally are in a good condition, with the exception of a few miscellaneous works, which are mutilated in such a manner as to be wholly unfit for use. Several very valuable books, in pamphlet form, are being destroyed for want of binding.

The attention of the Legislature is called particularly to the Law portion of the Library. Though in its present condition it is of very great use to the legal profession, yet the course of practice adopted in our Courts makes it necessary that we should have the New York Code of Practice and the Decisions of the Supreme Court since the adoption of that Code. It is also highly important to have duplicate copies of the United States Supreme Court Reports and the sets complete of the Pennsylvania, Massachusetts and

Ohio Reports, and in fact, it is desirable to have the Reports of all the States. I therefore submit to the Legislature the propriety of making an appropriation exclusively for the increase of the Law branch of the Library.

A file of each of the Newspapers published in the Territory has been preserved since the 17th of May, (the date of my appointment.) I have been unable to find complete files of the Newspapers of previous years.

No fines have been assessed or collected, and no books lost during the past eight months. Insurance has been obtained for \$5,000, on the Library—policy expiring in July, 1854.

A new Catalogue of the Books in the Library is very much needed, as the old one does not contain the additions since 1850, which amount to several hundred volumes. If the Legislature authorize the publication of a new Catalogue, I recommend that it be so arranged that it can be ascertained readily from the Catalogue where each Book in the Library may be found.

ROBERT A. SMITH,
Territorial Librarian.

CATALOGUE OF BOOKS, MAPS, &c.,
WHICH HAVE BEEN RECEIVED AT THE TERRITORIAL LIBRARY
SINCE FEBRUARY, 1853.

REPORTS:

Texas Reports, vols. 5 and 7;
Carter's Indiana Reports, vol. 2;
Tennessee Reports, (Swan's) vol. 1;
North Carolina Reports, (Equity) vol. 8;
Vermont Reports, vol. 8;
New Jersey Reports, (Chancery) vol. 2;
Michigan Reports, vol. 1;
Maryland Reports, vol. 2;
South Carolina Reports, vol. 4, (Equity.)

PUBLIC DOCUMENTS:

U. S. Statutes at Large, 1851-2; 25 copies.
U. S. Statutes at Large, 1852-3; 25 copies.
Laws of Arkansas.
Laws of Texas, 4th Legislature.
Laws of New Hampshire.
Estatutos de California.
Acts of Florida, 1852-3; 2 copies.
Journal of the Assembly of California, 3d Session; 2 copies.
Journal of the Senate of California, 3d Session; 2 copies.
Laws of Rhode Island, 1851-2; 4 copies.
Acts of Iowa, 4th General Assembly, 2 copies.

- Journal Senate of Iowa, 2 copies.
 " House " "
 Acts of Georgia, 1851-2.
 Journal of the Senate and H. R., New Hampshire, 1853, 2 copies.
 Owens' Geological Survey, Wisconsin, &c., 3 copies
 Smithsonian Contribution to Knowledge, 3d, 4th and 5th vols.
 Annual Report Sup't Coast Survey, 2 copies.
 Laws of Carolina, 1852.
 66th Annual Report, Regent of the University, New York, 2 copies.
 Session Laws, 1853, Indiana, 3 copies.
 Session Laws of Vermont, 3 copies.
 Washburn's Digest, Vermont.
 Vermont Senate and House Journal.
 Laws of Vermont, 1852, 2 copies.
 Report of Auditor of Accounts, Vermont.
 Session Laws New Hampshire, 1853, 3 copies.
 New Hampshire Compiled Statutes.
 Acts and Resolves of State of Maine, 1853, 2 copies.
 Laws of New Jersey, 1853.
 Catalogue of the Cabinet of Natural History of the State of New York.
 Acts and Resolves, Massachusetts, 1853, 3 copies.
 Laws of Michigan, 1853.
 Laws of Louisiana, 2 copies.
 Journal of the Senate and House of Delegates, Maryland.
 Laws of Maryland, 1853.
 Maryland Senate Documents, 1853.
 Laws of Arkansas, 1853, 2 copies.
 Acts, Reports and Resolutions of the General Assembly of South Carolina, 2
 copies.
 Laws of Missouri, 1853, 3 copies.
 Patent Office Reports, 1851, Mechanical and Agricultural.
 Laws of Pennsylvania, 1853.
 Sketches accompanying Report of Coast Survey, for 1851.
 American Archives, 4th Series, 17 copies.
 " " 5th Series, 9 copies.
 North-Eastern Boundary Arbitration, 3 copies.
 Annals of 5th, 6th, 7th, 8th, 9th and 10th Congress, 21 copies.
 Senate Documents, 1st Session 32d Congress, 50 copies.
 " Reports " " 5 "
 " Miscellanies " " 3 "
 " Journal " " 3 "
 House Miscellanies, 1851-52, 3 copies.
 " Journal " 3 "

Reports of Committees, House, 1851-52, 3 copies.
 Executive Doc., 1st Session, 32 Congress, 56 copies.
 Annals Minnesota Historical Society, for 1853, 75 copies.
 History of Indian Tribes, (Schoolcraft,) 2 copies.

MISCELLANEOUS.

Santa Fe, New Mexico and the Navajo Country.
 Minnesota and its Resources.
 War of the American Revolution, 1 vol.
 Life and Works of John Adams, vol. 7.

EXPENDITURES ON AC'T OF TERRITORIAL LIBRARY, SINCE MAY 17TH, 1853.

J. E. Whitney, rent of Library room, up to Jan 1st, 1854,	\$200 00
Geo. W. Farrington, 1 box candles,	20 75
W. G. Le Duc, stationery,	7 55
N. W. Express, freight and charges on books,	5 50
Wm. S. Combs, stationery,	1 60
Dan. Green, hauling books to the Capitol,	12 00
L. B. Comstock, stove and fixtures for Library,	104 00
Elfelt & Bro., carpeting for Library	68 70
Heenan, 17 2-3 yards oil-cloth, at \$1,50 per yard,	26 50
Jackson, for making and putting down carpet,	10 00
W. P. Murry, insurance on Library,	75 00
Total,	\$581 60

ESTIMATED EXPENDITURES OF THE TERRITORIAL LIBRARY FOR 1854.

For stationery, freights, &c., on books,	\$20 00
Cleaning Library room during the session of the Legislature and Supreme Court,	24 00
16 cords of wood, and sawing the same,	72 00
Total,	\$116 00

On motion of Mr. Watson,
The report was laid on the table to be printed.

Mr. Watson moved,

That 100 copies of the report be printed for the use of the two Houses.

Which motion prevailed.

The House resolved itself into a committee of the whole,

Mr. Bartlett in the Chair,

Having under consideration,

(No. 5 H. of R.) A Bill for an Act to incorporate the St. Croix Bridge Co.

(No. 6 H. of R.) A Bill for an act to locate a Territorial Road.

And

(No. 2 H. of R.) Joint resolution for the relief of Wm. B. Dodd.

After some time passed therein, the committee rose, and by their Chairman reported the same back to the House with amendment. The report was accepted.

The question then recurring on agreeing to the amendments to No. 2 H. of R. Joint resolution for the relief of William B. Dodd,

They were agreed to, and the resolution was ordered to be engrossed for a third reading.

The question recurring on agreeing to the amendments to

(No. 6 H. of R.) A Bill for an act to locate a Territorial Road,

They were agreed to.

Mr. Watson moved to further amend the bill by striking out the words "from the," before the words "counties through which it may pass," and insert instead the words "by the."

Which motion prevailed.

And the amendment was adopted.

The bill was then ordered to be engrossed.

The question then recurring on agreeing to the amendments to

No. 5 H. of R.) A Bill for an act to incorporate the St. Croix Bridge Company.

Mr. Day moved to strike out the word "ass" in section 6,

Which motion prevailed.

The amendments were then adopted.

The bill was then ordered to be engrossed.

Mr. Rolette moved the House adjourn until Monday at 2 o'clock.

Which motion was lost.

Mr. Richardson moved to take up the report of the committee on the petition of William B. Dodd.

And the yeas and nays being called for and ordered, there were ayes 3; noes 15;

Those who voted in the affirmative were,

Messrs. Rolette, Richardson, and Speaker 3.

Those who voted in the negative, were

Messrs. Bartlett, Davis Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Nobles Noot, Plummer, Roy, Sloan, and Watson—15.

So the motion was lost.

On motion of Mr. McKusick,

(89)

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

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of
Representatives.

MONDAY, JANUARY 30. 1854.

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

Prayer by the Rev. Mr. Bradley,

The roll of members being called, a quorum answered to their names.

On motion of Mr. Rolette, the reading of the Journal was dispensed with.

Mr Nobles presented the petition of Luther W. Brown, and 18 other citizens of Scott county, praying an additional term of the District Court,

Which on motion of Mr. Fletcher, was referred to the Judiciary Committee.

Mr. Davis presented the petition of the Steamboat Captains on the Mississippi river, praying the Legislature to remove the overhanging trees on the Mississippi between St. Paul and the Southern boundary of the Territory.

On Motion of Mr. Nobles, the petition was referred to the Committee on Territorial Affairs.

Mr. McKusick introduced

(No. 7, H. R.) A bill for the protection of School Lands, and other purposes, Which was read a first and second times and laid on the table to be printed.

Mr. Fletcher introduced

(No. 8, H. R.) A bill for an act to grant to Zadoc M. Brown, the right to establish and maintain a ferry across the Mississippi river,

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

Mr. Fisher introduced

(No. 9, H. R.) A bill to amend an act entitled "an act to establish the terms of of the Supreme and District Courts, and for other purposes;" approved March 5, 1853, Which was read a first and second time and laid on the table to be printed.

Mr. Davis introduced

(No. 10, H. R.) A bill for an act granting to Noah Armstrong the right to establish and maintain a ferry across the Minnesota river at Eureka, in Blue Earth county, Which was read a first and second time, and laid on the table to be printed.

Mr. Garduer introduced

(No. 11, H. R.) A bill for an act to establish a ferry across the Mississippi river. Which was read a first and second times, and laid on the table to be printed.

Mr. Richardson introduced

(No. 7, H. R.) Memorial to Congress for an appropriation of 25,000 dollars for the improvement of the Mississippi river, from the Falls of St. Anthony to Sauk Rapids. Which was read a first and second time and ordered to be printed.

(No. 2, C. F.) A joint resolution authorizing the Secretary of the Territory to purchase annals of the Minnesota Historical Society,

Was then taken up and read a third time.

The question then recurring on the passage of the resolution

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

The House resolved itself into Committee of the Whole,

Mr. Noot in the Chair, having under consideration

(No. 6, H. R.) A memorial to Congress for the establishment of a Military Road from St. Paul by way of Little Canada to Rum river.

After some passed therein, the committee rose, and by their Chairman reported the same back to the House without amendment.

The report of the committee was accepted.

The question then recurring on ordering the bill to be engrossed for a third reading,

It was ordered.

On motion of Mr. Rolette,

The House adjourned till two o'clock this afternoon.

AFTERNOON SESSION.

Two O'Clock, P. M.

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

Mr. Bartlett moved that the House adjourn till to-morrow at 10 o'clock,

And the yeas and nays being called for and ordered, there were yeas 2, and nays 10.

Those who voted in the affirmative were,

Messrs. Bartlett and Roy.

Those who voted in the negative, were

Messrs. Davis, Day, Fletcher, Gardner, Lord, Morrison, Nobles, Plumer, Rolette and Speaker—10.

So the House refused to adjourn.

Mr. Plumer from the Joint Committee on enrolled bills, made the following report.

The joint committee on enrolled bills did on the 26th day of January 1854, present to his Excellency, the Governor, for examination and approval, the following bill:

A bill entitled "an Act relative to the County Officers of Dakota County."

JOSEPH R. BROWN,

HENRY S. PLUMER,

Committee.

Mr. Fisher moved that the House adjourn until to-morrow at 10 o'clock,

Which motion was lost.

Mr. Fletcher moved that the House adjourn until to-morrow at 10 1-2 o'clock.

Which motion was lost.

Mr. Lord from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined and found correctly engrossed, the following:

(No. 4, H. R.) A bill for an act entitled "an Act to locate a Territorial road from St. Paul to intersect the Territorial road from the Falls of St Anthony to the line of Sibley county.

(No. 5, H. R.) A bill for an act to incorporate the St. Croix Bridge Company.

(No. 2, H. R.) Joint resolution for the relief of William B. Dodd.

O. M. LORD,

CEPHAS GARDNER,

LOUIS BARTLETT.

Committee.

(No. 2, H. R.) Joint resolution for the relief of William B. Dodd,

Was then taken up and read a third time.

The question then recurring on the passage of the resolution,

It was passed.

The question then recurring on agreeing to its title,

It was agreed to.

(No. 5, H. R.] A bill to incorporate the St. Croix Bridge Company,

Was then taken up and read a third time.

The question then recurring on the passage of the memorial,
It was passed.

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

(No. 6, H. R.) A bill to locate a Territorial Road, from St. Paul to intersect the
Territorial road from the Falls of St. Anthony to the Sibley County line,
Was taken up and read a third time.

The question then recurring on the passage of the bill,
And the ayes and nays being called for and ordered there were ayes 10; and nays 3.

Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Fisher, Gardner, Lord, Noot, Nobles, Rolette, Roy and
Speaker—10.

Those who voted in the negative, were
Messrs. Day, McKusick, and Morrison—3.

So the bill was passed.

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

Mr. McKusick gave notice on leave granted, that on to-morrow or some future day
he would introduce a bill to provide for a Surveyor General of logs and lumber of this
Territory.

Mr. Noot moved to take up the report of the committee on the petition of Captain
Dodd.

Which motion prevailed.

Mr. Fletcher moved the report be indefinitely postponed.

Which motion prevailed.

On motion of Mr. Gardner,

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

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

TUESDAY, JAN. 31, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Rolette,

The reading of the journal was dispensed with.

Mr Rolette, from the Select Committee to which was referred the petition of G. W. Campbell, of Point Douglass precinct, in Washington county, contesting the right of Robert Watson to a seat in the House, made the following

REPORT.

The undersigned, a special Committee appointed by the House of Representatives, to which was referred the petition of G. W. Campbell, of Point Douglass precinct, in Washington county, contesting the right of Robert Watson to a seat in said House, respectfully submit the following report :

Immediately after our appointment, your Committee met in the committee-room of the House, and G. W. Campbell and R. Watson, the parties contesting and defending, appeared before them ; when, finding that the case involved the examination of numerous witnesses at distant points, a labor which would render attention at the same time to our duties as members of the House impossible, your committee availed themselves of the discretionary power conferred upon them by the resolution of the House, and designated Dr. Thomas Foster, of Hastings, Dakota county, and A. L. Williams, Esq., of St. Paul, Commissioners, with full powers to take testimony, and investigate the the whole case.

These commissioners, after a laborious investigation of some twelve or thirteen days, and the examination of a great many witnesses, have made to us their report, which is herewith submitted below, for the inspection and action of the House, to whose judgment we deemed it best at once to refer the whole matter, as the course likely to cause least delay, and give more general satisfaction, than if the committee attempted to hear the counsel of the parties respectively themselves ; and make up a judgment in the case, when, of course, precisely the same ground would have to be traveled over again before the House, ere it could vote understandingly upon the merits of the case.

Your committee also, in connection with the report of the principal commissioners aforesaid, submit the report of P. P. Furber, Esq., of Cottage Grove, Washington Co., who, at the request of the contestant, was designated by us a special commissioner to take the testimony of two or three witnesses whom the contestant desired examined at Shakopee, Scott county.

To complete the records and history of the case, the petition of George W. Campbell, upon which the contest and investigation was based, is herewith immediately attached, first in order after this report.

All of which is respectfully submitted.

JOS. ROLETTE,
WM. A. DAVIS,
CEPHAS GARDNER,
Select Committee.

St. PAUL, Jan. 31, 1854.

To the Hon. House of Representatives of the Territory of Minnesota, in General Assembly met :

The undersigned, a citizen of the county of Washington, in said Territory, respectfully represents to your honorable body, that he claims to have been lawfully elected by the legal voters of the legislative district, composed of the precincts of Cottage Grove and Point Douglass, in said county of Washington, to be a member of your honorable body, he having received, at the late election, held on the 11th day of October last past, for the purpose of electing representatives to the legislature of said territory, and for other purposes, of the votes cast by the legal and qualified electors, the number of forty-three (43) votes at the precinct of Point Douglass, and the number of fifteen (15) of the votes cast by the legal voters of the precinct of Cottage Grove—making the number fifty-eight votes, which this memorialist verily believes to have been a majority of all the votes lawfully cast in the said district, for the election of a representative therefrom.

Your memorialist further states that a certificate of a majority of votes has been obtained by one Robert Watson, who now holds a seat in said legislature, which certificate sets forth, as this memorialist believes, that the said Watson received, at the election aforesaid, the number of eight (8) votes in the precinct of Point Douglass, and the number of sixty-three (63) votes in the precinct of Cottage Grove making a whole of seventy-one (71) votes.

Your memorialist challenges and contests the validity of said certificate of election so given to the said Robert Watson, and his right to occupy a seat in your honorable body, upon the following several grounds :

1st.

The said Robert Watson is not as this memorialist believes, a citizen of the United States, and is therefore ineligible to the office.

2nd.

There were ten votes polled in the precinct of Cottage Grove, all of which this petitioner believes to have been cast for the said Watson, by persons who were not citizens of said district, and who were not otherwise legal voters.

3rd.

There were also two votes cast for the said Watson, by persons who were minors, and not of the legal ages of voters.

4th.

That there were one or more votes cast for the said Watson, by a person or persons

who did not reside in the territory for six months prior and before the day of holding said election.

5th.

That there was one person voted in same precinct, for the said Watson, who is a citizen of Point Douglass, who has been convicted of felony, and who is therefore not qualified to vote.

6th.

There were also nine votes cast for the said Watson, in same precinct by aliens to the laws of the United States and of this territory—all of which ballots were therefore illegal.

Your memorialist and contestant therefore states that, of the seventy-one votes so certified to have been cast for the said Robert Watson, twenty-three are believed to have been illegally received, which would leave the number of legal votes given for him at forty-eight—and which make a majority of ten qualified votes in favor of this memorialist, and therefore entitle him to admission as a member of the House of Representatives of this Territory.

Your memorialist therefore asks your honorable body to take such measures as your wisdom may deem proper, as will enable him to assume those rights and duties, of which he should legally be possessed.

And he will ever pray.

Respectfully Submitted,

G. W. CAMPBELL.

Territory of Minnesota, }
County of Ramsey, } S. S.

Personally appeared before me the above named G. W. Campbell, who being sworn according to law, doth depose and say that the facts set forth in the above memorial are true to the best of his knowledge and belief.

Sworn and subscribed,

This twelfth day of January, A. D., 1854.

W. P. MURRAY,
Notary Public.

St. PAUL, Jan. 19, 1854.

The Special committee of the House of Representatives of the Legislative Assembly of Minnesota, charged with the petition of G. W. Campbell, contesting the seat of Robert Watson as a member of the House from the Cottage Grove and Point Douglass precincts, have this day communicated to the undersigned the following paper, to wit:

The undersigned committee to whom was referred the petition of G. W. Campbell, contesting the seat of Robert Watson as a member of the House of Representatives from the Cottage Grove and Point Douglass precincts, by virtue of the annexed resolution adopted Jan. 16, 1854.

Mr. McKusick offered the following resolution:

Resolved, That the select Committee to which was referred the memorial of George W. Campbell, claiming a seat in this House, be authorized and empowered to send for

persons and papers, and to administer oaths, and if in the opinion of said committee, the rights of the parties can best be established by such a course, the committee is hereby authorized to appoint three persons to take the testimony in the case, with full powers to examine witnesses, and to report the testimony so obtained to this House.

On motion of Mr. Plummer,

The resolution was adopted.

We do hereby appoint Doct. T. Foster and A. L. Williams said commissioners.

JOS. ROLETTE,
WM. A. DAVIS,
CEPHAS GARDNER.

St. PAUL, 19th, January, 1854.

Having accepted of said appointment, the commissioners were notified by G. W. Campbell that he was ready to produce witnesses in the case, within the bounds of the precincts of Cottage Grove and Point Douglass, and requested us to proceed thither, with which request we forthwith complied.

RED ROCK, Jan. 19, 1854.

The contestant having requested us to examine some witnesses at this point the commissioners met at the house of John A. Ford, but the witnesses not appearing, at the request of the contestant the commissioners adjourned to the house of P. P. Furber, Esq., at Cottage Grove. Prior to adjourning, on application of contestant, a subpoena was granted for Mrs. Watson.

COTTAGE GROVE, Jan. 19, 1854.

The commissioners having met at the house of P. P. Furber Esq., Cottage Grove, on application of the contestant subpoenas were issued for John Anderson, Wm. Watson, Alexander McHattie, Henry Greenhagen, Wm. Anderson, Wm. Jackson, Jesse Jackson, George Briden, John Robinson.

COTTAGE GROVE, Jan. 20, 1854.

The commissioners met at 9 o'clock, A. M.

At the instance of G. W. Campbell, contestant, Gen. Joseph W. Furber appeared, and was duly sworn to the following statement :

I, J. W. Furber, of the county of Washington and Territory of Minnesota, being of lawful age, do depose and say, that during the A. D. 1847, I was one of the Board of County Commissioners, in and for the County of St. Croix, and Territory of Wisconsin; that at a meeting of said Board of County Commissioners, sometime during the aforesaid A. D. 1847, the aforesaid county of St. Croix was divided into election precincts by the order of said Commissioners; that the most southern precinct was called and known

by the name of Lake St. Croix Election precinct, the northern boundary of which was as follows,—commencing at a point on the east line of the county of St. Croix, due east from the mouth of the creek known as Haskel's or Spring Creek, thence running due west to the mouth of said Spring Creek, thence following up said creek to a spring, the source of the south branch of Spring Creek, thence running due west to a point from which a due south line will intersect the mouth of Holton's Slough, at Red Rock; and I further say, that to the best of my knowledge the aforesaid boundary has not been altered, by order of any board of County Commissioners, up to the time of the passage of the Apportionment Bill, of 1851; and I further say, that at the time the order was made for the establishment and boundary of the Lake St. Croix election precinct, I was residing and have ever since resided, within the limits of said election precinct, and that I was perfectly familiar with all the land marks mentioned in the boundary of said precinct.

Sworn and subscribed, January 20, 1854.

JOSEPH W. FURBER.

[Questions to J. W. Furber by contestant.]

Ques.—Did you vote at the last election for representative in the Cottage Grove precinct, and whom did you vote for?

Ans.—I did vote at the last election for Representative I voted for G. W. Campbell.

At the instance of the contestant, P. P. Furber, Esq., appeared, and was duly sworn to the following statement:

January 21st, 1854.

I, Pierce P. Furber, testify and say that I took the affidavits of Joseph Gredridge, Daniel D. Wadsworth, Ebenezer More, J. H. Henneberg, J. Bruce and Ulysses Tanner on the twenty-sixth and twenty-seventh days of December last, in relation to the election of Representative to the Territorial Legislature of Minnesota in October, 1853, and that the aforesaid deponents and those named by them in said affidavits as having voted at said election, reside north of a line drawn due west from the source of Spring Creek, the northern boundary of Cottage Grove precinct.

P. P. FURBER.

The contestant then offered in evidence the following papers, to wit:

WASHINGTON COUNTY, Dec. 27, 1853.

I, Henry Henneberg of Township twenty-eight north, range twenty-one west, and living on Section seven in said Township, testify and say that I voted for Robert Watson for representative of the Territorial Legislature of Minnesota, at the election held at Cottage Grove in October last, and I further say that Frederick Frieghbaught and Simon Straugden, living on the north part of section seventeen in said township, voted at the same election for said Robert Watson. I gave them the ballots and saw them vote the same ballots which I gave them, said Frieghbaught and Straugden can neither speak English, nor read. I further say that the ballot hereunto annexed is the same as the

one I voted and the same as the ballots which I gave said Frieghbaught and Strangden and which I saw them put into the ballot-box,

J. H. HENNEBERG.

DEMOCRATIC TICKET.

For Delegate to Congress,
HENRY M. RICE.

For Councillors First District,
ALBERT STIMSON.
JOHN E. MOWER.

For Councillor, 4th District,
WILLIAM FREEBORN.

For Representative,
ROBERT WATSON,

For Justice of the Peace.

For Constables.

For Washington County,
For County Commissioner,
JAMES SHBARER

For Sheriff,
ASA B. GREEN.

For Register of Deeds,
HARLEY CURTISS,

For County Treasurer,
WILLIAM WILLIM,

For District Attorney,
GOLD T. CURTISS,

For Surveyor,
MAHLON BLACK,

For Assessors,
A. D. GREELY,
W. C. JOHNSON,
JACOB MOSHER.

For Supervisors of Roads,

GEORGE KERN,
BENJ. T. OTIS,
SAMUEL MIDDLETON.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written, the above named J. H. Henneberg, personally appeared before me and made oath that the foregoing affidavit by him signed, was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 3, 1858.

I, Ulysses Tanner, of Township twenty-eight, north of range twenty-one west and section six, say that I attended the election at Cottage Grove precinct, in said county, in October last, and that I voted for Robert Watson, for Representative for the Territorial Legislature at that election. My father, John Tanner, who is now in New York, voted at the same time, and as he told me, for said Watson.

ULYSSES TANNER.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written, the above named Ulysses Tanner, personally appeared before me and made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 26, 1858.

I, Daniel D. Wadsworth testify and say, that I came into the Territory of Minnesota,

May twenty-fifth (25) A. D. 1853 that I voted at the election at Cottage Grove, in Cottage Grove precinct in said county in October last, and that I voted for Robert Watson for Representative to the Legislature of Minnesota.

DANIEL D. WADSWORTH.

Territory of Minnesota, }
Washington County. } S S.

On the day and year above written, personally appeared before me the above named Daniel D. Wadsworth, and made oath that the affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 26, 1853.

I, Joseph Gridridge testify, and say, that I voted at the election at Cottage Grove, in October last, and that Alexander McHarris gave me the vote I put into the box at that election—I cannot read and don't know the names of the persons I voted for. I further say that Joseph Gobar, voted at the same time, and that Joseph Gobar was at that time living with me in my house—I further say that Alexander McHarris, gave Joseph Gobar the vote which he put into the ballot box.

his
JOSEPH W. GRIDRIDGE.
mark.

Attest, P. P. FURBER.

Territory of Minnesota, }
Washington County. } S S.

On the day and year above written, personally came before me the above named Joseph Gridridge and made oath that the above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 26, 1858.

I, Ebenezer Moore, testify and say that I voted at the election at Cottage Grove precinct in said county, in October last, and that I voted for Robert Watson for Representative to the Territorial Legislature at said election.

his
EBENEZER X MOORE.
mark.

Attest, P. P. FURBER.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written personally appeared the above named Ebenezer Moore, and made oath that above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 27, 1858.

I, J. Bruce, of town twenty-eight north, range twenty-one west, and section five, in said township, testify and say, that I voted at the election at Cottage Grove precinct, in said county, in October last, and that I voted for Robert Watson, for Representative to the Territorial Legislature, at said election.

J. BRUCE.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written, the above named J. Bruce personally appeared before me and made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,
Notary Public.

Register of Deeds Office,
Washington County, Minnesota Territory, }

I, John S. Proctor, Register of the county aforesaid, do certify, that at a general election held in Minnesota Territory on the 11th day of October, A. D. 1853, the following vote for member of the House of Representatives in the next Legislative Assembly, in the district composed of Cottage Grove and Point Douglass precincts in the county of Washington, was polled, as appears from the returns made from said precincts and the official canvass of same made on the 31st day of October, A. D. 1853.

Robert Watson received in Pt. Douglas precinct	eight votes,	8
" " " Cottage Grove	sixty-three votes,	63
Total votes,		<u>71</u>

George W. Campbell received in Pt. Douglas precinct,	forty-three votes,	43
" " " Cottage Grove	fifteen	15
Total votes,		<u>58</u>

RECAPITULATION.

Robert Watson received 71 votes.
Geo. W. Campbell " 58 "

Watson's majority 13

Witness my hand and the seal of said county this second day of January, A. D. 1854.

JOHN S. PROCTOR,
Register, &c.

[L. s.]

- | | |
|-------------------|--------------------|
| 1 A. L. Holman | 12 R. F. Randolph |
| 2 John Anderson | 13 E. B. Scofield |
| 3 B. F. Gates | 14 Chas. P. Andros |
| 4 J. Bruce | 15 Wm. Watson |
| 5 C. H. Akinson | 16 Wm. R. Brown |
| 6 J. Benson | 17 Alex. McHattie |
| 7 Henry Henneberg | 18 Ebenezer Moore |
| 8 Moses Cross | 19 Joseph Gredrige |
| 9 L. C. Everett | 20 Joseph Gobar |
| 10 S. Greenleaf | 21 Chas. W. Pierce |
| 11 John Foss | 22 John Tanney |

- | | |
|----------------------|---------------------------|
| 23 Jas. Parker | 53 Jesse Jackson |
| 24 Henry Gruenbager | 54 Geo. Vanslyke |
| 25 T. J. B. Heath | 55 John Colby |
| 26 Ulysses Ranner | 56 Daniel D. Wadsworth |
| 27 James Foss | 57 Jas. S. Norris |
| 28 Wm. Anderson | 58 Lewis Hill |
| 29 John McHattie | 59 W. H. Parker |
| 30 Jas. S. Davis | 60 Wm. R. Monger |
| 31 Wm. H. Dressor | 61 F. S. Odell |
| 32 Joseph W. Furber | 62 Lucius Beldin |
| 33 Joseph Bean | 63 Samuel Middleton |
| 34 P. P. Furber | 64 John A. Ford |
| 35 Asahel Stevens | 65 Robert Wilkins |
| 36 Henry House | 66 Wm. H. Johnson |
| 37 Frederic Leyda | 67 James Newton |
| 38 Samuel Leyda | 68 Geo. Briden |
| 39 Jas. R. Lyford | 69 John Bailly |
| 40 Waterman Buck | 70 John Robinson |
| 41 Jacob Mosher | 71 Luther Parmenter |
| 42 E. M. Cox | 72 Robert Jackson |
| 43 Newington Gilbert | 73 Wm. H. Andros |
| 44 Wm. H. Guernsey | 74 Jas. Ford |
| 45 Jas. Middleton | 75 E. H. Whittaker |
| 46 Andrew Mackey | 76 David Holton |
| 47 Francis Oldham | 77 Jos. Irish |
| 48 Hiram F. Dayton | 78 John Lanpbear |
| 49 Wm. Jackson | 79 John Holton |
| 50 Jas. Jackson | 80 Simon Strangden |
| 51 Wm. F. Gilbert | 81 Frederic Freighbeaught |
| 52 Warren Atkinson | 82 John Atkinson |

I, John S. Proctor Clerk of the Board of Commissioners in and for the county of Washington, Minnesota Territory, do certify the within to be a correct list of the names of those persons who voted in Cottage Grove Precinct at the last general election, held on the 11th day of October, 1853, as appears from the poll books returned to this office.

JOHN S. PROCTOR, Clerk.

County Commissioners Office
Washington County, January 2, 1854.

[Questions by Mr. Campbell to P. P. Furber Esq.]

Do you know George Briden, John Robinson, John Anderson, Henry Greeuhagen James Middleton and Jesse Jackson?—and do you know whether or not they are foreigners?

Ans.—I am acquainted with them all, and know from their own declarations to me that they are foreigners by birth.

2d ques.—By Mr. Campbell. Did you vote at the last election for Representative, and for whom?

Ans.—I did vote, and for G. W. Campbell.

Ques. By Mr. Watson. Do you mean by the words in your statement “north of a line drawn due west from the source of Spring Creek, the northern boundary of Cottage Grove precinct,” to say that the “line drawn due west” is the northern boundary, or that the “source of Spring Creek” is the northern boundary?

Ans.—By Mr. P. P. Furber. I mean that the source of Spring Creek is the northern boundary.

[Mr. Robert Watson was sworn on behalf of the contestant.]

Ques.—By Mr. Campbell. Mr. Watson, what is your age?

Ans.—I was 28 years of age on the 8th day of September last.

Ques.—Did you ever declare your intention to become a citizen of the United States?

Ans.—I did not make any declaration of intention, because on my wishing to do so before a court of record at Cleveland in Ohio, while I was yet a minor, I was informed by the clerk of the court that it was unnecessary, as by law minors of foreign birth, when they became of age, obtained their naturalization papers without making a previous declaration of intention.

Ques.—How long was your father a resident of the United States?

Ans.—About two years.

Ques.—Of what country was he a native?

Ans.—He was a native of Scotland.

Ques.—Did you vote at the last election for Representative?

Ans.—I did.

Ques.—In what precinct did you vote? and whom did you vote for?

Ans.—I voted at Point Douglas precinct, and for R. Watson.

[Wm. Watson sworn on behalf of Contestant.]

Ques.—By Mr. Campbell. Did you vote at the last election in this district for Representative ?

Ans.—I voted at the last election for Representative in this district—in Cottage Grove precinct, and for Robert Watson, for Representative.

Ques.—What is your age ?

Ans.—I was 26 years of age on the twenty-fifth day of last March.

Ques.—Of what country are you a native ?

Ans.—I was born in Scotland.

Ques.—Have you ever declared your intention to become a citizen of the United States ?

Ans.—I availed myself of my privilege of a minor; and on becoming of age, obtained my papers of naturalization, without previously declaring my intention to become a citizen.

[James Lyford, sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at the Cottage Grove precinct, at the last election for Representative ? and who did you vote for ?

Ans.—I did; and voted for G. W. Campbell, for Representative.

[Robert Wilkin sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at Cottage Grove precinct last fall ? did you vote for Representative ? and for whom ?

Ans.—I did vote at Cottage Grove Precinct last fall, for Representative; and I voted for Mr. Robert Watson.

[John Lamphear sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at Cottage Grove precinct last fall ? and

did you vote for Representative?

Ans.—I voted at Cottage Grove precinct, last fall, but did not cast any vote for Representative.

[Alexander McHattie sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Have you ever declared your intention to become a citizen of the United States?

Ans.—I have. [Hereupon Mr. McHattie produced a paper, as his declaration of which the following is a copy to wit.]

Territory of Wisconsin, }
St. Croix County. } S S.

I, Alexander McHattie, an alien by birth, and aged thirty-five years, do hereby upon my oath make known and declare that I was born in Scotland, and in the Kingdom of Great Britain, on the 23d day of May, 1818; that I emigrated from the Kingdom aforesaid, and landed at Derby, State of Vermont, in the U. S. of America, on or about the 23d of May, A. D. 1834, and that I have ever since that time, continued to reside within the said U. S., and that it is bona fide my intention to become a citizen of the U. S. of America, and to sever forever all allegiance and fidelity which I in any way owe to any prince, potentate, State or sovereignty whatever, and more particularly all allegiance to Queen Victoria, of whom I have heretofore been a subject, and further that do not possess any hereditary title, or belong to any of the nobility in the Kingdom from which I came, so help me God.

ALEXANDER McHATTIE.

Sworn and subscribed before me, at St Paul, this 29th day of July, 1848,
AARON FOSTER,
Justice of the Peace.

United States Dist. Court, }
St. Croix County, Wis. Ter. } S S.

I, Joseph R. Brown, Clerk of the said Court, do hereby certify that the foregoing is a true transcript of the declaration of Alexander McHattie to become a citizen of the United States of America, as this day filed and now remains on record in my office.

In witness whereof I have hercunto set my hand and affixed the seal of the United

States Dist. Court, for St. Croix County, W. T., at Stillwater, this
[I. s.] 10th day of August, A. D. 1848.

JOSEPH R. BROWN,
Cl'k D. C. St. C. C. W. T.

Ques.—Have you ever taken an oath to support the organic act of Minnesota?

Ans.—The paper or declaration I have just submitted, shows all I have ever done in the matter.

Did you ever give Gridridge and Gobar, (as stated in the Affidavit of Joseph Gridridge,) tickets for Representative, at the election at Cottage Grove precinct last fall?

Ans.—I don't recollect; I gave out a number of tickets that day; I might have given them tickets, and I might not.

Ques.—Did you vote at the last slection, and whom did you vote for?

Ans.—I voted for Robert Watson as Representative.

[John Anderson sworn, on behalf of the Contestant.]

Questions by Mr. Campbell.—Have you ever declared your intention to become a citizen of the United States.

Ans.—I have.

[Hereupon Mr. Anderson submitted as a further answer, a paper, being a declaration of intention in the usual form, under seal of the U. S. District Court for the County of St. Croix, Wisconsin Territory, dated December 23, 1848, and certified to by Joseph R. Brown, Clerk of the Court.]

Ques.—Have you ever taken the oath to support the organic act of Minnesota?

Ans.—I have taken no other oath than that taken in my declaration of intention, before submitted.

Ques.—Did you vote for Repeesentative last October, in Cottage Grove precinct, and for whom?

Ans.—I did vote, and for Robert Watson.

[George Briden sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Have you ever declared your intention to become a citi-

zen of the United States ?

Ans.—I have.

Ques.—Have you the paper with you ?

Ans.—I have not; I made my declaration of intention before the Court at Janesville, in Wisconsin, on the 4th of May, 1848; but I afterwards lost it.

Ques.—Have you ever taken an oath to support the organic act of Minnesota ?

Ans.—I have never taken any oath about it, other than at the time of my declaration of intention.

Ques.—Did you vote at the last election for Representative, in this district and for whom did you vote ?

Ans.—I voted for Robert Watson for Representative.

COTTAGE GROVE, Jan. 10, 1854.

The Commissioners met at 10 o'clock A. M.

[A. L. Holman sworn, on behalf of the Contestant.]

Question by Mr. Campbell.—If you voted for Representative in Cottage Grove precinct, at the last election, state for whom you voted.

Ans.—I voted for G. W. Campbell.

[Ashael Stevens sworn, in behalf of Mr. Watson.]

Question by Mr. Watson.—Have you made a declaration of intention to become a citizen of the United States ?

Ans.—I have; and submit the following paper, as my further answer.

[Hereupon the witness submitted a declaration of intention in the usual form, made before, and certified to by Joseph Bowron, Clerk of Circuit Court, St. Croix Co., Wis., under seal of the Court, and dated Sept. 16, 1851.]

Ques.—Have you ever taken an oath to support the organic act of Minnesota ?

Ans.—No oath, other than in my declaration.

Ques.—Did you vote at the election for Representative last fall, in Cottage Grove precinct, and for whom ?

Ans.—I did vote, and for G. W. Campbell.

Question by Mr. Campbell.—Were not your parents natives of the United States?

Ans.—They were; born in Connecticut; they emigrated to Canada in 1800 where I was born.

Question by Mr. Watson.—What did your parents go to Canada for?

Ans.—They went to make a home—a residence. My father became a citizen of Canada, and took the oath of allegiance to the government there.

[James S. Davis sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote for Representative in Cottage Grove precinct, at the last election, and if so, state for whom you voted?

Ans.—I did; for G. W. Campbell.

[Edward M. Cox sworn, for Watson.]

Question by Mr Watson.—Do you live in the vicinity of the spring known as the source of Spring Creek?

Ans.—I do.

Ques.—Do you live so near as to get water from it for domestic purposes?

Ans.—I have hauled water from it for that purpose—did so entirely before this winter.

Ques.—Do any persons live nearer the spring than you do?

Ans.—Mr. Gridridge and Mr. Moore live nearer to it than I do.

Ques.—In what direction is the spring from the residence of Gridridge?

Ans.—It is north of his residence.

Ques.—Is the spring north of Gridridge's generally considered by the people of your neighborhood as the source of Spring Creek?

Ans.—It has always been so considered in the neighborhood ever since I have lived there.

Questions by Mr. Campbell.—How long, Mr. Cox, have you resided in that neighborhood?

Ans.—It will be three years next May.

Ques.—Is there any other spring which any body considers the head of this Spring Creek?

Ans.—There is not, that I know of.

Ques.—Is there any other spring in that neighborhood which flows into Spring Creek?

Ans.—there is a spring more to the South, about half a mile distant from the one I have already named as the source, the waters of which also flow into Spring Creek. Where the runs from these springs unite, they are about equal in size, but at the sources of each, the one I first named, is almost three times the largest.

Ques.—Which do you consider the longest stream?

Ans.—I consider the last named, or the South Spring, the longest.

[James S. Davis re-examined on behalf of Watson.]

Questions by Mr. Watson.—How long have you lived in this vicinity?

Ans.—I came here in 1838.

Ques.—Which of the two springs, the north or the south spring before spoken of do you consider the source of Spring Creek, if either?

Ans.—I consider the north spring as the source.

Ques.—Were you not a judge of the election last year in Cottage Grove precinct?

Ans.—I was.

Ques.—Did you not consider and recognize Mr. Gridridge as a voter in this precinct, from his residing south of the north spring?

Ans.—I did.

Question by Mr. Campbell.—Was not Mr. Gridridge's vote objected to a year ago, and was it not sworn in?

Ans.—It was; but I think as near as I can recollect, that the ground of objection was his being an alien.

Ques.—Have you ever followed up the spring referred to as the South Spring?

Ans.—I never have.

(P. P. Furber, re-examined for Watson.)

Questions by Mr. Watson.—Were you not a Judge of the Election in Cottage Grove precinct a year ago, at the time of Mr. Gridridge's vote was challenged?

Ans.—I was.

Ques.—On what ground was the vote objected to?

Ans.—Simply on the ground of his being an alien.

Question by Mr. Campbell.—Have you ever examined the neighborhood of the two springs and their branches, which have been spoken of as the sources of Spring Creek; and if so, state what you know in regard to them?

Ans. - (The Commissioners, by consent of parties, allowed Mr. Furber to write his answer, and accompany it by a diagram of the springs in question, and subsequently hand it in, to be attached to the record in this place. It is hereunto attached.)

{ DIAGRAM. }

“The spring called the south, or west branch, is 44 rods from the quarter stake on the south line of section 17; the distance from the south or west spring to the junction of the creek flowing from the north spring, I judge to be from a fourth to a third of a mile; I did not measure the distance. From the north spring to its junction with the south spring, I judge to be from twenty to twenty-five rods; I did not measure the distance. There is no water flowing into either of the creeks between their sources and their junction. I think that the amount of water flowing from each spring is nearly equal; the creek from the south spring is quite as large as the one from the north spring.

It was surveyed and examined by me at the request of G. W. Campbell.”

P. P. FURBER.

(Wm. H. Gurnsey, sworn on behalf of Watson.)

Questions by Mr. Watson.—Which of the two springs, the north or south spring, do you consider the source of Spring Creek?

Ans.—I consider the north spring as the source.

Ques.—How near do you reside to the north spring?

Ans.—About two miles.

[The Commissioners here adjourned to meet again the same day at 4 o'clock, P. M., at the house of H. D. White, in the village of Point Douglas.

POINT DOUGLAS, Jan. 21, 1854.

The Commissioners having met at the time and place appointed, and the witnesses not being ready, adjourned over until 10 o'clock on Monday morning, at the same place.

POINT DOUGLAS, Jan. 23, 1854.

The Commissioners met at the hour of appointment, and proceeded with the examination of witnesses:

(James Shearer sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you a native of Canada, or either of the North American British Possessions?

Ans.—I am not. I am a native of the State of Massachusetts.

(Caleb Truax, Sr., sworn on behalf of Watson.)

Questions by Mr. Watson.—Are you a native born citizen of the United States?

Ans.—I am. I was born in Schenectady, New York. I have lived in Canada.

Ques.—Have you ever exercised the privileges of a citizen in Canada?

Ans.—I have, while there. I resided in Canada about seven years, excepting two winters that I resided in Ogdensburgh, New York. Three of my children were born in Canada. Caleb, my son, was born in Canada. I voted for Representative in the Point Douglas Precinct at the last election, for G. W. Campbell. I have not taken out any naturalization papers since my return from Canada.

Question by Mr. Campbell.—Have you ever taken any oath renouncing your allegiance to the United States?

Ans.—I have not; I considered while I was in Canada, I had the rights of a citizen there, and no longer.

(Jeremiah Van Duser sworn, on behalf of Watson.)

Questions by Watson.—Are you a natural born citizen of the United States?

Ans.—Yes; I was born in Dutchess county, N. Y.—Dover Plains.

Ques.—Have you ever lived in Canada?

Ans.—I have; but never there renounced by oath my allegiance to the United States. I voted while I was in Canada, and sold my property which I had there as soon as possible. I became of age while I was in Canada; I lived in Canada some thirty or forty years.

I voted for Representrtive in Point Douglas Precinct at the last election, for G. W. Campbell. I have not taken out naturalization papers since I returned from Canada, as I did not deem it necessary.

(Thomas Wright sworn, on behalf of Watson.)

Questions by Mr. Watson.—Are you a foreigner by birth?

Ans.—I am.

Ques.—Have you made a declaration of intention to become a citizen of the United States?

Ans.—I have, at Stillwater, in this Territory, on the 18th day of April, 1850; I have my paper of declaration at home; I voted at the last election for G. W. Campbell, for Representative.

(Joseph Brunwell sworn, on behalf of Watson.)

Questions by Mr. Watson.—Where were you born?

Ans.—I was born in the United States; at Saut Ste. Marie, on the American side; so my father told me.

Ques.—Did you ever declare your intention to become a citizen of the United States?

Ans.—I never did.

Ques.—Did you vote in Point Douglas Precinct, at the last election, and for whom, as Representative?

Ans.—I voted there, and for G. W. Campbell.

(Antoine McCoy sworn, on behalf of Watson.)

Questions by Mr. Watson.—Of what country was your father a native?

Ans.—I don't know; can't tell.

Ques.—Do you know whether your father had any papers from the Court, giving him a right to vote?

Ans.—Yes; he had.

Ques.—Did you ever make a declaration of intention to become a citizen?

Ans.—[The witness here submitted, as his answer, a declaration of intention, made in due form, before the U. S. District Court, at St. Paul, August 29, 1850, before J. K. Humphrey, Clerk, sealed with the seal of said Court.]

Ques.—What is your age?

Ans.—I am about 25 years of age.

(Joseph McCoy sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you a foreigner by birth?

Ans.—I was born at St. Peters, in this Territory.

Ques.—What is your age?

Ans.—I am about 24 years of age.

(Francis McCoy sworn, on behalf of Watson.)

Question by Mr. Watson.—Where were you born?

Ans.—I was born at Salt Lake, near the Red River of the North, within the American Territory.

(Martin Leavitt sworn, on behalf of Watson.)

Question by Mr. Watson.—Were you Supervisor of Roads, for this Road District, for the past season?

Ans.—I was.

Ques.—Did you call on a person by the name of David Moss, to work on the roads?

[Question objected to, and objection sustained by the Commissioners.]

(David Moss sworn, on behalf of Watson.)

Question by Mr. Watson.—Did you leave this Territory at any time six months prior to the last election?

Ans.—I left this Territory in June last.

Ques.—Did you, when you left, still consider this your residence, and did you intend to return and make your home in this Territory?

Ans.—Yes; I so considered it, and such was my intention when I left.

Ques.—Were you a citizen of the United States, when you left the Territory in June last?

Ans.—I was not, at that time.

Question by Mr. Campbell.—How long have you been a resident of this Territory?

Ans.—It is now over two years.

Ques.—Have you declared your intention to become a citizen?

Ans.—I have. I did so before the election—at Stillwater, in this Territory.

Ques.—Did you vote at the last election in Point Douglas Precinct; and for whom did you vote for Representative?

Ans.—I voted in that Precinct, and for G. W. Campbell.

(David Hone sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Were you a Judge of the Election in Point Douglas Precinct at the last election; and did you vote at that election for Representative?

Ans.—I was Judge at that election and voted for Representative.

Ques.—For whom did you vote for Representative?

Ans.—I think I voted for Mr. Watson; and it was in this way:—It was a printed ticket, which did not have Mr. Campbell's name on it, but had Mr. Watson's. I intended to vote for Mr. Campbell, and intended to strike out the name of R. Watson, and insert that of G. W. Campbell. Instead of which, when I came to count the votes, I saw from the ballot, I had put in, which I knew by my own had writing, that I had, by mistake, struck out Mr. Moore's name, who was running for Council, in place of Mr. Watson; and voted therefor, for Mr. Campbell for Council, instead of Representative, and I have no recollection of filling up, or voting any other ticket but that one.

Question by Mr. Watson.—How long, after you voted, did you discover you had voted as you did?

Ans.—It was my opinion, when I canvassed the votes, though there was nothing said about it.

Ques.—When did you first mention it to any one else, that you thought you had so voted?

Ans.—About three weeks ago.

Ques.—Have you got the ticket which you think you voted?

Ans.—I have.

Ques.—How did you obtain possession of it?

Ans.—I have the box, containing the tickets cast at that election, in my possession and the key to it. The box, and the key to it, was handed to me by the board of election, to keep in my custody.

Ques.—Have you taken the ticket you think was yours, as you have stated, from the box in which it was placed by the officers of the election?

Ans.—Yes; I took it out.

Ques.—Was any other person present at the time?

Ans.—There was not.

Question by Mr. Campbell.—Have the tickets cast at that election remained in the box, constantly under lock and key, ever since the box was placed in your custody, (excepting your own ticket, as you before stated?)

Ans.—They have, except about three weeks ago, when it was opened by myself and Mr. Shearer, another of the judges, to take a copy of the poll list, for the use of the County Commissioners—at which time, the tickets were not altered, or changed in any manner whatever.

[Henry Hetherington was here sworn, on behalf of Contestant—that he had duly served a subpoena on Ephriam H. Whittaker. Mr. Whittaker not appearing, Mr. Campbell asked that an attachment might issue, to bring Whittaker forthwith before the Commissioners. The Commissioners decided to grant Mr. Whittaker further time, in which to appear, before issuing an attachment. After a short interval the witness appeared.]

(Ephriam H. Whittaker sworn, on behalf of contestant.)

Question by Mr. Campbell.—In what precinct do you reside?

Ans.—I live in Point Douglas Precinct.

Ques.—Where did you vote at the last election; and for whom did you vote for Representative?

Ans.—I voted at Cottage Grove Precinct, and for R. Watson for Representative.

Ques.—Do you know any reason why you are not a legal voter?

[Question objected to by Mr. Watson, and objection sustained by Commissioners.]

Ques.—Have you ever been convicted of any crime which disqualifies you from being a voter?

Ans.—I decline answering that question.

[The Commissioners here adjourned, to meet at 2 o'clock, P. M., the same day, at the house of P. P. Furber, Esq., Cottage Grove.]

COTTAGE GROVE, Jan. 21, 1854.

The Commissioners met at this point, as per adjournment.

(William H. Parker sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at Cottage Grove Precinct at the last election; and for whom did you vote for Representative?

Ans.—I voted at the last election in this Precinct; but to the best of my knowledge I did not vote for any person for Representative.

(Mr. Andrews sworn, on behalf of Contestant.)

Question by Mr. Campbell.—If you voted at the last election in Cottage Grove Precinct for Representative, state for whom you voted.

Ans.—I voted for G. W. Campbell.

(Moses Cross sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote in this Precinct at the last election; and if so, state for whom you voted for Representative?

Ans.—I voted in Cottage Grove Precinct at the last election; but did not vote for any person for Representative.

(Luther Parmenter sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in this Precinct, and for whom for Representative?

Ans.—I did vote at the last election in this Precinct, and for G. W. Campbell.

(Henry Hetherington sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Have you ever examined the two spring branches of Spring Creek, known as the north and south spring branches; and if so, which has the most water at the junction; and which is the longest branch?

Ans.—I have examined them; and to the best of my knowledge south spring branch is the largest at their junction, and is undoubtedly the longest.

Questions by Mr. Watson.—When did you make this examination?

Ans.—In the latter part of December I went to look at them at the request of Mr. Campbell.

Ques.—Which branch contains the most water at their head springs?

Ans.—The south spring branch, to the best of my knowledge.

Question by Mr. Campbell.—How much longer do you consider the south spring branch, than the north spring branch?

Ans.—I think it is about as long again as the other.

[The Commissioners then adjourned to meet at the house of John A. Ford, Red Rock, to-morrow, Jan. 24, 1854, at ten o'clock.]

RED ROCK, Cottage Grove Precinct, }
January 24, 1854.

The Commissioners met at this point, pursuant to adjournment.

(James A. Ford sworn, on behalf of Contestant.)

Questions by Mr. Campbell.—How long have you been a resident of Cottage Grove Precinct?

Ans.—Some eight or ten years.

Ques.—Were you not formerly a member of the Legislature from this district?

Ans.—I was a member of the second Legislature of this Territory.

Ques.—What have you always understood the north boundary of Cottage Grove Precinct to be?

Ans.—I have always understood the north boundary to commence at the head of the south branch of Spring Creek, and run west from thence to strike the Mississippi at Holton's lough, near Red Rock.

Ques.—Did you vote for Representative at the last election, and if so, for whom did you vote?

Ans.—I did vote, and for R. Watson.

Ques.—Do you consider John Colby a resident of Cottage Grove Precinct?

Ans.—I cannot say positively; it was always a matter of doubt—he living so very near the line.

Question by Mr. Watson.—What do you mean by the term "south branch," in your answer?

Ans.—I mean the main branch running by the "McKnight House."

(Wm. R. Brown sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and for whom did you vote?

Ans.—I did, and for G. W. Campbell.

(Joseph Irish sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and if so, state for whom you voted for Representative?

Ans.—I did, and for G. W. Campbell.

(John Holton sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and for whom did you vote as Representative?

Ans.—I did, and voted for G. W. Campbell.

By consent of parties, the testimony of L. C. Everett, of Cottage Grove Precinct, was permitted to be taken *ex parte*, by common affidavit, and to be appended to the record in its place. It is here appended, as follows:

JANUARY 24, 1854.

I, L. C. Everett, of lawful age, testify and say that I voted in the Cottage Grove Precinct in October last, and that I voted for G. W. Campbell for Representative to the Territorial Legislature of Minnesota.

L. C. EVERETT.

TERRITORY OF MINNESOTA, } S. S.
Washington County,

JANUARY 24, 1854.

Personally appeared before me, the above named L. C. Everett, and made oath that the above affidavit, by him signed, was true.

P. P. FURBER,
Notary Public.

The Commissioners adjourned to meet at St. Paul, at 2 o'clock, P. M., January 25, 1854, at the office of Murray & Williams.

St. PAUL, Jan. 25, 1854.

The Commissioners met pursuant to adjournment.

(Joseph Ford sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct for Representative, and for whom?

Ans.—I did vote, and for G. W. Campbell.

(Samuel Watson sworn, on behalf of Watson.)

Questions by Mr. Watson.—Are you acquainted with the stream usually called Haskell's or Spring Creek.

Ans.—I am.

Ques.—Do you live in its vicinity?

Ans.—I do.

Ques.—How long have you lived there?

Ans.—Between five and six years.

Ques.—Have you ever been at the source of Spring Creek?

Ans.—I have; and I have hauled water from thence, for several years, for domestic purposes.

Ques.—In what direction do you think the spring is, from the house occupied by Joseph Gridridge?

Ans.—It is north from that house.

Ques.—Have you ever heard any other spring spoken of, as the source of Spring Creek?

Ans.—I have never heard of any other spring as the source of Spring Creek, and I was two years in that neighborhood before I ever knew there was another spring and branch.

Question by Mr. Campbell.—How many miles do you reside from the spring you have spoken of?

Ans.—I call it a mile and a half.

Ques.—Is there another spring and branch running from it and flowing into Spring Creek in that vicinity, which is south of Gridridge's house?

Ans.—There is.

Ques.—Which of the two spring branches has the most water in it at the junction?

Ans.—I think the most water runs out of the north branch, to the best of my knowledge.

Ques.—Which is the longest stream above their junction, and what is the difference?

Ans.—I cannot tell; for the south branch from where the first spring appears, runs partly above and partly under ground, and shows itself in occasional pools. I don't know the distance, for I never measured it.

Ques.—Do you mean to say, that the south branch is not a running stream from its head to its junction?

Ans.—It is just as I have described it before.

(Alexander McHattie sworn, on behalf of Watson)

Questions by Mr. Watson.—Are you acquainted with the stream known as Haakel's, or Spring Creek?

Ans.—I am.

Ques.—Have you ever lived in the vicinity of the creek?

Ans.—I have lived twelve years in that vicinity, and have been acquainted with the creek that length of time.

Ques.—Have you ever been at the head of the creek?

Ans.—I have been at it often, and hauled water from it.

Ques.—In what direction is the head from Gridridge's house?

Ans.—I cannot exactly say, but I think it is about north.

Ques.—What is the general opinion of the people residing in the neighborhood of the creek, as to what constitutes its head spring?

Ans.—The spring I have mentioned is the one generally held by the neighborhood, to be the source of Spring Creek.

Questions by Mr. Campbell.—Do you know of a spring and branch south of Gridridge's house?

Ans.—I do.

Ques.—Which of the spring branches north and south, has the most water at their junction?

Ans.—I cannot tell.

Ques.—Do you know the length of these spring branches?

Ans.—I do not know the exact length, never having measured them.

Ques.—Did you convey Joseph Gridridge and Joseph Gobar to the polls at Cottage Grove, in your team, on the day of election?

Ans.—They did ride with me in my wagon to the polls.

Ques.—Did you offer them, or either of them, any pay or money to induce them, or either of them, to go with you to the polls?

Ans.—I told Mr. Gridridge, through an interpreter, (they being Germans,) that I would pay him a dollar for his day if he would go.

Ques.—Did you offer either Gridridge or Gobar any pay or money to induce them or either of them to vote for any person?

Ans.—No, I did not.

Ques.—Did you give them any tickets to vote?

Ans.—I don't recollect.

(John McHattie sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you acquainted with the spring known as Haskel's, or Spring Creek?

Ans.—I am acquainted with it from residing in its vicinity for about eleven years.

Ques.—Have you ever been at the source or head of the creek?

Ans.—I have been at the spring we call the head of the creek.

Ques.—In what direction is the spring you consider the head, from Gridridge's house?

Ans.—North of it.

Ques.—Have you ever heard in the neighborhood any other spring called the head of the creek?

Ans.—I have not.

Question by Mr. Campbell.—Do you know of another spring and branch south of Gridridge's house?

Ans.—I do.

Ques.—At the junction of the two spring branches, which has the most water?

Ans.—I think the north spring branch has the most water.

Ques.—Which of the two spring branches is the longest?

Ans.—To take the south branch, from the junction up to the farthest spring, I suppose it is the longest.

Question by Mr. Watson.—Have you known either of the streams larger at one time than another?

Ans.—Yes; I have known the south spring branch to have a greater quantity of water at some times than at others, especially in the spring when the snows are melting.

(Alexander McHattie re-examined, on behalf of Contestant.)

Question by Mr. Watson.—Did you pay Mr. Gridridge the dollar you promised him?

Ans.—I did.

(Jesse Jackson sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Have you declared your intention to become a citizen of the United States?

Ans.—I have; before the Clerk of the United States District Court at Stillwater, in 1850.

Ques.—Have you any other paper except the declaration of intention you speak of?

Ans.—I have no other.

Ques.—Of what country is your son William a native; and what is his age?

Ans.—He is a native of England, and is in his 22d year.

Ques.—Did your son William vote at Cottage Grove Precinct at the last election; and do you know for whom he voted, for Representative?

Ans.—He did vote at that Precinct, at the last election; and I know that he voted for Robert Watson.

Ques.—Has he ever declared his intention to become a citizen of the United States?

Ans.—He never has, because he was told he need not.

(James Middleton, Jr., sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at Cottage Grove Precinct, at the last election; and for whom did you vote, for Representative?

Ans.—I did vote, and for R. Watson for Representative.

Question by Mr. Campbell.—Of what country are you a native?

Ans.—Of Ireland.

Ques.—Have you ever declared your intention to become a citizen of the United States?

Ans.—I have not; and I did not, because I was told that as my father had declared his intention, I need not do so.

St. PAUL, January 26, 1854.

(R. Watson re-examined, on behalf of Campbell.)

Questions by Mr. Campbell.—Do you know that your brother, William Watson, took out his naturalization papers, and if so, when and where?

Ans.—I know that he did so, at Cleveland, Ohio; I think in 1848, or about two years after I took out mine.

Mr. Watson here put in his paper of naturalization, of which the following is a copy

THE STATE OF OHIO, }
Cuyahoga County. } S. S.

Be it remembered, that at a term of the Court of Common Pleas, begun and held at the City of Cleveland, within and for said County, on the 3d day of November, A. D. 1846, personally came Robert Watson, an alien and subject of the Queen of Great Britain, and made application to be naturalized under the laws of the United States, and it appearing to the satisfaction of the Court, by sufficient testimony, that the said Robert Watson had made his declaration of intention to become a citizen of the United States, according to law, at least two years before this application; that he has been a resident of the United States for at least five years last past, and of this State for at least one year last past, and also that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; thereupon the said Robert Watson made oath in open Court, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to Victoria, Queen of Great Britain.

Therefore, the said Robert Watson is hereby declared a citizen of the United States, and entitled to enjoy all privileges and immunities as such.

In testimony whereof, I, F. Whittlesey, Clerk of said Court, do hereunto subscribe my name, and affix the seal of said Court, at the City of Cleveland, this sixth day of November, A. D. 1846.

[SEAL.]

F. WHITTLESEY, Clerk.

By ASA CLARK, Deputy.

Question by Commissioner.—In what year did you and your brother William first settle in the United States?

Ans.—My parents, brothers and myself, settled in the United States in the year 1838, I was then twelve years of age.

St. Paul, Jan. 27, 1854.

(R. Watson re-examined, on behalf of R. Watson.)

Question by Commissioner.—What do you know in regard to the residence of Daniel D. Wadsworth?

Ans.—I was teaching school in Stillwater in December, 1852, and boarding at Mr. McKinstry's, when Wadsworth came and engaged to work by the month for McKinstry; he worked accordingly in Stillwater for some time, and then Mr. McKinstry sent him over to work on his farm on Rush River, in Wisconsin.

Question by Mr. Campbell.—Has Mr. Wadsworth a family?

Ans.—Not to my knowledge.

(G. W. Campbell sworn, on behalf of Contestant.)

Questions by Contestant's Council.—What do you know in regard to the residence of Daniel D. Wadsworth?

Ans.—He worked for me a few days at Point Douglas, in November, 1852; and said he was dissatisfied with the country, and was going to leave it.

Ques.—What do you know about his having a family?

Ans.—He said he was a single man.

Ques.—What do you know about his age?

Ans.—He told me he was about twenty years at that time.

ST. PAUL, Jan. 28, 1854.

(William Altenburg sworn, on behalf of Watson.)

Questions by Mr. Watson.—Do you know Joseph Brunell?

Ans.—I do.

Ques.—Do you know where he was born?

Ans.—I do not; never heard him say,

Ques.—Did you vote for a member of the House of Representatives of the Legislature of the Territory of Minnesota, at the Point Douglas Precinct, at the last election?

Ans.—I did vote, and for G. W. Campbell.

Ques.—Are you a native of the United States?

Ans.—I am; was born on the Mohawk River, I think at the town of Chingham. I have lived in Canada, and returned again to the United States before I was of age; do not recollect how many years I was in Canada; never lived there but once.

ST. PAUL, Jan. 30, 1850.

The Commissioners met at 11 o'clock, at the office of Williams & Murray, St. Paul. Mr. Brisbin, Counsel for Mr. Watson, presented as evidence, and for record, two papers, as copies of the minutes of the Board of County Commissioners of Washington, certified to by the Clerk of said County Commissioners, as follows:

At a regular meeting held this first Monday, 6th day in July, A. D. 1846, at Stillwater: Present, Joseph W. Furber, Philip Aldrich and William R. Brown, Commissioner ;

On motion of J. W. Furber, it was unanimously

Resolved, That there be established in this county five election precincts, viz:

1st.—Falls of St. Croix.

2d.—Marine Mills.

3d.—Stillwater.

4th.—Lake St. Croix.

5th.—St. Paul.

And that the Falls of St. Croix Precinct include all the north part of the County as far south as head of Cedar bend, on the River St. Croix.

The Marine Mills Precinct, bounded on the north by the Falls of St. Croix precinct, on the south by a line from the mouth of Rum River on the Mississippi River running eastwardly to the mouth of Apple River, on the St. Croix River, and continuing due east to the line of this County.

The Stillwater Precinct is bounded by a line running from the mouth of Spring Creek due east to the county line, along said county line northward until it intersects the south line of Marine Mills Precinct, then westwardly along said south line until it arrives at a point due north of White Bear Lake, thence south through the centre of said lake, and thence on a straight line to a spring which is the source of the west branch of Spring Creek, thence down said west branch to the place of beginning.

Lake St. Croix Precinct is bounded by a line commencing at the mouth of the Slough, commonly called Holton's Slough, (and the same that divides the Red Stone and Pig's Eye Settlement,) and running on a direct line to the angle in the line at White Bear Lake, and running from said angle along said line to the spring—the source of Spring Creek, and following down said creek to its mouth and continuing a due east course to the county line, thence to the Mississippi River, thence up said river to the place of beginning.

Saint Paul Precinct is bounded by the west line of the Lake Precinct, the west line of the Stillwater Precinct, the west part of the south line of the Marine Precinct from Stillwater Precinct to Rum River, mouth, thence down the Mississippi River to the place of beginning.

The place for holding the elections in each of the aforesaid districts, are as follows, viz:

Falls St. Croix.—At the Store of the Mill Company.

Marine Mills.—At the Store of the Marine Mill Company.

Stillwater.—At the House of Robert Kennedy.

Lake St. Croix.—At the House of Joseph W. Furber.

St. Paul.—At the House of Henry Jackson.

The following persons were then appointed Judges of the foregoing elections, viz:

At Falls St. Croix.—Joseph Brown, Benjamin F. Otis, Sylvander Patridge.

At Marine Mills.—Orange Walker, Samuel Burkleo, Charles Caldwell.

At Stillwater.—John McKusick, C. Lyman, C. Carl.

At Lake St. Croix.—Joseph Haskel, James S. Norris, Theodore Furber.

At St. Paul.—John R. Irvine, James W. Simpson, A. H. McLeod.

Robert Kennedy, being personally present, applied for a license to keep a tavern in

Stillwater, from June first last, for one year; which was granted him, he having paid five dollars, and given satisfactory bonds, which are on file in this office.

On motion of J. W. Furber,

Ordered, That the Clerk give notice that at the general elections to be held on the first Monday of September next, there will be elected the following Territorial and County Officers, viz:

- One Member of the Council.
- One Delegate to House of Representatives.
- One Delegate to Territorial Convention.
- Three County Commissioners.
- One Judge of Probate.
- One Sheriff.
- One Clerk of the Board of County Commissioners.
- One Register of Deeds.
- One County Surveyor.
- Three Assessors.
- Three Supervisors of Roads.
- One Collector of Taxes.
- One Coroner.
- Five Justices of the Peace, one in each Precinct.
- Five Constables, one in each Precinct.
- One Treasurer.

On motion of P. Aldrich, the Clerk be ordered to post legal notices of the establishment of the aforesaid five election precincts.

On motion of J. W. Furber, we do now adjourn *sine die*.

JOSEPH W. FURBER,
 PHILIP ALDRICH,
 WILLIAM R. BROWN,
 Committee.

Attest:

WILLIAM HOLCOMBE, Clerk.

CLERK COUNTY COMMISSIONERS OFFICE, }
 Washington Co., Jan. 28, 1854. }

I hereby certify that the above is a true copy of the proceedings of the Board of County Commissioners of Washington County, at a meeting held July 6th, 1846, according to the records in this office.

H. CURTIS,
 Clerk of the Board of County Com'rs.

APRIL 2d, 1850.

Board met pursuant to adjournment. All present.

The following Precincts were established, and Judges of Elections appointed for the same, as follows:

Prairie Precinct, (formerly Lake St. Croix,) to be bounded by the former lines, with the exception that the division line between Ramsey and Washington Counties shall hereafter constitute a part of the northern and western boundary; elections to be holden

at the house of J. W. Furber; Judges of Election, William Middleton, Wm. R. Brown, Theodore Furber.

Stillwater Precinct to be bounded by the former lines with the exception that the line between Ramsey and Washington Counties shall hereafter constitute the western boundary of said Precinct; election to be held at the Court House; Judges appointed Wm. Holcombe, Noah McKusick and Calvin F. Leach.

Marine Precinct to be bounded by its former lines with the exception of the western one which shall hereafter be the division line between Ramsey and Washington Counties.

Falls St. Croix Precinct to include all of Washington County North of Marine Precinct boundary lines; election to be held at the house of Lewis Barlow. Judges appointed for Marine Precinct, Harvey Walker, Orange Walker, Hiram Berkly. Judges appointed for Falls St. Croix Precinct, N. C. D. Taylor, William Colby, Lewis Barlow.

CLERK COUNTY COMMISSIONERS OFFICE, }
Washington Co., Jan. 28, 1854. }

I certify that the above is a true copy of the proceedings of the Board of County Commissioners for this County, relating to the establishment of Precincts, at a meeting held April 2d, 1850, according to the records in this office.

H. CURTIS,
Clerk of Board of County Com'rs.

[Mr. Ames, Counsel for the Contestant, objected to the reception of the above papers, on the ground that they were not authenticated records, nor properly certified copies, authenticated by the seal of the County Commissioners, and not admissable in evidence for other reasons.]

Mr. Brisbin, Counsel for Mr. Watson, then offered the evidence of Mr. R. Watson, in relation to the papers aforesaid.

(Mr. R. Watson, re-examined.)

Ques.—What do you know in regard to the papers just presented?

Ans.—I obtained those papers from the Clerk of the Board of County Commissioners at Stillwater, on Saturday last; and I compared them with the original record of the proceedings of the Board of County Commissioners.

Questions by Mr. Ames.—Do you know who copied these papers?

Ans.—I do not know exactly, except that I saw Mr. Curtis place the records into the hands of a gentleman in his office, and saw him commence copying them.

Ques.—What do you mean by saying you compared them with the original record?

Ans.—I took the copies, and first read them over separately, and then read over the record, to see if they were correctly copied, which I found was the case; but I did not compare them word for word with the record.

Questions by Mr. Brisbin.—When you went to the Clerk's office at Stillwater, did you desire the Clerk to give you all upon the record, from 1846 up to the year 1851, which at all related to the boundaries of Cottage Grove Precinct?

Ans.—I did.

Ques.—Did he give you these papers in pursuance of that request?

Ans.—He did.

[Mr. Ames, Counsel for Contestant, here desired that the Commissioners would place it upon record, that Mr. Watson's testimony in regard to the papers in question, is objected to.]

Question by Mr. Brisbin.—Do all these men named by Mr. Campbell, as residing out of the boundaries of the precinct, reside within its boundaries, as they are prescribed in the foregoing extracts from the records of the County Commissioners?

Ans.—They do.

Questions by Mr. Ames.—Who are the persons named by Mr. Campbell as residing out of the precinct? Name them.

Ans.—Mr. Gridridge is one, but I don't remember hearing Mr. Campbell name others.

Ques.—Do you know in what section or township, Daniel D. Wadsworth resided, at the time of the last election?

Ans.—I do not know what section or township.

Ques.—Do you know in what section or township, J. H. Hennerberg, resided at the last election?

Ans.—I do not know, of my own knowledge.

Ques.—Do you know, of your own knowledge, in what section or township, J. Bruce lived, at the last election?

Ans.—I do not know Mr. Bruce at all.

Ques.—Do you know where Ulysses Tanner lives?

Ans.—I know where Mr. Tanner lives—do not know whether his name is Ulysses or not. Mr. Tanner lives in township twenty-eight, north range, twenty-one west.

Ques.—Do you know on what section he lives?

Ans.—I believe he lives on section six—I never examined the section posts.

Ques.—Do you know where Frederick Freighbaught lives?

Ans.—I don't know him.

Ques.—Do you know where Simeon Strangden lives?

Ans.—I don't know him.

Ques.—Do you know in what section or township Gobar lives?

Ans.—He lives in township twenty-eight.

Ques.—Do you know whether Mr. Gridridge is a foreigner by birth?

Ans.—I believe he is, but do not know of my own knowledge.

Ques.—Do you know of your own knowledge, where the County line, between Ramsey and Washington Counties is?

Ans.—I only know it, as others know it, from the general understanding and report.

(Jacob Mosher sworn, on behalf of Contestant.)

Question by Ames, Council for Contestant.—Where do you reside?

Ans.—I reside in Cottage Grove Precinct.

Ques.—What is your place of nativity?

Ans.—Nova Scotia.

Ques.—Have you ever been naturalized under the laws of the United States?

Ans.—I was a minor when I came to the United States, and have never been naturalized?

Ques.—Have you ever made any declaration to become a citizen of the United States?

Ans.—I have not; I came in with my father, and he was a voter.

Ques.—Did you vote at the last election, in Cottage Grove Precinct, and for whom did you vote, for Representative?

Ans.—I did vote, and for Robert Watson.

(Joseph Haskell sworn, on behalf of Contestant.)

Question by Mr. Ames, Council for Campbell.—In what Precinct do you reside, and how long have you resided in it.

Ans.—I live in Cottage Grove Precinct, and have resided there since 1840.

Ques.—Are you acquainted with the different branches of Spring or Haskel's Creek?

Ans.—I am.

Ques.—Describe the location of Spring Creek, from the south spring, and its branches above the McKnight place?

Ans.—The south branch is about 80 rods long from its spring to its junction, and it is my impression, at the junction contains the most water.

Ques.—How much greater is the length of the south spring branch above the junction, than the north spring branch above the junction?

Ans.—More than twice as long.

Ques.—Do you know where the northern boundary of Cottage Grove Precinct is?

Ans.—I don't know, only from common report.

Ques.—Does the northern boundary line of that Precinct commence at the south branch spring?

[Question objected to by Mr. Watson's Counsel.]

Ans.—I have always understood that the line commenced at that spring, and such is the common understanding of the neighborhood.

Ques.—Is the south spring near your farm?

Ans.—It is on the adjoining section to mine.

Ques.—Did you formerly get your water from that spring?

Ans.—I did formerly, during two years, but not now, having a well at present.

Ques.—Are you well acquainted with both these springs, and the branches running from them?

Ans.—I am.

Ques.—Does the creek from the south spring run altogether above ground in a continuous volume or not?

Ans.—I do not know; but wherever I have seen it, it is on the surface.

Ques.—Have you been judge of election in Cottage Grove precinct, if so, state how often?

Ans.—I have been; at several elections.

Ques.—Do you know Gridridge, Bruce, and Moore; and in what precinct they reside?

Ans.—I do; and always supposed them to reside in Stillwater precinct.

[Question and answer objected to by Brisbin, for Watson.]

Ques.—What have you always understood to be the northern boundary of that precinct?

Ans.—I have always understood it to commence at the south spring, and running west

Questions by Mr. Brisbin.—When were you judge of election in Cottage Grove precinct?

Ans.—I don't remember having been in 1851, and was not judge in 1852 or 1853.

Ques.—Have you been judge of election since Gridridge and Moore resided where they now do?

Ans.—I think I have not.

Ques.—Have you, as judge of the election ever received the votes of Gridridge and Moore, since they have resided where they now do?

Ans.—I do not know.

Ques.—Do you pretend to say that Gridridge, Bruce, and Moore live North of Cottage Grove precinct line?

Ans.—I live north of what I have always understood or supposed to be the line of the precinct.

[Joel Barnett sworn, on behalf of Watson.]

Questions by Mr. Brisbin, counsel for Watson.—Do you know what time Daniel G. Wadsworth came into the Territory?

Ans.—I know about the time; it was a year ago, last October.

Question by Mr. Ames, counsel for contestant.—Do you know where Wadsworth has lived all the time since you say he came into the territory?

Ans.—I do, nearly all.

Ques.—Didn't he reside at Stillwater, with Mr. M'Kinstry, last winter?

Ans.—I don't know what time he stopped with Mr. M'Kinstry; but he worked for him awhile.

Ques.—Did he go from Stillwater to Rush river, in the State of Wisconsin?

Ans.—He did.

Ques.—At what time do you know of his returning from Wisconsin?

Ans.—I first knew of his returning from Wisconsin early last spring.

Ques.—Do you know where he has been since that time?

Ans.—He has been working for various persons in the Territory, part of the time for me; and at the time of the election, he was working either for Mr. Kingsley or Mr. Dayton, I don't know which. Mr. Dayton lives in Cottage Grove precinct.

Ques.—Have you no recollection which of them he worked for at the time of the election? Which of them did he work for first?

Ans.—I think he worked for Kingsley first.

Ques.—In what precinct does Kingsley live?

Ans.—I don't know exactly; he lives near the line, I always supposed in the Cottage Grove precinct.

[G. W. Campbell re-examined, for contestant.]

Ques.—Are you acquainted with Ephraim Whittaker of the Precinct of Point Douglas?

Ans.—I am.

Ques.—Do you know Gridridge, Gobar and Moore who have been mentioned in the testimony; and if so, state whether they live north of the boundary line of the precinct

Ans.—I know them, and have been where they reside, and according to the generally understood boundary, they live north of it. They live north of the south spring.

ST. PAUL, Jan. 30, 1854.

The undersigned commissioners, duly appointed to take testimony in the matter of the contested election of R. Watson by G. W. Campbell, hereby certify that the testimony herewith presented was taken under oath; and that the record above taken, with the papers attached, is a true record of the proceedings in the case, as had before us.

THOMAS FOSTER,

A. L. WILLIAMS,

Commissioners.

The following is the report of P. P. Furber, Esq., special commissioner appointed in behalf of the contestant, to take the testimony of certain persons at Shakopee, in Scott County:

January 26, 1854.

I, Simon Greenleaf, of lawful age, testify and say, that I voted at Cottage Grove precinct in October last, and, that I there voted for G. W. Campbell for representative to the Territorial Legislature of Minnesota.

SIMON GREENLEAF.

January 26, 1854.

TERRITORY OF MINNESOTA, } S. S.
Hennepin County.

Personally appeared before me, the above named Simon Greenleaf, and made oath that the above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

January 26, 1854.

I, John Foss, of lawful age, testify and say, that I voted at the election at Cottage Grove precinct, in October last, and that I voted for George W. Campbell for Representative to the Territorial Legislature of Minnesota at said election.

JOHN FOSS.

TERRITORY OF MINNESOTA, } S. S.
Scott County.

Personally appeared before me, on the day and year above written, the above named John Foss, who made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,
Notary Public.

Pending the reading, Mr. Fisher moved that the further reading of the report be dispensed with, and the report be printed,

Which motion was lost.

Pending the reading of the report, a message from the Council was announced;

Whereupon J. B. Dixon, Esq., Secretary thereof appeared and delivered the following message:

Mr Speaker:—The Council has concurred in the passage of

No. 2, H. of R.—A Memorial to Congress to make an appropriation to construct a Military Road from Winona on the Mississippi river to Fort Ridgely,

With amendments, and an amendment to the title thereof,

In which the concurrence of the House of Representatives is respectfully requested.
And then he withdrew and the reading was resumed.

Pending the reading,

A second message from the Council was announced, whereupon James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message :

Mr. Speaker:—His Excellency, the Governor, has informed the Council that he has examined and approved the following act, to wit:

An act entitled " An act relating to the County Officers of Dakota County."

And then he withdrew.

The reading of the report was resumed,

Pending which,

A message from the Council was announced, and James B. Dixon, Esq., Secretary then appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the amendments of the House to (No. 6, C. F.)—A bill to provide for laying out a Territorial Road from St. Paul by Fort Ridgely to the Missouri river.

The Council has passed

(No. 4, C. F.)—A bill to amend the Revised Statutes.

Also, (N. 9, C. F.)—A bill making an appropriation for the Territorial Library.

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

And then he withdrew.

And the reading was resumed.

After the reading of the report was concluded,

On motion of Mr. Nobles,

The disputants were allowed to appear by counsel.

On Motion of Mr. Nobles,

The House resolved itself into Committee of the Whole,

Mr. Day in the chair, having under consideration the memorial of G. W. Campbell.

Whereupon J. B. Brisbin, Esq., appeared for Watson, and M. E. Ames, Esq., for Mr. Campbell.

After the conclusion of the arguments of counsel, the committee rose, and by their chairman, reported progress and asked leave to sit again.

On motion of Mr. Fletcher,

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

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

WEDNESDAY, FEB. 1, 1854.

The House met pursuant to adjournment and was called to order by the Speaker:
Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Richardson, the reading of the Journal was dispensed with.

Mr. Fletcher presented the petition of Isaac Draper and 42 others; of John S. Wales and 32 others; and of Joseph H. Canney and 124 others; praying for the establishment of the County Seat of Hennepin County, as located by the Commissioners of said County.

Mr. Richardson presented the petition of C. W. Christmas, County Surveyor, praying for the same object.

On motion of Mr. Noot, ●

The petitions were laid on the table to be printed.

Mr. Noot gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill for an act to incorporate the German Reading Society.

Mr. Davis, on leave granted, presented

(No. 12, H. of R.) An act granting to E. Cole and H. Rathburne, the right to establish and maintain a ferry across the Minnesota River at Mankato.

Mr. Fisher, from the Committee on the Judiciary, presented the following report:

To the Hon. the H. of R. of M. T:

The Committee on the Judiciary to which was referred that part of the Governor's Message relating to rights of settlers on unsurveyed lands, beg leave to report:

That they have investigated the subject alluded to, and have unanimously agreed that it was necessary to memorialize Congress in behalf of the settlements alluded to by the Governor, and would therefore beg leave to introduce a memorial to aid and effect their relief.

JOHN FISHER,
H. FLETCHER,
J. H. DAY,
Committee.

Mr. Plummer, 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:

(C. F. No. 2.) Joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society.

(No. 5, H. of R.) Memorial to Congress for an appropriation of ten thousand dollars for the construction of a Military Road from St. Anthony Falls to Fort Ridgley.

JOSEPH R. BROWN, Council.
HENRY S. PLUMMER,
R. M. RICHARDSON, House.
Committee.

Mr. Plummer, 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:

(No. 1, H. of R.)-- Memorial to Congress relative to pre-emption rights to settlers

on lands recently embraced in the Military reservation of Fort Shelling.

JOSEPH R. BROWN,
HENRY S. PLUMMER,
R. M. RICHARDSON,
Committee.

The Speaker then signed said memorial.

Mr. O. M. Lord from the Committee on engrossed bills made the following report:

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

(No. 6, H. of R.) A memorial to Congress for the establishment of a Military Road from St. Paul, by way of Little Canada to Rum River.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.
Committee.

Mr. Plummer gave notice that on to-morrow, or some future day he would introduce a bill to incorporate the City of St. Anthony.

Mr. Davis, on leave granted, introduced

(No. 9, H. of R.) A memorial to Congress for a grant of lands for the construction of the Railroad from some point on Lake or River St. Croix to St. Paul and St. Anthony, and thence to the Western boundary of the Territory, the Red River of the North and the St. Louis River,

Which was read a first and second time and ordered to be printed.

(No. 2, H. of R.) Memorial to Congress to make an appropriation to construct a Military Road from Winona, on the Mississippi River, to Fort Ridgley,

Was taken up, and the question then recurring on agreeing to the amendments of the Council,

On motion of Mr. Fletcher, the House refused to concur in the first amendment to the memorial.

On motion of Mr. Nobles, the House concurred in the second amendment.

On motion of Mr. Fletcher, the House concurred in the third amendment.

On motion of Mr. Fletcher, the House concurred in the fourth amendment.

On motion of Mr. Lord, the House refused to concur in the amendment to the title.

(C. F. No. 4.) A bill to amend the Revised Statutes was taken up and read a first and second times.

(No. 6, H. of R.) A memorial to Congress for the establishment of a Military Road from St. Paul by way of Little Canada to Rum River,

Was taken up and read a third time:

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. Nobles,

(No. 2, H. of R.) A bill for an act to establish the County Seat of Hennepin County,

Was taken up.

A call of the House was ordered, and Mr. Day was reported absent.
 The Sergeant-at-Arms was directed to report the absent member in his seat.
 Mr. Fletcher moved that further proceedings under the call be dispensed with,
 And the yeas and nays being called for and ordered there were yeas 5; and nays 10.
 Those who voted in the affirmative, were
 Messrs. Bartlett, Fletcher, Lord, Nobles and Roy,—5.
 Those who voted in the negative, were
 Messrs. Davis, Fisher, McKusick, Morrison, Noot, Plummer, Rolette, Richardson,
 Sloan and Speaker,—10.
 So the motion was lost.

After some time, the Sergeant-at-Arms reported Mr. Day in his seat.
 The question then recurring on the engrossing of the bill for a third reading,
 It was ordered.

(No. 9, H. of R.) A bill to amend an act, entitled "an Act to establish the terms of the Supreme and District Courts, and for other purposes," approved March 5, 1853,
 Was then taken up.

Mr. Rolette moved to lay the bill upon the table,
 And the yeas and nays being called for and ordered, there were yeas 11, and nays 6.
 Those who voted in the affirmative, were
 Messrs. Davis, Day, Fletcher, Gardner, Lord, Morrison, Noot, Nobles, Rolette, Richardson and Sloan—11.

Those who voted in the negative, were
 Messrs. Bartlett, Fisher, McKusick, Roy, Watson, and Speaker - 6.
 So the bill was laid on the table.

The House resolved itself into a committee of the whole,
 Mr. McKusick in the chair,
 Having under consideration;

(No. 8, H. of R.) A bill for an act granting to Zadoc M. Brown the right to establish and maintain a ferry across the Mississippi River,

(No. 10, H. of R.) A bill for an act granting to Noah Armstrong the right to establish and maintain a ferry across the Minnesota River, at Eureka, in Blue Earth County,

(No. 11, H. of R.) A bill for an act granting to Darwin E. Moulton and Stephen Desnoyer the right to establish and maintain a ferry across the Mississippi River.

After some time passed therein,
 The Committee rose, and by their Chairman reported the same back to the House,
 No. 8 without amendment, and No. 10; and 11, with amendments,
 Which report was accepted.

Mr. Day moved that
 (No. 8, H. of R.) "A bill for an act granting to Z. M. Brown the right to establish and maintain a ferry across the Mississippi," be referred to the Committee on Incorporations,

Which motion prevailed.
 The question then recurring on the adopting the amendments to
 (No. 10, H. of R.) "A bill for an act granting to Noah Armstrong the right to establish and maintain a ferry across the Mississippi River, at Eureka, in Blue Earth County," and to

(No. 11, H. of R.) "A bill for an act granting to Darwin E. Moulton and Stephen Desnoyer the right to establish and maintain a ferry across the Mississippi River,"

They were adopted.

The bills were then ordered to be engrossed for a third reading.

Mr. Rolette moved the House adjourn till to-morrow morning at 10 o'clock,
And the yeas and nays being called for and ordered, there were yeas 9; noes 9;
Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Watson—9.

So the House refused to adjourn.

Mr. Plummer moved the House adjourn until this afternoon, at two o'clock,
Which motion was lost.

Mr. Rolette moved the House adjourn until to-morrow at 10 o'clock,
And the yeas and nays being called for and ordered, there were yeas 9; and nays 9.
Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Plummer, Richardson and Watson—9.

So the House refused to adjourn.

Mr. Day moved that the House adjourn until to-morrow at 2 o'clock,
Which motion was lost.

Mr. Plummer moved the House adjourn until this afternoon at 2 1-2 o'clock.
And the yeas and nays being called for and ordered, there were yeas 7; nays 11,
Those who voted in the affirmative were

Messrs. Bartlett, Fletcher, Gardner, Lord, McKusick, Noot and Plumer—7.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, Morrison, Nobles, Rolette, Richardson, Roy, Sloan, Watson and Speaker—11.

So the House refused to adjourn.

Mr. Sloan moved that the House adjourn until 10 1-2 o'clock to-morrow morning,
And the yeas and nays being called for and ordered, there were yeas 11; and nays 7,
Those who voted in the affirmative, were

Messrs. Bartlett, Day, Fletcher, Lord, Morrison, Noot, Rolette, Roy, Sloan, Watson and Speaker—11.

Those who voted in the negative, were

Messrs. Davis, Fisher, Gardner, McKusick, Nobles Plummer and Richardson—7.

So the House adjourned until to-morrow at 10 1-2 o'clock.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

THURSDAY, FEBRUARY 2, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Rolette, the reading of the Journal was dispensed with.

Mr. Fletcher presented the petition of Lewis Barlow for a divorce from his wife, **Mary A. Barlow.**

On motion of Mr. McKusick, the petition was referred to a select committee of three.

The Speaker appointed Messrs. Fletcher, Nobles and Gardner said committee.

Mr. Day gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to incorporate the Grand Lodge of Minnesota of the Independent Order of Odd Fellows.

Mr. Plummer, 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:

(No. 2 C. F.) Memorial for the erection of a Fort at or near the Pembina River.

JOSEPH R. BROWN, Council,

HENRY S. PLUMMER, House,

Committee.

(C. F. No. 4.) A bill to amend the Revised Statutes,

Was then 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 10; nays 7.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Lord, Roy, Sloan, Watson and Speaker—10.

Those who voted in the negative, were

Messrs. Gardner, McKusick, Morrison, Nobles, Plummer, Rolette and Richardson—7.

So the bill passed,

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

Mr. Fletcher moved to amend the same so that it read as follows:

"A bill to amend Chapter 8, Article 1, and Chapters 5 and 11 of article 10 of the Revised Statutes,"

Which motion prevailed,

And the title as amended was agreed to.

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

Resolved, That the Committee to whom was referred the petition of Lewis Barlow, be authorized to send for persons and papers, and thereby take all testimony they may consider necessary,

Which was adopted.

On motion of Mr. McKusick,

The House resolved itself into a Committee of the Whole,

Mr. McKusick in the Chair,

Having under consideration,

The memorial of G. W. Campbell, contesting the seat of Robert Watson in the House of Representatives,

A message from the Council being announced,

The Speaker resumed the Chair, and

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 16.) A bill to establish the terms of the Supreme and District Courts of the Territory, and for other purposes;

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

And then he withdrew,

And the Committee resumed its session.

A second message from the Council being announced,

The Speaker resumed the Chair, when

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following memorials and joint resolution, to wit:

(No. 1, H. of R.) Memorial to Congress relative to pre-emption rights to settlers on lands recently embraced in the Military Reservation of Fort Snelling.

(No. 5, H. of R.) Memorial to Congress for an appropriation of ten thousand dollars for the construction of a Military Road from St. Anthony Falls to Fort Ridgely.

(C. F. No. 2.) Joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society.

The Council has concurred in the passage of

(No. 4, H. of R.) A memorial to Congress for a Military Road to Oregon and California.

Also,

(No. 3, H. of R.) A bill for the construction of a road from Reed's landing to the Iowa State line,

With an amendment.

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

And then he withdrew,

And the Committee resumed its sitting.

A third Message from the Council being announced,

The Speaker resumed the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 9.) A bill making an appropriation for the Territorial Library,

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

And he then withdrew,

And the Committee resumed its session.

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. Plummer,
The House adjourned until half past two o'clock this afternoon.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

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

Mr. Fisher presented the petition of Ann Leroy for a divorce from her husband, Narcissus Leroy.

On motion of Mr. Fisher,

The petition was referred to the Select Committee to whom was referred the petition of Lewis Barlow.

Mr. Plummer moved,

That the House resolve itself into Committee of the Whole for the consideration of the memorial of G. W. Campbell,

Pending which,

A call of the House was ordered, and Mr. Noot reported absent.

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

On motion of Mr. Plummer,

Further proceedings under the call were dispensed with.

The House then resolved itself into Committee of the Whole,

Mr. Richardson in the Chair,

Having under consideration,

The Memorial of G. W. Campbell.

After some time passed therein,

The Committee rose, and by their Chairman reported the following resolutions:

Resolved, That the Committee are of opinion that the naturalization papers of the Hon. Robert Watson are in every respect sufficient to make him a citizen of the United States.

Resolved, That the contestant has failed to prove that the persons claimed by him as living out of the district, do so reside.

Which resolutions were separately adopted by the House.

Mr. Fisher moved that further proceedings relative to the petition of G. W. Campbell, contestant for the seat of Robert Watson, be indefinitely postponed.

And the ayes and noes being called for and ordered, there were ayes 14; and noes 3.
 Those who voted in the affirmative, were
 Messrs. Bartlett, Davis, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot,
 Nobles, Plummer, Roy, Sloan and speaker—14.

Those who voted in the negative, were
 Messrs. Day, Rolette and Richardson—3.

So the motion prevailed.

On motion of Mr. Rolette,

The first message from the Council was taken up.

(No. 16, C. F.) A bill to establish the terms of the Supreme and District Courts of
 the Territory, and for other purposes,

Was read a first time.

Mr. Fisher moved the bill be laid on the table,

And the yeas and nays being called for and ordered, there were ayes 9; and nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Fisher, Fletcher, Lord, McKusick, Nobles, Roy, Sloan and Wat-
 son—9.

Those who voted in the negative, were

Messrs. Davis, Day, Gardiner, Morrison, Noot, Plummer, Rolette, Richardson and
 Speaker—9.

So the motion was lost.

On motion of Mr. Plummer,

The bill was read a second time by its title.

The rules were then dispensed with.

The House resolved itself into Committee of the Whole,

Having under consideration

(No. 16, C. F.) A bill to establish the terms of the Supreme and District Courts in
 the Territory, and for other purposes,

And after some time passed therein,

The Committee rose, and by their Chairman reported the same back to the House
 amendments,

Which report was received.

The first second and third amendments were adopted.

And the question recurring on the adoption of the fourth amendment,

And the yeas and nays being called for and ordered, there were yeas 7; nays 11.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Lord, McKusick, Richardson, Watson and Speaker—7.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Gardner, Morrison, Noot, Nobles, Plummer, Rolette,
 Roy and Sloan—11.

So the amendment was rejected.

Mr. Rolette moved,

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

And the ayes and noes being called for and ordered, there were ayes 13; noes 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fletcher, Gardner, Morrison, Noot, Nobles, Plummer,
 Rolette, Richardson, Roy and Speaker—13.

Those who voted in the negative, were

Messrs. Fisher, Lord, McKusick, Sloan and Watson—5.

Two-thirds having voted in the affirmative, the rules were suspended, and the bill ordered to a third reading now.

Mr. McKusick moved,

The House adjourn until to-morrow at 10 o'clock,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 12.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Lord, McKusick, Sloan, Watson and Speaker—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fletcher, Gardner, Morrison, Noot, Nobles, Plummer, Rolette, Richardson and Roy—12.

So the House refused to adjourn,

And the bill was read a third time.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 12; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fletcher, Gardner, Morrison, Noot, Nobles, Plummer, Rolette, Richardson and Roy—12.

Those who voted in the negative, were

Messrs. Fisher, Lord, McKusick, Sloan, Watson and Speaker—6.

So the bill was passed.

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

Mr. Fletcher moved

To amend the title by striking out the words "and for other purposes,"

Which motion was lost,

And the title of the bill was then agreed to.

Mr. Rolette offered the following resolution:

Resolved, That the Secretary be instructed to procure fifty printed copies of Mr. Fisher's speech for the use of the two Houses.

Which was lost.

On motion of Mr. Rolette,

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

N. C. D. TAYLOR,

Speaker of the House of

Representatives

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

FRIDAY, FEBRUARY 3, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Bartlett,

The reading of the Journal was dispensed with.

Mr. O. M. Lord from the Committee on engrossed bills made the following report:

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

(No. 2, H. of R.) A bill for an act to establish the County Seat of Hennepin County,

(No. 10, H. of R.) A bill for an act granting to Noah Armstrong the right to establish and maintain a ferry across the Minnesota River, at Eureka, in Blue Earth County,

(No. 11, H. of R.) An act entitled an act to establish a Ferry across the Mississippi River,

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.
Committee.

(C. F. No. 9.) A bill making an appropriation for the Territorial Library,
Was taken up,

And read a first and second times.

(No. 3, H. of R.) A bill for the construction of a Road from Reed's Landing to the Iowa State Line,

Was taken up,

And the question then recurring on concurring in the amendment of the Council,
It was concurred in.

(No. 11, H. of R.) A bill for an act to establish a Ferry across the Mississippi River,

Was taken up and read a third time.

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. 10, H. of R.) A bill for an act granting to Noah Armstrong the right to establish and maintain a ferry across the Minnesota River, at Eureka, in Blue Earth County,

Was then taken up and 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. 2, H. of R.) A bill for an act to establish the county seat of Hennepin County,
Was then taken up.

Mr. Rolette presented the following proceedings of a meeting held at Minneapolis:

Agreeable to previous notice, many of the citizens of Minneapolis and vicinity met at the house of Anson Northrup, Esq., Jan. 25, 1854, at 10 o'clock, A. M., for the purpose of considering the proper place of locating the county seat of Hennepin County: Whereupon, the Hon. R. P. Russell was called to the Chair, and A. E. Ames appointed Secretary of the meeting.

Mr. Edward Murphy stated the object of the meeting.

Remarks were made by Messrs. F. Steele, Colonel John H. Stevens, Isaac Attwater, Anson Northrup, E. Case, C. A. Tuttle, Isaac Brown, A. E. Ames, and D. M. Coolbaugh.

On motion of Mr. Coolbaugh,

A committee of five were elected to examine and report to this meeting, a suitable site for the county seat.

D. M. Coolbaugh, E. Case, I. Attwater, A. Northrup, and C. A. Tuttle, were appointed said committee.

The committee retired and made the examination as to site.

Mr. Attwater reported the site agreed on by the Committee, on the hill back of Mr. Whitney's, on Coolbaugh & Wilson, and Church.

Report received and Committee discharged.

On motion of Mr. Steele,

The report was adopted.

On motion of Mr. A. E. Ames,

That E. Case and E. Murphy be a Committee to represent the desire of this Convention and their wishes as to the fixing the site of the county seat of Hennepin County.

On motion, adjourned *sine die*.

R. P. RUSSELL, Chairman.

A. E. AMES, Secretary.

Mr. Rolette moved

To lay the bill upon the table.

Pending which,

A call of the House was ordered,

And Mr. Roy was reported absent.

The Sergeant-at-Arms was directed to report the absent member in his seat,

And after some time he returned and reported the absent member in his seat.

The question then recurring on the motion to lay the bill upon the table,

And the yeas and nays being called for and ordered,

There were yeas 6, and nays 12.

Those who voted in the affirmative, were

Messrs. Fisher, Gardner, McKusick, Morrison, Rolette and Roy—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fletcher, Lord, Noot, Nobles, Plummer, Richardson, Sloan, Watson, and Speaker—12.

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 yeas 10; and nays 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fletcher, Lord, Nobles, Plummer, Richardson, Watson and Speaker—10.

Those who voted in the negative, were

Messrs. Fisher, Gardner, McKusick, Morrison, Noot, Roy, Sloan and Rolette—8.

So the bill was passed.

The question then recurring on agreeing to its title,

It was agreed to.

The House resolved itself into a Committee of the Whole,

Mr. Noot in the Chair,

Having under consideration,

(No. 7, H. of R.) A bill for the protection of School Lands, and for other purposes,

Pending which,

A message from the Council being announced,

The Speaker resumed the Chair, and

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(No. 6 H. of R.) An act entitled "an act to locate a Territorial Road from St. Paul to intersect the Territorial Road from the Falls of St. Anthony to the Sibley county line,

And then he withdrew,

And the Committee resumed its session.

Mr. Plummer, from the joint committee on Enrolled Bills, made the following report: The Joint Committee on enrolled bills, did, on the second day of February, 1854, present to His Excellency the Governor, for examination and approval, the following

Memorial to Congress for an appropriation of ten thousand dollars for the construction of a Military Road from St. Anthony Falls to Fort Ridgley.

Joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society.

Memorial to Congress relative to to pre-emption rights to settlers on lands recently embraced in the Military Reservation of Fort Snelling.

JOSEPH R. BROWN,

HENRY S. PLUMMER,

Committee.

A Message from the Governor being announced,

The Speaker took the Chair,

And R. S. Smith Esq., the Governor's private Secretary, appeared and delivered the following message:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed a joint memorial,

No. 1, entitled a "Memorial to Congress relative to pre-emption rights to settlers on lands recently embraced in the Military Reserve of Fort Snelling.

And also,

That he has this day approved and signed a joint memorial,

No. 5, entitled "a Memorial to Congress relative to an appropriation of ten thousand

dollars for the construction of a Military Road from St. Anthony Falls to Fort Ridgely.

And then he withdrew.

And the Committee resumed its session.

A second message from the Council being announced,

The Speaker took the Chair,

Whereupon J. B. Dixon, Esq., Secretary thereof appeared and delivered the following message:

Mr Speaker:—The Council has receded from its amendment to the title of No. 2, H. of R.—A Memorial to Congress to make an appropriation to construct a Military Road from Winona on the Mississippi river to Fort Ridgely,

The memorial is herewith returned.

And then he withdrew.

And the Committee resumed its sitting.

After some time passed therein,

The Committee rose, and by their Chairman reported the same back to the House with amendments,

Which report was received.

And the amendments were adopted.

The bill was ordered to be engrossed for a third reading.

On motion of Mr. Rolette,

The House then adjourned until Monday next, at 2 o'clock.

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

·MONDAY, FEBRUARY 6, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Nobles, the reading of the Journal was dispensed with.

The Speaker laid before the House the following communication from Judge Chatfield:

MENDOTA, Feb. 6, 1854.

To the Honorable, the Speaker of the House of Representatives:

SIR—I have received an authenticated copy of a Resolution adopted by the House of Representatives in the following language:

Resolved, That the Judges of the Supreme Court of the Territory are hereby requested to inform this House whether, in their opinion, the provisions of Chap. 88, page 444, of the Revised Statutes, entitled, "Of actions by persons holding claims on United States Lands," are consistent with the Constitution and laws of the United States, and an act entitled "An act to establish the Territorial Government of Minnesota," and whether the same is binding in its provisions upon the Courts and inhabitants of this Territory.

I do not suppose or believe that the House of Representatives entertain the slightest design or desire to ask the Justices of the Supreme Court to do any act of questionable propriety; yet a few words will plainly show, that an answer by them, to the inquiry contained in the said Resolution, must, of necessity, be of that character.

Every party litigant in the Courts, is entitled to have his case heard upon the proofs and allegations, without any pre-judgment of the law thereof by the Court in which it is to be adjudicated. I know of some cases, (and there may be many) now pending in the District Courts, involving the question of the validity of the Statute referred to in the said Resolution. Should any of these cases come to trial, (as they probably will,) this question must necessarily be submitted to the District Judge holding the Court, for his decision, and he will then be obliged to pass upon it in the only proper way. Should either party be dissatisfied with the decision there made, he could take his appeal to the Supreme Court of the territory, where all the Justices of that Court, in the proper exercise of their appellate jurisdiction, would, *in banc*, review and determine the question.

The House of Representatives will, therefore, perceive that it is impossible for the Justices of the Supreme Court to answer the inquiry contained in the said Resolution without passing an opinion upon an important question of law, upon the determination of which depend valuable rights and interests of parties litigant in the Courts over which they preside; and I must be permitted to say that I deem the expression and promulgation of such opinion by the Justices of the Supreme Court at this time and in this manner, of very questionable propriety.

Were it not for the provisions of section 19, of chapter 3, of the Revised Statutes, (page 38) I should deem it incumbent upon me as a high and imperative duty to decline and withhold any expression of opinion upon the subject of inquiry contained in the said Resolution. That section in direct terms authorizes the House of Representatives to make this request of the Justices, and doubtless it has been made in view of that authority, for justifiable purposes and without any design to involve the Justices in any improper expression or refusal of opinion. The same section imposes it upon the Justices

as an absolute duty, to comply with any such request, when made by either House of the Legislative Assembly—a duty which in this case, as it would in many others, places the Justices in a very unpleasant dilemma. They cannot answer without committing a breach of judicial propriety—they cannot refuse to answer without subjecting themselves to the liability of being deemed contumelious. I hope I may not be deemed impertinent in saying that in my judgment, the duty imposed by that section of the Statutes, upon the Justices of the Supreme Court, properly appertains to the office of Attorney General of the Territory.

I am, and at all times shall be, willing and even anxious to assist the Legislature, to the extent in my limited capacity and knowledge in their efforts to perfect any salutary measure of public policy, whenever I can do so consistently with the judicial duties imposed upon me; and I assure the House of Representatives that the only restraint which I feel in this case, is the effect of a deep, and I hope, a proper sense of the responsibilities and proprieties of the delicate trust reposed in the incumbent of a judicial station.

Notwithstanding my serious doubts of the propriety of answering the inquiry made by the said Resolution, I shall not refuse to do it; but in doing so, I shall rest for my justification, upon the Statute which imposes the duty upon me, and requires the House of Representatives, which adopted the Resolution, to bear all the responsibility or impropriety involved in my compliance.

Before giving my answer, I must insist that it shall be received with this qualification: That it be applied only to the state of facts described in, and contemplated by, the terms of the chapter of the Revised Statutes referred to in the said Resolution. What I shall say must necessarily be based upon general legal principles applied to such state of facts, and must be said without the benefit of any of the suggestions that might, and probably would be adduced upon an argument in Court. Legal opinions thus formed are not all ways correct or mature. Therefore, the opinion which I shall give in answer to this inquiry of the House must not be regarded as rendering the subjects involved in the question *res adjudicata*, even with myself, nor must there be applied to it, in any future adjudication of the subjects, before me or elsewhere, the rigid rule of *stare decisis*.

With these views and qualifications, I will submit to the House of Representatives my present opinion upon the question contained in the said Resolution.

The terms of the first section of chapter 88 of the Revised Statutes are, in my opinion, such as to avoid any conflict between that act and any *express* law of Congress, or any order or rule of any Department of the Government of the United States, nor do I now perceive that it is in any manner inconsistent with any provision of the Constitution of the United States, or of the Organic Act of this Territory.

It is a general principle or rule of the common law, that the *actual* occupant of land, though he be a trespasser in acquiring and continuing such occupancy, may maintain a proper action at law against any person other than the rightful owner or those claiming under him, for any violation of or trespass upon the land so actually occupied. The fact that the plaintiff in such a case is not the owner does not defeat the action against a stranger to the title, though it may perhaps affect the amount of the recovery.

It is not always easy to determine whether the facts in a case constitute an actual occupancy of land, and in some cases in which an actual occupancy is clearly established, it is extremely difficult to determine the extent or limits of it. These difficulties are felt with peculiar force in cases of occupancy without color of title. Occupancy, especially in

such cases, is composed of overt acts and intent, and cannot exist at common law without an actual *user* in some form.

Whenever the question of actual occupation is involved in a legal controversy it has to be settled, as a question of fact, by the evidence in the case, applied (in the absence of any statutory regulations upon the subject) by the rules of the common law—rules founded upon general customs and experience, and defined and established by the adjudications of competent legal tribunals.

The rules which have been established by the operations of the common law, are held to be within the control of the Legislative power of the country where they exist. The Legislature may modify any mere rule of the common law—may extend or restrict in its operations, or abolish it altogether. The Legislature also possesses the like power over the rules or law of evidence. What is by the general rules of evidence deemed competent, may be declared incompetent, and *vice versa*. What is by the same general rules merely evidence may be declared to be conclusive proof. In these days of codification and legal reform, these Legislative powers are brought into frequent, active, and sometimes almost violent exercise. Whenever the Legislature become satisfied that the modification or abolition of any rule of the common law or of evidence will be the most conducive to the advancement, prosperity and best interests of the Territory, they should not hesitate or fail to act accordingly, nor suffer themselves to be paralyzed by the magic influence of the “wizard wand of hoary error.”

A “person settled upon any of the public lands belonging to the United States,” is an actual occupant of the land upon which he is settled—an occupant without color of title so long as he, from necessity of choice, fails to take any step authorized by Congress to secure to himself the title. Though he makes his claim and becomes such actual occupant in the entire good faith and for the laudable and valuable purpose of making for himself a farm and a home for life, and with the firm intention of acquiring the title by purchase at the earliest possible opportunity, still the rules of the common law applied by the usual rules of evidence in such cases, would afford him but a slender protection against intruders, and that protection would be confined to a very limited quantity—to only so much as he in the usual straitened circumstances of a pioneer, could bring into actual use and occupation.

It seems to me that the object or purpose of Chapter 88 of the Revised Statutes was to afford thereby a better and more effective protection to the actual, *bona fide* settler upon the public lands, than he had under the rules of the common law. It modifies and extends the rules of the common law defining actual occupancy, and very materially changes the rule of evidence by which such occupancy may be proved. It makes an actual settlement upon a parcel of land within the limited quantity of one hundred and sixty acres, accompanied with the *intent* to appropriate the whole of such parcel to his own use, and the expenditure of fifty dollars in improvements thereon, tantamount to an actual occupation of the whole, and substitutes such marked boundaries thereof as may be easily traced, for evidence of actual *user* of the whole. Such it appears to me was the intent of that chapter of the statutes, and such must be the effect of it, provided its enactment was within the power conferred upon the Legislative Assembly of the Territory by the Organic Act.

It is an act peculiarly applicable to the circumstances and condition of this Territory so long as the public lands therein shall remain unsurveyed, or otherwise outside of the pre-emption laws of the United States, and of great value in the preservation of peace

among the inhabitants settled on such lands. As such it may be appropriately deemed to belong to the internal police of the Territory. As a mere change of the rules of the common law and evidence, as a means of determining conflicts between possessory claims to lands, and as a conservatory measure of peace, I feel great confidence in my present opinion that it was, within the terms of the sixth section of the organic act, a "rightful subject of legislation" to which "the Legislative power of the Territory" was by that section extended. The only restraint imposed by that act upon the Legislative power of the Territory over the lands therein is this:—that, "no law shall be passed interfering with the primary disposal of the soil."—The statute in question does not, that I can perceive, in any manner "interfere with the primary disposal of the soil"—the disposition of the title by the Government of the United States—but leaves all the laws of Congress providing for surveys, pre-emptions and sales, a free and unobstructed application.

If I am right in this opinion, it follows that the said Chapter 88, of the Revised Statutes is, to the extent above indicated, and as a modification and extension of the rules of the common law defusing actual occupancy without color of title, and as a change of the rules of evidence by which such occupancy is to be proved, of binding force upon the courts and upon all persons who may litigate upon the subject in the courts of this Territory.

Be pleased to communicate this, my answer, to the said resolution to the House over which you preside, and believe me, very Respectfully,

Your obedient servant,

A. G. CHATFIELD.

Mr. Lord presented

The petition of Henry Hubbard and 54 others, praying for the enactment of a prohibitory Liquor Law for the Territory.

Mr. Noot moved the petition be laid on the table,
And the yeas and nays being called for and ordered,
There were yeas 6; and nays 7,

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Morrison, Noot, Rolette, and Roy—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Watson and Speaker—7.

So the motion was lost.

Mr. Noot moved the petition be referred to a select Committee of three.

Mr. Fletcher moved to amend the motion by referring the petition to the Committee of which Mr. Richardson is Chairman.

Pending which,

A call of the House was ordered, and

Messrs. Plummer, Richardson and Sloan were reported absent.

Mr. Fletcher moved,

Further proceedings under the call be dispensed with.

Which motion prevailed.

The question then recurring on the adoption of the amendment,

It was lost.

The question then recurring on the original motion,

It was adopted.

Messrs. Noot, Fletcher and Rolette were appointed said committee.

Mr. Nobles gave notice that on to-morrow, or some future day, he would introduce a bill to prohibit the circulation of any evidence of debt, as money, except such as is authorized by law.

Mr. Davis gave notice that on to-morrow, or some future day he would introduce a bill abolishing imprisonment for debt, and for other purposes.

Also,

A bill to locate a Territorial Road from St. Paul to the Big Woods and Traverse des Sioux on the east side of the Minnesota.

Mr. Day introduced

(No. 14, H. of R.) A bill for an act to incorporate the Grand Lodge of Minnesota I. O. O. F.,

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

Mr. Day introduced

(No. 13, H. of R.) An act to incorporate the city of St. Paul, Ramsey county, Territory of Minnesota.

Mr. Day moved the rules be suspended, and the bill be read a first and second time by its title,

Which motion prevailed,

And the bill was read a first and second times by its title,

And laid on the table to be printed.

Mr. Day moved

That 50 extra copies of the bill be printed for the use of the two Houses.

Which motion prevailed.

Mr. Noot offered the following resolution:

Resolved, That 300 copies of the Report of the Committee on the contest for a seat in this House from the Cottage Grove Precinct, shall be printed for the use of this House.

Mr. Day moved to amend the resolution by adding the words—

“And that the Journal of Thursday be printed with it,”

Which motion was lost.

The question then recurring on the adoption of the resolution,

Mr. Fletcher moved

The resolution be laid upon the table,

Which motion was lost.

The question then recurring on the adoption of the resolution,

Mr. Rolette moved

It be referred to the Committee on Estates and Escheats,

Which motion was lost.

Mr. Day moved

The resolution be indefinitely postponed,

Which motion was lost.

Mr. Nobles moved,

The resolution be adopted,

And the yeas and nays being called for and ordered,

There were yeas 6; and nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Gardiner, Lord, Noot and Nobles—6.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, McKusick, Morrison, Rolette, Roy, Watson and Speaker—9.

So the House refused to adopt the resolution.

Mr. Nobles moved,

That 50 copies of the Journal of this House for Tuesday, January 31, be printed for the use of this House.

And the yeas and nays being called for and ordered,

There were yeas 7; nays 8.

Those who voted in the affirmative, were

Messrs. Day, Gardner, Lord, McKusick, Nobles, Rolette and Speaker—7.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Fletcher, Morrison, Noot, Roy and Watson—8.

So the motion was lost.

Mr. Nobles moved,

The House adjourn,

Which motion was lost.

(No. 9, C. F. A bill making an appropriation for the Territorial Library,

Was taken up and read a third time.

The question then recurring on the passage of the bill,

It was lost.

The House resolved itself into a Committee of the Whole,

Mr. Nobles in the Chair,

Having under consideration,

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River from the Falls of St. Anthony to Sauk Rapids.

(No. 8, H. of R.) Memorial to Congress praying for pre-emption rights on unsurveyed lands,

And,

(No. 9, H. of R.) A memorial to Congress for a grant of lands for the construction of a Railroad, from some point on Lake or River St. Croix to St. Paul and St. Anthony, and thence to the Western boundary of the Territory, the Red River of the North and the St. Louis River.

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House, No. 9 with amendments,

Which report was received,

And the amendments were adopted.

The question then recurring on ordering said memorials to be engrossed for a third reading,

It was carried.

Mr. Bartlett moved,

The House adjourn,

And the yeas and noes being called for and ordered,

There were yeas 11; and noes 4.

Those who voted in the affirmative, were
Messrs. Bartlett, Fisher, Gardner, Lord, McKusiek, Morrison, Noot, Rolette, Roy,
Watson and Speaker—11.

Those who voted in the negative, were
Messrs. Davis, Day, Fletcher and Nobles—4.

So the House adjourned.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

TUESDAY, FEBRUARY 7, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Fletcher,

The reading of the Journal was dispensed with.

Mr. Fletcher offered the following resolution:

Resolved, That a Committee of three be appointed by the Chair to condense the testimony taken in the contest for a seat in this House from the Cottage Grove Precinct, and that 500 copies of said testimony, so condensed, be printed for the use of this House, to which may be added the Naturalization Law, and such explanations in relation to the law and the testimony as the Committee may deem proper, with the action of the House upon the case,

Pending the adoption of which,

A call of the House was ordered,

And Messrs. Bartlett, Davis, Fisher, Plummer and Richardson were reported absent.

Mr. Fletcher moved,

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

Which motion was lost.

And the Sergeant-at-Arms was directed to report the absent members in their seats.

Mr. Noot moved,

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

Which motion prevailed.

The question then recurring on the adoption of the resolution,

Mr. Noot moved,

To amend, by striking out the word "five hundred," and inserting "three hundred" in lieu thereof,

Which motion was lost.

Mr. Day offered the following resolution:

Resolved, That this House recognize all the votes that were cast in the election of Robert Watson and G. W. Campbell as legal votes, and that they be considered so at subsequent elections.

The Speaker decided the resolution out of order.

Mr. Bartlett moved,

To lay the resolution on the table,

Which motion was lost.

The question then recurring on the adoption of the resolution,

And the ayes and noes being called for and ordered,

There were ayes 6; noes 7.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Lord, Nobles, Sloan and Speaker—6.

Those who voted in the negative, were

Messrs. Bartlett, Gardner, McKusick, Morrison, Noot, Rolette, and Roy—7.

So the House refused to adopt the resolution.

Mr. Nobles introduced

(No. 15, H. of R.) A bill for an act to incorporate the German Reading Society of Minnesota,

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

Mr. Nobles gave notice,

That on to-morrow, or some future day, he would introduce a bill to establish a ferry across the Minnesota River, near Shakopee, Scott County.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the amendment proposed by the House of Representatives to

The title of

(C. F. No. 4.) A bill to amend the Revised Statutes,

Also, in the amendments proposed to

(No. 16, C. F.) A bill to establish the terms of the Supreme and District Courts of the Territory, and for other purposes,

And he then withdrew,

Mr. Day gave notice,

That on to-morrow, or some future day, he would introduce a bill relative to the county officers of Wabashaw County.

Mr. Fletcher gave notice,

That on a future day, he would introduce a bill amending the Alien Law of the Territory.

Mr. Richardson, 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:

(C. F. No. 16.) A bill to establish the terms of the Supreme and District Courts of the Territory, and for other purposes,

(No. 4, C. F.) A bill entitled an act to amend Chapter 8, Article 1st, and Chapters 5th and 11th, of article 10, of the Revised Statutes.

JOSEPH R. BROWN,
R. M. RICHARDSON,
Committee.

Mr. Lord, from the Committee on Engrossed Bills, made the following report:
The Committee on Engrossed Bills have examined and found correctly engrossed, the following:

(No. 7, H. of R.) A bill for the protection of School lands, and for other purposes,

(No. 8, H. of R.) Memorial to Congress praying for pre-emption rights on unsurveyed lands.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER,
Committee.

The speaker signed the following bills:

An act to establish the terms of the Supreme and District Courts of the Territory, and for other purposes.

An act to amend Chapter 8, Article 1, and Chapters 5th and 11th of Article 10, of the Revised Statutes.

Mr. Day, from the Select Committee to which the subject was referred, made the following report:

The select committee to which was referred the petition of sundry owners and captains of steamboats in the Minnesota trade, asking that the Legislative Assembly take the necessary steps to secure the early removal of leaning trees in certain localities along the Mississippi River, would respectfully report that,

Your Committee have given to the petition that serious and careful examination which the great importance of the subject deserves. The petition reads as follows:

MEMORIAL OF THE UNDERSIGNED STEAMBOAT OWNERS AND CAPTAINS OF STEAMBOATS IN THE MINNESOTA TRADE.

To the Hon. the Senate and House of Representatives of the Territory of Minnesota in Legislature Assembled:—

HUMBLY SHEWETH—

That the channel of the Mississippi River, within the jurisdiction of Minnesota, is, in many instances, seriously obstructed by trees overhanging the channel of said river, to the great detriment of the safe navigation thereof, particularly in low water, thereby increasing the perils of navigation, creating loss of time, and enhancing freight and passage in this great thoroughfare to your Territory.

That this is particularly the case in those localities known to boatmen as Beef Slough, Corn Slough, and Picayune Shoot.

That the obstacles complained of are equally injurious to raftsmen and others transporting the products of the Territory of Minnesota.

That the expense of removing these obstacles would not be very great, if undertaken while the river is frozen up, care being taken that the trees so cut down are cut into such pieces, say, of 15 feet length or otherwise, so that the ice may carry off the fragments, and not leave them as snags in the channel of the river.

And your memorialists will ever pray, &c.

December 15, 1853.

Capt. SMITH, of s. b. Asia, LORRAIN & Co., Agents.
 Capt. LAVILLE, of s. b. Shenandoah, per LORRAIN & Co.,
 Capt. W. H. GABBERT,
 J. A. CARLER,
 Capt. HIRAM BERSIE,
 H. F. McCLOSKEY,
 Capt., JAMES WARD,
 EDWARD H. BEEBE,
 Capt. R. BLAKELEY,
 Capt. R. S. HARRIS,
 D. S. HARRIS,
 ORRIN SMITH,
 Capt. PRESTON LODWICK,
 B. H. CAMPBELL & Co.

That, upon an examination of the names attached to the petition, it will be observed that they are those of well known steamboat owners, captains and agents, most of whom have long been known to the people of the Territory, and are now, or contemplate becoming connected with the Minnesota Packet Company, an institution well known and long to be remembered by the business men of Minnesota, and whose extreme liberality has been so bountifully displayed in seasons of low water and difficult navigation in the Mississippi River, the past few years.

That your Committee can very clearly comprehend the extreme modesty of the petitioners, as shadowed forth by the wording of the petition.

That although the petitioners might, without in the slightest degree violating the strictest propriety, have assumed the responsibility and incurred all the expense of the work contemplated, without giving notice to the people of this territory of the fact; and in fact, as the improvements desired are more properly within the limits of a neighboring State, the whole improvements might have been completed before the people of Minnesota would, in all probability, have been aware of any intention to make this improvement; yet the petitioners have, with great magnanimity, laid at the feet of this legislative assembly, all the honor, all the renown, and "all the expenditure" which would result from the completion of so important a public improvement.

That the sacrifice of all personal pride and ambition, and the beautiful display of innate modesty by the members of the Minnesota Packet Company can be more clearly appreciated when we reflect upon the vast sums said Company have permitted the business men of this Territory to contribute to said company, to defray the expenses consequent upon their *low water* intercourse with our Territory, which gave the company more than an ordinary right to have commenced and completed the removal of ALL leaning

trees, or even the snags and sand bars which may at any time interfere with the free and convenient navigation of the Mississippi river between Galena and St. Paul without any consultation on this important subject with, or notification to the people of this Territory through the Legislature.

That the self-sacrificing liberality with which the Packet Company has conferred upon the Territory an opportunity of expending a few thousand dollars in this ennobling enterprise for the general welfare of the public, and the particular benefit of the Packet Company deserves the deepest expressions of gratitude on the part of this Legislature.

That your committee feels more particularly grateful for the calm and disinterested display of that personal liberality for which the members of the Packet Company stand so justly pre-eminent, by withholding the slightest intimation that the company are in the least desirous of a participation in either the honor or the *expenditure*, although they must be well aware that their future business relations with this Territory would virtually compel them to avail themselves in common with others, of the benefits resulting from the proposed improvement.

That although your committee can fully appreciate the favorable opportunity which the retiring diffidence and well-known modesty of the petitioners, has afforded this Legislative Assembly and the Territory at large, of earning and wearing immortal honors, they believe that a sense of justice, of honor, and of reciprocal liberality should withhold the Legislature from appropriating honors offered at so great a sacrifice of personal right.

Your committee feel that it would be unjust and ungenerous in the Legislative Assembly of the Territory of Minnesota to rob these meritorious individuals of the honor and renown which would unquestionably follow a display of disinterested patriotism as contemplated by the proposed improvements.

That your committee believe the proposition of the petitioners was made from a sense of that profound respect which the petitioners ought of right to entertain for the Legislature and people of this Territory, and not from any desire to be considered as opposed to becoming public benefactors.

That, had the petitioners, from a knowledge of the benefits which *might* have accrued to themselves displayed the slightest desire to participate in the honor or expense that would necessarily result from the very important improvement proposed in the petition, your committee would in all probability have been less inclined to sacrifice the favorable opportunity which now offers in so important a national improvement.

Your Committee feel that this Legislature should not be outdone in liberality, by the petitioners:—that the same liberality they offer, should be granted to them—and that in justice to this Legislative Assembly, to the people of the Territory, and to the petitioners, the offer made at so vast a sacrifice should not be accepted, but that all the honors, the renown and expenditures, should and does of right belong to the petitioners.

Your committee would therefore respectfully recommend that this Legislature in consequence of the proposition made by the petitioners, should relinquish to said petitioners all the right that this Legislature possesses of making expenditures for the purposes mentioned in the petition.

Better to carry out the object proposed, your committee would recommend the passage of the accompanying bill.

All of which is respectfully submitted.

Mr. McKusick moved that further action upon the report be indefinitely postponed.

Which motion prevailed.

Mr. Nobles introduced

(No. 16, H. of R.) A bill for an act to prohibit the circulation of unauthorized notes as currency.

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

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 3.) A memorial to Congress for the construction of Roads in the Territory of Minnesota.

Also,

(No. 11, C. F.) A bill to authorize the Probate Judge of Ramsey county to transcribe the records of the Probate Court.

Also,

(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgely.

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

And then he withdrew.

Mr. Plummer, on leave granted,

Presented the petitions of Patrick Cox and sixty others from Chisago county; of J. W. North, R. P. Upon, and six hundred others from St. Anthony and vicinity, praying for the enactment of a prohibitory liquor law.

Mr. Plummer moved the petitions be referred to a select committee of three,

Which motion prevailed,

And Messrs. Plummer, Rolette and Lord were appointed said committee.

Mr. Bartlett offered the following resolution:

Resolved, That the use of this House be tendered to the Citizens of St. Paul on Wednesday evening next, for the purpose of holding a public meeting,

Which was adopted.

(No. 8, H. of R. Memorial to Congress praying for pre-emption rights on unsurveyed lands,

Was taken up and 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.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has received the report of the Territorial Auditor, and ordered one hundred copies thereof to be printed for the use of both Houses.

Also,

The report of the Board of Regents of the University of Minnesota, and ordered one hundred copies thereof to be printed for the use of both Houses.

Also,

The report of the Territorial Treasurer, and ordered one hundred copies thereof to be printed for the use of both Houses.

The Council has also received a report from J. Travis Roster, the Secretary of the Territory of Minnesota, giving the official vote for delegate to Congress, at an election held in the Territory of Minnesota, October, 11, 1853, and ordered one hundred copies thereof to be printed for the use of both Houses.

And then he withdrew,

(No. 7, H. of R.) A bill for the protection of School Lands, and for other purposes,

Was taken up and read a third time.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

Mr. Rolette moved,

The House adjourn until 10 o'clock to-morrow.

Which motion was lost.

Mr. Fletcher from the select committee to whom was referred the petition of Ann Leroy, made the following report:

The committee to whom was referred the petition of Ann Leroy, ask leave to report that in the opinion of your committee, all necessary power has been granted to the Judiciary of this Territory to adjudicate upon all cases which may arise in relation to petitions for divorce, and that in the opinion of your committee, further action by this House on that subject is inexpedient.

H. FLETCHER,

WM. H. NOBLES,

Select Committee.

Which report was accepted.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof appeared and delivered the following message:

Mr. Speaker:—The Council has passed,

(No. 2, C. F.) A memorial to Congress for a further appropriation for the construction of the Wabashaw and Mendota Road.

Also,

(No. 4, C. F.) A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and the Saint Louis River.

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

And then he withdrew.

Mr. Plummer gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to annex so much of Township 29, as lies east of the Mississippi river to the County of Hennepin, for election, judicial, and other purposes.

Also,

That on to-morrow or some future day, he would ask leave to introduce a bill to pro-

vide for the marking out of a Territorial Road, commencing at the west end of the site selected for the Mississippi Bridge, or the west side of St. Anthony, from thence on the most practicable route to a point opposite the centre of the present village of Sank Rapids.

The House resolved itself into Committee of the Whole,

Mr. McKusick in the Chair,

Having under consideration,

(No. 12, H. of R.) A bill for an act granting to E. Cole and H. Rathburne, the right to establish and maintain a ferry across the Minnesota River at Mankato.

After some time passed therein,

The Committee rose, and by their Chairman,

Reported the same back to the House with amendments,

Which report was received.

And the amendments were concurred in.

Mr. Nobles moved that the House reconsider their action by which

(C. F. No. 9.) A bill making an appropriation for the Territorial Library,

Was lost on Monday, Feb. 6, 1854.

Which motion was lost,

Mr. McKusick gave notice that on to-morrow or some future day he would ask leave to introduce a bill to provide for the distribution of the Declaration of Independence and Constitution of the United States among the Common Schools of this Territory.

Mr. Fisher moved,

The House adjourn until to-morrow at 10 1-2 o'clock,

Which motion prevailed, and

The House adjourned until to-morrow morning at 10 1-2 o'clock.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Clerk of the House of

WEDNESDAY, FEBRUARY 3, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Noot, the reading of the Journal was dispensed with.

The Speaker laid before the House the following communication:

MENNOTA, Feb. 3, 1854.

To the Honorable, the Speaker of the House of Representatives:

SIR—I have received an authenticated copy of a Resolution adopted by the House of Representatives in the following language :

“Resolved, That the Supreme Judges of this Territory be requested to give their opinion as to the authority of the Legislative Assembly to sell or lease the School lands.”

Waiving all exceptions to the language of the Resolution, I, as one of the Justices of the Supreme Court of this Territory, will proceed to comply with the request therein made.

By the term “the school lands,” used in the said resolution, I understand the House of Representatives to refer to the lands, which, by the eighteenth section of the act of Congress entitled “an act to establish the Territorial Government of Minnesota,” are “reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereinafter to be erected out of the same.”

That act of Congress does not convey the title to the said lands to the Territory. They are only reserved “for the purpose of being applied to Schools.” The title still remains in the United States, and some further legislation by Congress must be had before the application of said lands to schools, can be actually made. The effect of the said eighteenth section of the said act of Congress seems to me to be this: It operates as a pledge given by the United States, that the lands mentioned in and reserved by that section, shall be applied to schools in the county in which they are situated, and as a solemn declaration of trust on the part of the United States by which they acknowledge that they hold the same sacred to that purpose.

If I am right in this view of the position of the title to said lands, it follows as a direct and inevitable result, that the Legislative Assembly of the Territory does not possess the power or authority to sell or convey the same. The United States cannot be divested of the title thereto, except by the action of Congress in some form.

It is a general legal principle that the right to lease lands depends upon the right to possess or occupy the same. As to these school lands, that right rests with the title, in the United States. Consequently, I am of the opinion that the Legislative Assembly of the Territory does not possess the power to grant to any person the privilege of occupying any of the said lands, unless such power can be derived from some law of Congress other than the organic act of the Territory.

By Section 1, of Chapter 10, of the Laws passed at the Second Session of the Thirty-First Congress, approved February 19, 1851, (9 Stat. at large 568,) it is enacted “that the Governors and Legislative Assemblies of the Territories of Oregon and Minnesota be and they are hereby authorized to make such laws and needful regulations as they shall deem most expedient to protect from injury and waste, sections

numbered sixteen and thirty-six in said Territories, reserved in each township for the support of schools therein."

The power over these lands, conferred upon the Governor and Legislative Assembly by that section is very broad and extensive for the purposes of protection—much more so than that given by the general grant of Executive and Legislative powers contained in the Organic Act of the Territory.

I have no doubt but that the Legislative Assembly of the Territory possesses ample authority, under the grant of powers contained in the Organic Act, to protect, by penal or criminal laws, the School Lands against injury and waste.—That would be in common with the protection of all property in the Territory, a "rightful subject of legislation, consistent with the Constitution," and the Organic Act. That power, however, would not, in my judgment, include the authority to possess or occupy the said lands, or to create a leasehold estate therein, even for the purposes of protection.

I think that the powers of protection over the said lands, conferred upon the Legislative Assembly by the Organic Act, are very much enlarged by the terms of the said act of February 19th, 1851.

The power "to make such laws and needful regulations" as may be deemed "most expedient to protect from injury and waste" would appear to cover any and every measure of protection which the Governor and Legislative Assembly may, in the exercise of their discretion and judgment, within constitutional limits, believe to be effectual for that purpose. In case the Governor and Legislative Assembly shall deem the occupation of the said lands or any portion of them by tenants, under proper terms, safe restrictions, and the control of Territorial authority, to be an effectual measure "to protect" the same "from injury and waste," I am unable to perceive any good reason why they are not fully authorized by the said act of February 19th, 1851, "to make such laws and needful regulations" as may be necessary to provide for and regulate such occupation. The power is one purely of protection, and any and every measure taken or adopted under the said act of February 19th, 1851, must have that end in view. Every other benefit to be derived therefrom must be incidental. Whether the leasing of the said lands and the use and occupation thereof by a tenant can be deemed and used as a means of protecting the same "from injury and waste," the members of the Legislative Assembly are much more competent than I am to determine. Such of said lands as can be protected in that manner, may be.

I hope it will not be deemed improper or impertinent in me, if, in conclusion I submit a remark outside of the inquiry contained in the said resolution. I entertain a desire bordering upon a feeling, that every proper power possessed by the Territorial Government, and the exercise of which may be necessary to the full and complete protection and preservation of this foundation of a School Fund, ample for the education of all the generations that are to follow us in this Territory, should be brought into active requisition for that purpose. This fund, so important and essential to the intellectual culture and moral welfare of the people of this country for all future time, should, above all others, be preserved inviolate. I trust it will be.

With a request that you will communicate this answer to the said resolution to the House of Representatives over which you preside,

I have the honor to be,

Very Respectfully,

Your obedient servant, A. G. CHATFIELD.

Mr. Nobles moved,

That 100 copies of Judge Chatfield's opinion be printed for the use of the House,

And the ayes and nays being called for and ordered,

There were yeas 15; nays 1.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot, Nobles, Rolette, Roy, Watson and Speaker—15.

Those who voted in the negative, were

Mr. Plummer.

Mr. Day presented

The remonstrance of H. L. Moss and 28 others, Lawyers of Minnesota, against the repeal of the "Act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes."

On motion of Mr. Day,

The petition was referred to the Committee on Judiciary.

Mr. Nobles gave notice,

That on to-morrow or some future day, he would introduce a Bill to amend an act entitled an act to incorporate the St. Croix Boom Company.

Mr. Lord gave notice,

That on to-morrow, or some future day of the session, he would ask leave to introduce a bill defining and establishing the county lines South of the Minnesota and West of the Mississippi Rivers.

Mr. Plummer introduced,

(No. 17, H. of R.) A bill to provide for laying out a Territorial Road from Minneapolis to a point opposite the present village of Sank Rapids,

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

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

The Joint Committee on Enrolled Bills did, on the seventh day of February, 1854, present to his Excellency the Governor, for examination and approval, the following:

A bill entitled an act to amend Chapter 8, Article 1st, and Chapters 5th and 11th, of Article 10, of the Revised Statutes,

And

A bill entitled an act to establish the terms of the Supreme and District Courts of the Territory, and for other purposes.

JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committee.

Mr. O. M. Lord from the Committee on engrossed bills made the following report:

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

(No. 12, H. of R.) A bill for an act granting to E. Cole, and H. Rathburne the right to establish and maintain a Ferry across the Minnesota River at Mankato,

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River from the Falls of St. Anthony to Sank Rapids,

(No. 9, H. of R.) Memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. An-

thony, and thence to the western boundary of the Territory, the Red River of the North and St. Louis River.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.
Committee.

Mr. Fletcher, from the Committee on Corporations, made the following report:

The Committee on Corporations, to whom was referred the bill granting to Zadock M. Brown the right to establish a Ferry across the Mississippi River, has had the same under consideration, and ask leave to report, that they have given the parties notice to appear before your Committee, and produce such evidence as they may deem necessary.

The parties have appeared before your Committee, and from all the evidence which has been produced, your Committee are clearly of opinion that the charter granted to William A. Cheever to construct a Ferry at this point, has never been accepted, and is consequently to all intents and purposes void, and that in the opinion of your Committee the public good requires a well regulated Ferry at the point designated—that the bill granting to Z. M. Brown the right to establish a Ferry ought to pass.

H. FLETCHER,
WM. McKUSICK,
PETER ROY,
Committee.

On motion of Mr. Plummer,

The report was accepted.

Mr. Davis presented,

The petition of Hiram Burlingham and 150 others, praying for the granting of a Ferry Charter to Z. M. Brown, opposite St. Anthony City.

Mr. Nobles presented,

The petition of R. P. Russell and 49 others; praying for the same object.

Which petitions were,

On motion of Mr. Davis,

Referred to the Committee on Corporations.

(No. 2, C. F.) A memorial to Congress for an appropriation for the construction of the Wabashaw and Mendota Road,

Was taken up,

And read a first and second times, and laid on the table to be printed.

Also,

(C. F. No. 3.) A memorial to Congress for the construction of Roads in the Territory of Minnesota,

Was taken up,

And read a first and second times.

(No. 4, C. F.) A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix to St. Paul and St. Anthony, and thence to the Western boundary of the Territory, the Red River of the North, and the St. Louis River,

Was taken up,

And,

On motion of Mr. Rolette,

Was laid on the table.
(No. 11, C. F.) A bill to authorize the Probate Judge of Ramsey County to transcribe the records of the Probate Court,
Was taken up,
And read a first and second times.
Also,
(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgeley,
Was taken up,
And read a first and second times.
(No. 7, H. of R.) Memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River, from the Falls of St. Anthony to Sauk Rapids,
Was taken up,
And,
On motion of Mr. Plummer,
The rules were suspended,
And the memorial was read a third time by its title.
The question then recurring on the passage of the memorial,
It was passed.
And the question then recurring on agreeing to the title of the memorial,
It was agreed to.
(No. 12, H. of R.) A bill for an act granting to E. Cole and H. Rathburne the right to establish and maintain a Ferry across the Minnesota River, at Mankato,
Was taken up,
And,
On motion of Mr. Plummer,
The rules were suspended,
And the bill was read a third time by its title.
The question then recurring on the passage of the bill,
It was passed.
The question then recurring on agreeing to the title of the bill,
It was agreed to.
(No. 9, H. of R.) A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix to St. Paul and St. Anthony, and thence to the Western boundary of the Territory, the Red River of the North and the St. Louis River.
Was taken up,
And,
On motion of Mr. Plummer,
The rules were suspended,
And the memorial was read a third time by its title.
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.
The House resolved itself into Committee of the Whole,
Mr. Day in the Chair,

Having under consideration

(No. 14, H. of R.) A bill for an act to incorporate the Grand Lodge of Minnesota I. O. O. F.

Also,

(No. 16, H. of R.) An act to prohibit the circulation of unauthorized notes as currency,

Also,

(No. 15, H. of R.) A bill for an act to incorporate the German Reading Society of St. Paul,

Pending their consideration,

A Message from the Council being announced,

The Speaker resumed the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following bills:

An act to amend Chapter 8, Article 1, and Chapters 5th and 11th of Article 10 of the Revised Statutes,

And

An act to establish the terms of the Supreme and District Courts of the Territory, and for other purposes.

And then he withdrew,

And the Committee resumed its sitting.

After some time passed therein,

The Committee rose, and by their Chairman reported the same back to the House,

(No. 14, H. of R.) A bill to incorporate the Grand Lodge of Minnesota I. O. O. F.,

Without amendment,

Also,

(No. 16, H. of R.) An act to prohibit the circulation of unauthorized notes as currency,

(No. 15, H. of R.) A bill to incorporate the German Reading Society of Saint Paul,

With amendments.

The question then recurring on agreeing to the amendments of the Committee of the Whole,

They were agreed to.

Mr. Watson moved,

To further amend, by striking out in the third section, the words "to be prosecuted by the attorneys of said counties respectively; and the same shall be paid into the County Treasury," and insert in lieu thereof the words "and shall be paid into the County Treasury, and all suits for the recovery of said penalties shall be prosecuted by the District Attorneys of the said counties respectively."

Which motion was lost.

Mr. Rolette moved

To amend the bill, by inserting, "Sec. 5. This act shall take effect in the year 1890."

Mr. Nobles moved to amend the section, by striking out all after the word effect, and inserting, and "be in force from and after its passage."

The question then recurring on the amendment to the amendment,
It prevailed.

The question then recurring on agreeing to the section, as amended,
It was agreed to.

On motion of Mr. Plummer,

The House adjourned until half past two o'clock this afternoon.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

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

On a call of the House,

Messrs. Bartlett, Davis, Noot, Nobles, Richardson and Watson, were reported
absent.

On motion of Mr. Day,

Further proceedings under the call were dispensed with.

On motion of Mr. Day,

The resolution ordering 100 copies of Judge Chatfield's reply to a resolution of this
House to be printed, was reconsidered.

Mr. Day moved,

That the word one hundred be stricken out and five hundred inserted in lieu thereof,
Which motion prevailed.

Mr. Fletcher gave notice,

That on a future day, he would bring in a bill to amend Sec. 23, Art. 1, Chapt. 8, of
the Revised Statutes.

On motion of Mr. Fletcher,

(No. 6, H. of R.) A bill granting to Zadoc M. Brown the right to establish and
maintain a ferry across the Mississippi River,

Was taken from the table and ordered to be engrossed for a third reading.

The House resolved itself into Committee of the Whole,

Mr. Lord in the Chair,

Having under consideration,

(No. 2, C. F.) A memorial to Congress for a further appropriation for the construc-
tion of the Wabasha and Mendota Road,

Also,

(No. 3, C. F.) A memorial to Congress for the construction of Roads in the Territory of Minnesota,

Also,

(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgely.

Also,

(No. 11, C. F.) A bill to authorize the Probate Judge of Ramsey county to transcribe the records of the Probate Court.

After some time passed therein,

The Committee rose, and by their Chairman,

Reported the same back to the House without amendment,

The report of the Committee was accepted.

The question then recurring on ordering said bills to a third reading,

Mr. Day moved that

(No. 2, C. F.) A Memorial to Congress for a further appropriation for the construction of the Wabasha and Mendota Road,

Be laid upon the table,

Which motion prevailed.

(C. F. No. 3.) A memorial to Congress for the construction of Roads in the Territory of Minnesota.

Also,

(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgeley,

And

(No. 11, C. F.) A bill to authorize the Probate Judge of Ramsey County to transcribe the Records of the Probate Court,

Were ordered to a third reading.

On motion of Mr. Bartlett,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

THURSDAY, FEBRUARY 05, 1854.

The House met pursuant to adjournment, and was called to order by the Speaker.
Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Plummer,

The reading of the Journal of yesterday forenoon was dispensed with,

The afternoon Journal was read and approved.

Mr. Nobles presented,

The petition of J. H. Tibbetts, and 27 others, praying for a ferry charter to R. G. Murphy.

On motion of Mr. Noot,

The petition was referred to the Committee on Incorporations.

Mr. Fletcher introduced

(No. 18, H. of R.) A bill for an act to amend Section 1st, Article 1st of Chapter 28 of the Revised Statutes,

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

Mr. Fletcher introduced,

(No. 19, H. of R.) A bill for an act to amend Section 23, Article 4th of Chapter 97 of the Revised Statutes,

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

Mr. Noot offered the following joint resolution:

Resolved, That the City of St. Anthony, in the County of Ramsey, and Territory of Minnesota, and its twin sister the County of Hennepin, be and the same is hereby attached to the State of Maine for judicial purposes.

Mr. Plummer moved,

The resolution be referred to the Committee on Internal Improvements,

Which motion prevailed.

Mr. Day introduced,

(No. 20, H. of R.) A bill relative to the county officers of Wabasha County,

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

Mr. Davis introduced,

(No. 21, H. of R.) A bill to provide for laying out a Road from St. Paul to Big Woods and Traverse des Sioux.

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

Mr. Plummer, 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:

(No. 3, H. of R.) A bill for the construction of a Road from Reed's Landing to the Iowa State Line,

(No. 6, H. of R.) A bill entitled an act to locate a Territorial Road from St. Paul to intersect the Territorial Road from the Falls of Saint Anthony to the Sibley County line,

(No. 6, C. F.) A bill entitled an act to provide for laying out a Territorial Road from St. Paul by Fort Ridgley to the Missouri River,

(No. 3, C. F.) A bill entitled an act to provide for laying out a Territorial Road from St. Anthony Falls and St. Paul to Taylor's Falls.

(No. 4, H. of R.) A memorial to Congress for a Military Road to Oregon and California.

JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committee.

Mr. O. M. Lord from the Committee on engrossed bills made the following report:
The committee on engrossed bills have examined and found correctly engrossed the following:

(No. 6, H. of R.) An act granting to Zadoc M. Brown the right to establish and maintain a Ferry across the Mississippi River,

(No. 14, H. of R.) A bill to incorporate the Grand Lodge of Minnesota I. O. O. F.,

(No. 15, H. of R.) A bill to incorporate the German Reading Society of St. Paul,

(No. 16, H. of R.) A bill for an act to prohibit the circulation of unauthorized notes as currency.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT,
Committee.

A message from the Council being announced,
James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(No. 9, H. of R.) Memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and St. Louis River,

With amendments,

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

And then he withdrew.

(C. F. No. 3.) A memorial to Congress for an appropriation for the construction of Roads in the Territory of Minnesota,

Was taken up,

On motion of Mr. Noot,

The rules were suspended,

And the memorial was read a third time by its title

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.

(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgely,

Was taken up.

On motion of Mr. Bartlett,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 11, C. F.) A bill to authorize the Probate Judge of Ramsey County to transcribe the records of the Probate Court,

Was taken up,

On motion of Mr. Bartlett,

The bill was laid on the table.

The House resolved itself into a Committee of the Whole,

Mr. Gardner in the Chair,

Having under consideration,

(No. 17, H. of R.) A bill to provide for laying out a Territorial Road from Minneapolis to a point opposite the present village of Sank Rapids,

And after some time passed therein,

The Committee rose, and by their Chairman reported the same back to the House without amendments,

Which report was received,

And the bill was ordered to be engrossed for a third reading.

(No. 8, H. of R.) A bill granting to Zadoc M. Brown the right to establish and maintain a ferry across the Mississippi River,

Was taken up.

On motion of Mr. Plummer,

The rules were suspended,

And the bill was read a third time by its title,

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 14, H. of R.) A bill for an act to incorporate the Grand Lodge of Minnesota I. O. O. F.,

Was then taken up.

The question then recurring on the passage of the bill,

It was passed.

The question then being on agreeing to the title,

It was agreed to.

(No. 15, H. of R.) A bill to incorporate the German Reading Society of St. Paul,

Was taken up and read a third time.

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.

(No. 16, H. of R.) A bill for an act to prohibit the circulation of unauthorized notes as currency,

Was taken up.

Mr. Plummer moved

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

Mr. Fletcher moved,

To refer the bill to the committee on the judiciary,

And the yeas and nays being called for and ordered,

There were yeas 4, and nays 11.

Those who voted in the affirmative, were

Messrs. Bartlett, Fletcher, Noot, and Watson—4.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, Gardner, Lord, McKusick, Morrison Nobles, Plummer, Roy and Speaker—11.

So the motion was lost.

A call of the House being ordered,

Messrs. Rolette, Richardson and Sloan were reported absent.

On motion of **Mr. Nobles**,

Further proceedings under the call of the House were dispensed with,

The question then recurring on the motion of **Mr. Plummer**,

It was adopted.

And 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 the title of the bill,

It was agreed to.

On motion of **Mr. Fletcher**,

(No. 4, C. F.) A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and the Saint Louis River.

Was taken up and read a first and second times.

The House resolved itself into a Committee of the Whole,

Mr. Watson in the Chair,

Having said bill under consideration,

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House, without amendments,

Which report was received.

Mr. Noot moved,

The rules be suspended,

And the bill be read a third time by its title,

Which motion prevailed,

And the bill was then 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. Nobles offered the following resolution:

Resolved That Chap. 88 of the Revised Statutes be printed and prefixed to the copies

of the communications of Judge Chatfield to the House, which were yesterday ordered to be printed,

Which was adopted.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,

(No. 3, C. F.) Memorial to Congress relative to the half-breed lands in Minnesota, In which the concurrence of the Honorable House of Representatives is respectfully

requested,

And then he withdrew.

Mr. McKusick introduced,

(No. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the U. States, to be used in schools,

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

Mr. Noot moved,

The House adjourn,

Which motion was lost.

(No. 3, C. F.) A memorial to Congress relative to the half-breed lands in Minnesota.

Was taken up,

And read a first and second times.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in

(No. 2, H. of R.) Joint resolution for the relief of William B. Dod,

And then he withdrew.

The Speaker signed the following bills and memorial:

An act for the construction of a Road from Reed's Landing to the Iowa State Line.

An act entitled "an act to locate a Territorial Road from St. Paul to intersect the Territorial Road from the Falls of St. Anthony to the Sibley county line,

An act to provide for laying out a Territorial Road from St. Paul, by Fort Ridgley to the Missouri River.

A bill to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls.

Memorial to Congress for a Military Road to Oregon and California.

On motion of Mr. Plummer,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

FRIDAY, FEBRUARY 10, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

The Journal of yesterday was read and approved.

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

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

(No. 17, H. of R.) A bill to provide for laying out a Territorial Road from Minneapolis to a point opposite the present village of Sauk Rapids.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.
Committee.

(No. 17, H. of R.) A bill to provide for laying out a Territorial road from Minneapolis to a point opposite the present village of Sauk Rapids,

Was taken up and read a third time.

Mr. Richardson, upon consent obtained,

Moved that the name of Asa White be added to the Commissioners named in said bill.

Which motion prevailed, and

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 House resolved itself into Committee of the Whole,

Mr. Davis in the Chair,

Having under consideration,

(No. 19, H. of R.) A bill for an act to amend Sec. 23, Art. 1, Chap. 28 of the Revised Statutes of Minnesota.

And,

(No. 20, H. of R.) A bill relative to the County Officers of Wabasha County.

A message from the Council being announced,

The Speaker took the Chair,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—His Excellency, the Governor has informed the Council that he did, on the 7th inst., approve and sign the following acts, to wit:

An act, entitled "an Act to establish the terms of the Supreme and District Courts, of the Territory, and for other purposes,"

Also,

An act entitled "an act to amend chapter 8, article 1, and chapters 5th and 11th of article 10 of the Revised Statutes."

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 same back to the House without amendment,
Which report was received.

And,

(No. 19, H. of R.,) Was ordered to be engrossed for a third reading.

Mr. McKusick moved that

(No. 20 H. of R.,) Be laid upon the table,
Which motion was lost.

And the bill was ordered to be engrossed for a third reading.

The House then resolved itself into Committee of the Whole,
Having under consideration

(No. 3, C. F.) A memorial to Congress relative to the half-breed lands in Minnesota.

A message from the Council being announced,

The Speaker resumed the Chair,

And,

James B. Dixon, Esq., Secretary thereof appeared and delivered the following message:

Mr. Speaker:—The Council has passed,

(No. 6, H. of R.) A memorial to Congress for the establishment of a Military Road from St. Paul, by way of Little Canada to Rum River.

With an amendment,

And an amendment to the title thereof.

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

And then he withdrew,

And the committee resumed its sitting.

And after some time passed therein, rose,

And by their Chairman,

Reported the same back to the House, with an amendment,

Which report was received,

And the amendment was adopted.

The question then recurring on the passage of the memorial,

Mr. Watson moved the memorial be laid upon the table for further consideration,

Which motion prevailed.

Mr. Noot, from the joint committee on enrolled bills made the following report:

The joint committee on enrolled bills did on the 9th day of February, 1854, present to his Excellency the Governor, for examination and approval, the following:

A bill entitled an act for the construction of a road from Reed's Landing to the Iowa State Line.

A bill entitled "an act entitled an act to locate a Territorial Road from St. Paul to intersect the Territorial Road from the Falls of St. Anthony to the Sibley county line."

A bill entitled an act to provide for laying out a Territorial Road from St Paul by Fort Ridgely to the Missouri river.

A bill entitled an act to provide for laying out a Territorial Road from St. Anthony Falls and St. Paul to Taylor's Falls.

Memorial to Congress for a Military Road to Oregon and California.

A memorial for the erection of a Fort at or near the Pembina River.

JOSEPH R. BROWN, Council
WM. NOOT, House,
Committee.

Mr. McKusick introduced,
(No. 23, H. R.) A bill to provide for the survey of logs and lumber in Minnesota Territory.

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

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in
(No. 1, H. of R.) Joint resolution relative to printing the Laws, Memorials and Joint Resolutions,

And then he withdrew.

Mr. Noot moved

The House adjourn until Monday next at two o'clock, in the afternoon,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 4.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Gardner, Lord, Noot and Speaker—8.

Those who voted in the negative, were

Messrs. McKusick, Rolette, Richardson and Watson—4.

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

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

MONDAY, FEBRUARY 13, 1854.

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

Prayer by Rev. Mr. Bradley.

On a call of the roll, a quorum answered to their names.

On motion of Mr. Plummer,

The reading of the Journal was dispensed with.

The following communication was read from the Hon. M. Sherburne, relative to the pre-emption law:

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

The following resolution, adopted by your Honorable Body, has been received:

“Resolved, That the Judges of the Supreme Court of the Territory are hereby requested to inform this House whether, in their opinion, the provisions of Chapter 88, page 444, of the Revised Statutes, entitled ‘of actions by persons holding claims on United States lands,’ are consistent with the Constitution and Laws of the United States, and an act entitled ‘An act to establish the Territorial Government of Minnesota;’ and whether the same is binding in its provisions upon the Courts and inhabitants of this Territory.”

Having delayed an answer to the above resolution longer than may seem respectful to the Legislature, in the expectation of an opportunity to consult with the other members of the Court, I proceed at once, in reply, to state such conclusions as seem to me to be just, without elaborating the reasons which have led to them.

The Section of the Statute referred to is not inconsistent with the Constitution or any law of the United States, is apparent upon the face of it. It merely affirms a well known principle of common law, and neither enlarges nor abridges the common right to occupy public lands. It is a well established rule of law, that a party in actual possession of real estate may protect such possession against every one except the rightful owner, or some one claiming under such owner.

In Sections two, three, and four, the Legislature established certain rules of law and evidence by which parties shall be governed in determining the extent, boundaries, and character of their possessions or claims, and their right to retain and recover the same.

This, to the extent designed by the act in question, the Legislature had, in my opinion, a right to do. It is a power incident to all Legislative authority, and one frequently exercised. I am unable to perceive wherein these rules are inconsistent with the Constitution and Laws of the United States, or “An act to establish the Territorial Government of Minnesota;” and if not, they are binding upon the Courts and inhabitants of this Territory.

In coming to the foregoing conclusions, I have considered the provisions of the Territorial Law as intended to apply only to those lands which are not subject to pre-emption, and to questions in respect to other lands in which the rights of the parties do not depend upon the United States pre-emption laws; for the Legislature does not need to be informed that a Territorial Law cannot be used to change or modify the rights of parties to the before mentioned lands, arising under a law of the United States.

M. SHERBURNE.

St. Paul, February 9, 1854.

Mr. Fletcher moved

That the opinion of Hon. M. Sherburne be printed with that already received from Judge Chatfield,

Which motion prevailed.

The following communication was received from the Hon. M. Sherburne, relative to School Lands:

To the Hon. House of Representatives of the Territory of Minnesota:

The following resolution, adopted by your Honorable body, has been received:

Resolved, That the Supreme Judges of this Territory be requested to give their opinion as to the authority of the Legislative Assembly to sell or lease the School Lands."

Whatever authority the Legislature has over these "School Lands," is derived from Section 18, of the act organizing this Territory, approved March 3, 1849, and from the first section of an act of Congress, approved Feb. 19, 1851.

The section of the Organic Act referred to is as follows:

"Sec. 18. And be it further enacted, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to Schools in said Territory and in the States and Territories hereafter to be erected out of the same."

There are no words in this law importing a grant to the Territory, nor does it seem to me that any intention on the part of Congress to make a grant can be inferred or implied from the whole section, taken together. I think the substance of the provision is, according to its plain and palpable meaning, a promise on the part of the United States to hold these lands for the use of schools in this Territory and the Territories and States which may grow out of it, reserving to itself the fee of the soil and the right to determine the time and manner of the appropriation. That the Congress of 1851 considered the fee and control of these lands in the United States, is evident from the law passed that year and above cited, which reads as follows:

"Be it enacted, &c., That the Governors and legislative assemblies of the Territories of Oregon and Minnesota be, and they are hereby authorized to make such laws and needful regulations as they shall deem most expedient, to protect from injury and waste sections numbered sixteen and thirty-six in said Territories, reserved in each township, for the support of schools therein."

Now, if either house of Congress, or the President of the United States, had understood the reservation of these lands by the Organic Act, to have been a grant of the same lands to the Territory or its Legislature, they would not have assented to an act so useless and absurd as the one last quoted. If the "reservation is construed to imply a grant," then the act of 1851 was passed for the purpose of conferring authority upon the legislature to protect lands, the absolute fee of which had been vested in the same legislature, or the inhabitants of the Territory, nearly two years before.

The last mentioned act cannot, of course, invalidate or modify any title which the people or the government of this Territory acquired by the Organic Act; but it does show the construction which was put upon the reservation in the Organic Act, by the authority which enacted it.

In a brief examination of the history of these reservations and grants, as applicable to the States and former Territorial governments, I have found no instance in which language similar to that of the 18th section of the Organic Act of this Territory, has been construed, by either party, to imply a grant; but in every such case which I have examined Congress has, by an act subsequent to the "reservation," conched in apt and appro-

private language, made an absolute conveyance to the people, or government for whose benefit it was originally reserved.

The reservation was made for the benefit of schools in this Territory, "and in *the States and Territories hereafter to be erected out of the same.*" It is very easy to see that an absolute grant of the fee of these lands to the government or the people of this Territory, at the time the reservation was made, might have been totally inconsistent with their reservation for States and Territories hereafter to be erected.

If the two acts referred to, confer no power upon the Governor and Legislature to "sell," and I have very little hesitation in saying they do not, it follows, as it seems to me, very clearly that they have no power to "lease."

An unlimited right to give a lease of lands, to stipulate as to its terms and determine as to its duration, is equivalent, in its effects, to the power to convey.

It may be contended that this power is implied, and results from the authority conferred by Congress upon the Governor and Legislature to protect the school lands from waste and injury. A rule, however, which will justify such a construction must be very different from any which courts of law have ever adopted in ascertaining and determining the rights and powers of individuals.

If the power to lease at all exists by virtue of the act under which it is claimed, it cannot be contended that there is any other limit to the power than that which lies within the discretion and consciences of the Governor and Legislature. They may lease them for such consideration as they choose, limited only by what the lands will command; and the lease may be for one, nine, or ninety-nine years, or any other term which they may "deem" best. They may also stipulate that the rents and profits for the entire term shall be paid by the lessee in advance. This is certainly in its effects an authority nearly if not quite equal to that of conveying an absolute fee. If the power exists at all, and there is a limitation to it, where is that limitation to be found? Certainly not in the language of the law.

It may indeed be said that the whole matter will be perfectly safe in the hands of the Governor and Legislature, and that they will limit their acts to what may be consistent with the best interests of the Territory. I do not doubt this; but the question is not what they *will* do, but what they have a lawful right to do.

The power to lease lands and the power to protect them from waste, are, to a certain extent, inconsistent with each other. In reference to the land in question, the inconsistency is more palpable than it would be in the case of worn-out lands, or lands the principal value of which consisted in the buildings upon them.

I can conceive of only two instances in which these school lands need be, or can be, protected from injury and waste. The one is in the case of excessive cropping, whereby the virgin richness of the soil is abstracted, and the other in the destruction of valuable timber standing upon them. To provide against these means by which the value of the lands might be reduced, must have been the only objects which Congress had in view in the passage of the law in question. But to lease them, if they are to be cultivated after the manner of cultivating a great majority of lands in all new territories, is, as it seems to me, the direct means to produce that deterioration in value which it was the object of Congress to provide against.

Whether it might or might not be good policy on the part of the Legislature to make an effort to realize something from them by way of rents and profits, if the

right existed, is not for me to inquire. - But I am clearly of the opinion that Congress has not yet conferred that right:

I cannot think that the simple and unimportant right to protect from "waste and injury," clothes an agent with the power to convey real estate in fee, nor for a term of years, unlimited or limited.

My answer must therefore be that the Legislative Assembly has no authority to either sell or lease the "School Lands" in this Territory.

M. SHERBURNE.

St. Paul, February 11, 1854.

Mr. Watson moved,

This communication be also printed with the ones already authorized,

Which motion prevailed.

Mr. Davis introduced the following bill:

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt, and for other purposes.

Mr. Lord introduced

(No. 25, H. of R.) A bill for an act to establish certain Counties, and for other purposes.

Mr. Noot, from the Committee on Internal Improvements, made the following report:

The Committee having under consideration the following joint resolution, No. 3, ask leave to report the same back to the House without any action on part of said Committee, believing it to be the duty of the House to take such action as they may deem most proper.

ROBERT WATSON,

WILLIAM NOOT,

JOSEPH ROLETTE,

Committee.

Joint Resolution No. 3: *Resolved*, That the City of St. Anthony, in the County of Ramsey, and Territory of Minnesota, and its twin sister the County of Hennepin, be and the same is hereby attached to the State of Maine for judicial purposes.

Mr. Plummer, 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:

No. 2, Joint Resolution for the relief of William B. Dodd.

JOSEPH R. BROWN,

HENRY S. PLUMMER,

Committee.

The Speaker then signed said resolution.

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

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

(No. 19, H. of R.) A bill for an act to amend Section 23, Article 1st, Chapter 8, of the Revised Statutes of Minnesota,

(No. 20, H. of R.) A bill relative to County Officers of Wabasha County.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER,
Committee.

A Message from the Governor being announced,
R. S. Smith Esq., the Governor's private Secretary, appeared and delivered the following message:

EXECUTIVE OFFICE, February 10, 1854.

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act entitled an act to locate a Territorial Road from St. Paul to intersect the Territorial Road from the Falls of St. Anthony to the Sibley County line,

Also,

An act for the construction of a road from Reed's Landing to the Iowa State line.

Mr. Gardner gave notice,

That on to-morrow, or some future day, he would introduce a bill to authorize the County Commissioners of each County in this Territory to offer a bounty for the destruction of wolves and crows.

Mr. Fisher gave notice,

That on to-morrow, or some future day, he would introduce a bill to dissolve the marriage contract now existing between Narcissus Leroy and his wife Anne Leroy.

(No. 19, H. of R.) An act to amend Section 23, Article 1, Chapter 8, of the Revised Statutes of Minnesota,

Came up for a third reading.

The question then recurring on ordering the bill to a third reading,

It was agreed to,

And the bill was read accordingly.

The question then being 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.

(No. 20, H. of R.) A bill relative to the County Officers of Wabasha County,
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 the title of the bill,

It was agreed to.

The House resolved itself into Committee of the Whole,

Mr. Noot in the Chair,

Having under consideration,

(No. 21, H. of R.) A bill to provide for the laying out of a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

(No. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the United States, to be used in Schools,

And,

(No. 20, H. of R.) A bill to provide for the survey of Logs and Lumber in Minnesota,

And after some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

(No. 21, H. of R.) A bill to provide for the laying out of a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

And,

(No. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the United States, to be used in Schools,

Without amendment,

And

(No. 23, H. of R.) A bill to provide for the Survey of Logs and Lumber in Minnesota Territory,

With amendments,

The report of the Committee was accepted.

The question then recurring on adopting the amendments of the Committee of the Whole,

They were adopted.

The question then recurring on ordering the bills to be engrossed for a third reading, It was decided in the affirmative

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in

(No. 8, H. of R.,) Memorial to Congress praying for pre-emption rights on unsurveyed lands,

Also,

(No. 2, H. of R.) A bill for an act to establish the County Seat of Hennepin County,

And then he withdrew,

The question then recurring on ordering

(No. 21, H. of R.) A bill to provide for the laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

(No. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the United States, to be used in Schools,

And,

(No. 23, H. of R.) A bill to provide for the Survey of Logs and Lumber in Minnesota Territory,

To be engrossed for a third reading,

It was decided in the affirmative.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(No. 14, H. of R.) A bill for an act to incorporate the Grand Lodge of Minnesota I. O. O. F.,

Also,

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River from the Falls of St. Anthony to Sack Rapids,

And then he withdrew.

Mr. McKusick gave notice,

That on to-morrow, or some future day, he would introduce a bill to grant to J. D. Trumble the right to establish and maintain a ferry across Lake St. Croix, at Stillwater, Minnesota Territory.

Also,

That on to-morrow, or some future day, he would introduce a bill to grant to Isaac Staples, and his associates, the right to establish and maintain a boom at or near the head of Lake St. Croix, in this Territory.

On motion of Mr. Bartlett,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

J. MORGAN,

Chief Clerk of the House of

Representatives.

TUESDAY, FEB. 14, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Plummer,

The reading of the Journal of yesterday was dispensed with.

Mr. Fletcher introduced

(No. 26, H. of R.) A bill for an act to amend the Revised Statutes.

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

Mr. Nobles introduced sundry petitions from voters, also sundry petitions from women of Shakopee precinct for a prohibitory liquor law.

On motion of Mr. Fletcher,

The petitions were referred to the committee on Temperance, of which Mr. Plummer is chairman.

Messages from the Council being in order,

(No. 6, H. of R.) Memorial to Congress for the establishment of a road from St. Paul, by way of Little Canada to Ram River.

With amendments.

Was then taken up,

And the question recurring on concurring in the amendments of the Council,

They were concurred in.

Mr. Plummer, from the special committee to which was referred the petitions of the friends to a prohibitory liquor law, reported:

That, with bills heretofore drafted, the following faults have been found:

- 1st. Granting too large jurisdiction to justices of the peace.
- 2d. Providing for no jury trial.
- 3d. Placing obstacles in the way of an appeal, by increasing the penalty in case of final conviction, and by allowing but 24 hours to procure sureties.
- 4th. Leaving the county agency so loosely guarded as to be liable to abuse.
- 5th. Leaving individuals liable for keeping or making liquors for private use. Exposing the innocent to annoyance.
- 6th. Disregarding the rights of the U. S. revenue.
- 7th. No liability of officers for neglect of duty.
- 8th. No provision to prevent importation.
- 9th. No provision for discipline of intoxicated persons who become troublesome.

In the accompanying bill it is believed these objections have been obviated, and other changes have been made which render the bill more efficient, without making it more harsh.

It has been constructed so as to embrace the improvements suggested by the experience of Maine, Vermont, and Rhode Island; and in each section a sacred regard has been had to the rights of the citizen, the common law, and the object to be attained, viz: "The complete prohibition of the traffic in intoxicating beverages."

The 29th section may need amendment. There may be a better way to secure the object sought thereby, than is therein provided. The United States law referred to is excessively rigorous, much more so than any other prohibitory law of more recent origin.

It confiscates all boats, &c., in which liquor may be brought upon the Indian Territory.

and authorizes any officer in the service of the United States to destroy all such liquors, and to level all distilleries, &c., to the ground.

Mr. Pummer introduced

(No. 27, H. of H.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

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

Mr. Fletcher moved that

(No. 3, C. F.) Memorial to Congress relative to the half-breed lands in Minnesota, Be now taken up,

Which motion prevailed.

Mr. Bartlett moved

The memorial be indefinitely postponed,

Which motion was lost.

Mr. Day moved

The memorial be referred to a select committee of three.

Carried.

The Chair appointed

Messrs. Day, Watson, and Fisher said committee:

Mr. O. M. Lord from the Committee on engrossed bills made the following report:

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

(No. 21, H. of R.) A bill to provide for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the east side of Minnesota river.

(No. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the U. States, to be used in schools, And

(No. 23, H. of R.) A bill to provide for the survey of logs and lumber in Minnesota Territory.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER,
Committee.

Mr. Watson gave notice

That on to morrow or some future day, he would ask leave to introduce a bill to restrict and regulate the traffic in intoxicating liquors in the Territory of Minnesota.

Mr. Pummer, 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:

(No. 2, H. of R.) A bill entitled an act to establish the county seat of Hennepin County.

(No. 8, H. of H.) Memorial to Congress praying for pre-emption rights on the unsurveyed lands,

(No. 7, H. of R.) A memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River from the Falls of St. Anthony to Sank Rapids.

(No. 1, H. of R.) Joint Resolution relative to printing the Laws, Memorials and Joint Resolutions.

JOSEPH R. BROWN,
HENRY S. PLUMMER,
R. M. RICHARDSON,
Committee.

The Speaker signed said bill, memorials, and joint resolution.

(No. 21, H. of R.) A bill to provide for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the east side of the Minnesota River,
Came up for a third reading.

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. 22, H. of R.) A bill for an act providing for the distribution of copies of the Declaration of Independence and Constitution of the United States, to be used in schools.

Came up for a third reading.

The question then recurring on the passage of the bill,

It was passed.

The question then being on agreeing to the title,

It was agreed to.

(No. 23, H. of R.) A bill to provide for the survey of logs and lumber in Minnesota Territory,

Came up for its third reading.

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. McKusick introduced,

(No. 28, H. of R.) A bill for an act authorizing J. D. Trumble to establish a ferry across Lake St. Croix,

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

Mr. McKusick presented the petition of W. C. Peuney and 50 others, praying for the passage of said bill.

Which was laid on the table.

Mr. Fisher introduced

A bill to dissolve the marriage contract now existing between Narcissus Leroy and his wife Ann Leroy.

Mr. Fisher moved,

That the bill be referred to a select committee of three and that the committee have power to send for persons and papers, and to receive testimony and report the bill back to the House accordingly.

Which motion prevailed,

The Chair appointed Messrs. Fisher, McKusick and Plummer.

The House resolved itself into a Committee of the Whole,

Mr. Watson in the Chair,
Having under consideration,
(No. 18, H. of R.) A bill to amend Sections 1 and 4, Chapter 97, of the Revised Statutes of Minnesota.

And after some time passed therein,
The Committee rose, and by their Chairman reported the same back to the House, without amendments.

Which report was received.

Mr. Nobles moved the bill be referred to a select committee of three.
So the motion prevailed.

And

Messrs. Nobles, Day and Plummer were appointed said committee.

The House resolved itself into a Committee of the Whole,

Having under consideration,

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt and other purposes,

And,

(No. 25, H. of R.) A bill for an act to establish certain counties and for other purposes.

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

(No. 25, H. of R.) A bill for an act to establish certain Counties, and for other purposes.

With amendments,

Which report was received.

Mr. Davis moved that

(No. 24, H. of R.) Be referred to a select committee.

Which motion prevailed,

And,

Messrs. Davis, Bartlett and Lord, were appointed said committee.

On motion of Mr. McKusick,

The amendments to

(No. 25, H. of R.) Reported from the committee, were adopted,

And the bill was ordered to be engrossed for a third reading.

On motion of Mr. Fletcher,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of
Representatives.

WEDNESDAY, FEBRUARY 15, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Nobles

The reading of the journal of yesterday was dispensed with.

Mr. Watson presented a petition from sundry voters, also from sundry women of Point Douglass, for the enactment of a prohibitory liquor law.

On motion of Mr. Fletcher,

The petitions were referred to the committee on prohibitory liquor laws, of which Mr. Plummer is Chairman,

Which was adopted.

Mr. Nobles presented a communication from G. A. McLeod, of Traverse des Sioux, enclosing three hundred signatures from Nicollet and Blue Earth counties for a prohibitory liquor law.

On motion of Mr. Fletcher,

The petitions were referred to the prohibitory liquor law committee, of which Mr. Plummer is chairman,

Mr. Day, on leave, introduced

(No. 4, H. of R.) Joint resolution relative to establishing an emigrant route from St. Paul to Oregon and California.

The rules were suspended,

And the resolution read the first, second, and third times, passed, and the title agreed to.

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

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

(No. 25, H. of R.) A bill for an act to establish certain counties, and for other purposes.

O. M. LORD,
CEPHAS GARDNER,
LOUIS BARTLETT.

Committee

(No. 25, H. of R.) A bill for an act to establish certain counties, and for other purposes,

Was then taken up,

The question then recurring on ordering the bill to a third reading,

It prevailed,

And the bill was read a third time.

The question then being on the passage of the bill,

Mr. Fletcher moved the bill be referred to a select committee of three,

Which motion prevailed.

The chair appointed

Messrs. Fletcher, Lord and McKusick, said committee.

Mr. McKusick presented the petition of A. D. Heaton and 75 others for a boom on Lake St. Croix at Stillwater.

On motion of Mr. McKusick,
The petition was referred to the committee on Incorporations.
Mr. Fletcher, from the committee to whom was referred bill
(No. 25, H. of R.) Made the following report:

The committee to whom was referred (H. of R. No. 25,) have examined said bill, and ask leave to report it back to the House with amendments, and a recommendation for its passage.

H. FLETCHER,
O. M. LORD,
WM. MCKUSICK.
Committee.

The report was accepted and the amendments adopted.

On motion of Mr. Day,
The rules were suspended,
And the question taken upon the passage of the bill, and
It was passed, and
The title agreed to.

A Message from the Council being announced,
And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following joint resolution:
Joint resolution for the relief of William B. Dodd,
And then he withdrew.

Mr. McKusick moved that
(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Be now considered in committee of the whole.

Mr. Watson moved the House adjourn,
And the yeas and nays being called for and ordered,
There were yeas 8; nays 7.

Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Morrison, Neot, Richardson, Roy, Watson and Speaker—8.

Those who voted in the negative, were
Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick and Nobles—7.
So the House adjourned,

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

THURSDAY, FEBRUARY 16, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

The Journal of yesterday was read and approved.

Mr. McKusick offered the following resolution:

Resolved, That one thousand copies of the proceedings of the meeting held in this city, relative to an emigrant route to California, and the speech of Mr. Nobles as printed for the Council, be printed for this House, five hundred of which copies to be circulated by Mr. Nobles, on his way to Washington City.

Which resolution was adopted.

Mr. Fletcher gave notice, that on to-morrow, or some future day, he would introduce, A bill to retrench the expenses of Counties.

Mr. Fletcher gave notice, that on to-morrow, or some future day, he would introduce a bill to repeal Sec. 19 of Chap. 3, of the Revised Statutes.

Mr. Plummer, 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:

(No. 14, H. of R.) A bill entitled an act to incorporate the Grand Lodge of Minnesota I. O. O. F.,

(No. 6, H. of R.) A memorial to Congress for the establishment of a Military Road from St. Paul, by way of Little Canada to Rum River.

JOSEPH R. BROWN, Council.
HENRY S. PLUMMER,
R. M. RICHARDSON, House,
Committee.

The Speaker signed

(No. 8, H. of R.) Memorial to Congress, praying for pre-emption rights on unsurveyed lands,

And then,

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

The Joint Committee on Enrolled Bills did, on the fifteenth day of February, 1854, present to His Excellency the Governor, for examination and approval, the following:

Joint Resolution for the relief of William B. Dodd.

JOSEPH R. BROWN, Council,
HENRY S. PLUMMER,
R. M. RICHARDSON, House,
Committee.

Mr. Richardson made the following report:

We, the Committee to whom was referred the petitions of the inhabitants of Bloomington for a prohibitory Liquor Law,

Beg leave to report the same to the House, and recommend the favorable consideration of the bill introduced by Mr. Plummer.

R. M. RICHARDSON,
WM. H. NOBLES,
Committee.

Mr. Fletcher, from a Select Committee to whom was referred sundry petitions for a Prohibitory Liquor Law, made the following report:

The Committee to whom was referred the petition of Charles Galpin and 27 others, praying for the passage of a Prohibitory Liquor Law, have considered the same, and ask leave to recommend the passage of the Prohibitory bill introduced by Mr. Plummer.

H. FLETCHER,
H. S. PLUMMER,
O. M. LORD,

Committee.

Mr. Plummer, from a Special Committee, to whom was referred various petitions for a Prohibitory Liquor Law, reported the same back to the House, having previously reported upon similar petitions, by bill, with the recommendation that such bill receive the favorable consideration of this body, being another indication of the popular feeling of the inhabitants of the Territory.

Mr. Fletcher, from the Committee to whom had been referred the petition of A. D. Heaton, and one hundred others, relative to a boom at or near the head of Lake St. Croix, made the following report:

The Committee on Incorporations, to whom was referred the petition of A. D. Heaton, and one hundred others, relative to granting a Boom Charter for the establishing of a Boom at or near the head of Lake St. Croix, beg leave to report that—

They have given the subject due consideration, and have no hesitation in saying that the said Boom can subject no one to any inconvenience or injustice, but must certainly be a protection for all logs that break away, or get scattered, above said Boom, as well as the great amount of logs coming from Apple River now having no Boom for their protection.

We, therefore, recommend the passage of the bill before the House for said Boom.

H. FLETCHER,
WM. McKUSICK,
PETER ROY.

Committee.

Mr. Day, from the Committee on Territorial Affairs, made the following report:

The Committee on Territorial Affairs, to whom was referred that portion of the Governor's Message relating to the copper mines on Lake Superior, beg leave to report the following memorial:

J. H. DAY,
WM. A. DAVIS,

Committee.

(No. 10, II. of R.) Memorial to Congress for the extinguishment of the Indian title to the lands on Lake Superior,

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

Mr. Noot, from the Committee to whom was referred the petition of Harvey Hubback, and fifty-four others, of Winona, Fillmore County, praying for a Prohibitory Liquor Law, made the following report:

The Committee to whom was referred the petition of Harvey Hubback, and fifty-four

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others of Winona, Fillmore County, praying for a Prohibitory Liquor Law, have had the same under consideration. Your Committee would state that the Congress of the United States has made ample provisions for the prohibition of Liquor on the west side of the Mississippi River, and your Committee are of opinion, if the laws made by Congress are not sufficient, the Legislature has no right to interfere with.

WILLIAM NOOT,
JOSEPH ROLETTE,
Committee.

Mr. Fletcher, from the same Committee, reported as follows:

The minority of the Committee to whom was referred the petition of Harvey Hub. back and fifty-seven others, ask leave to report that, in his opinion, the prayer of the Petitioners should be granted,

H. FLETCHER.

Mr. Day, from the Committee to whom was referred

(No. 3. C. F.) A memorial to Congress relative to the half-breed lands in Minnesota, Reported the same back, and recommended its passage.

A Message from the Governor being announced,

R. S. Smith Esq., the Governor's private Secretary, appeared and delivered the following message:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

A Joint Resolution for the relief of William B. Dod,

And then he withdrew.

(No. 13, H. of R.) A bill to incorporate the city of St. Paul,

Being the special order of the day,

Was taken up,

And,

On motion,

Was again laid aside for further consideration.

(No. 3, C. F.) Memorial relative to the Half-Breed Tract,

Was taken up.

Mr. Plummer moved,

The memorial be laid on the table,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 6.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Fisher, Gardner, McKusick, Noot, Plummer, Roy and Watson—9.

Those who voted in the negative, were

Messrs. Day, Fletcher, Lord, Morrison, Nobles, Richardson and Speaker—7.

So, the memorial was laid upon the table.

Mr. Plummer moved,

The House resolve itself into Committee of the Whole, to take into consideration,

(No. 27, H. of R.) A bill for an act to prevent the traffic of intoxicating drinks within this Territory,

And the yeas and nays being called for and ordered,

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There were ayes 8; and nays 8,
Those who voted in the affirmative, were
Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer and Speaker—8.
Those who voted in the negative, were
Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Richardson, Roy and Watson—8.
So the House refused to go into Committee of the Whole.

Mr. Watson moved,

To refer the bill to a Select Committee of five,
And the yeas and nays being called for and ordered,
There were ayes 7; and nays 9.

Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Watson—7.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and
Speaker—9.

So the motion was lost.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following mes-
sage:

Mr. Speaker:—The Council has passed
(No. 18, C. F.) A bill to incorporate the Minnesota Bridge Company,
In which the concurrence of the Honorable House of Representatives is respectfully
requested.

Mr. Richardson moved the bill,

(No. 17, H. of R.)

Be made the special order of the day next Monday,
Which motion was lost.

Mr. Plummer moved,

The House resolve itself into Committee of the Whole,
To take into consideration said bill.

Pending which,

A call of the House was ordered,

And Messrs. Rolette and Sloan were reported absent.

On motion of Mr. Fletcher,

Further proceedings under the call were dispensed with.

Mr. Davis moved

The House adjourn,

And the ayes and nays being called for and ordered,

There were ayes 8; and nays 8.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer and Richard-
son—8.

So the motion was lost.

The question then recurring on the motion of Mr. Plummer to go into Committee of
the Whole,

The motion prevailed,

And the House resolved itself into Committee of the Whole accordingly,

Mr. Richardson in the Chair.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof appeared and delivered the following message:

Mr. Speaker:—His Excellency, the Governor has informed the Council that he has approved and signed the following acts and memorials, to wit:

A bill to provide for laying out a Territorial Road from St. Paul, by Fort Ridgley to the Missouri River.

Also,

An act to provide for laying out a Territorial Road from St. Anthony and St. Paul to Taylor's Falls.

Also,

Memorial to Congress for the erection of a Fort at or near the Pembina River,

And then he withdrew,

And the Committee resumed its sitting.

A second message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following act, memorials, and joint resolutions, to wit:

An act to establish the county seat of Hennepin County,

Also,

Memorial to Congress, praying for pre-emption rights on the unsurveyed lands,

Also,

Memorial to Congress for an appropriation of twenty-five thousand dollars for the improvement of the Mississippi River from the Falls of St. Anthony to Sauk Rapids,

Also,

Joint Resolution relative to printing the Laws, Memorials, and Joint Resolutions,

And then he withdrew,

And the committee resumed its sitting.

A message from the Council being announced,

The Speaker took the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has indefinitely postponed

(No. 7, H. of R.) A bill for the protection of School Lands, and for other purposes.

A third message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(21, H. of R.) A bill to provide for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

And then he withdrew,

And the Committee resumed its sitting.

A fourth message from the Council being announced,

The Speaker resumed the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in,

(No. 15, H. of R.) A bill to incorporate the German Reading Society of Saint Paul,

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 No. 27 H. of R., back to the House,

With amendments,

Which report was accepted.

And the question recurring on the adoption of the first amendment,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8:

Those who voted in the negative, were

Messrs. Day, Gardner, Fletcher, Lord, McKusick, Nobles, Plummer, Richardson and Speaker—9.

So the amendment was lost.

The question then recurring on adopting the second amendment,

And the yeas and nays being called for and ordered,

There were yeas 17.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Noot, Nobles, Plummer, Richardson, Roy, Sloan, Watson and Speaker—17.

So the amendment was adopted.

The question then recurring on agreeing to the third amendment,

It was agreed to.

Mr. Plummer moved,

To amend Section 8, by striking out the words "twenty dollars," in line four, and inserting "fifty dollars."

And the yeas and nays being called for and ordered,

There were yeas 10; nays 7.

Those who voted in the affirmative were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—10.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Sloan—7.

So the amendment was adopted.

The question then recurring on agreeing to the fourth amendment, offered by the Committee,

And the yeas and nays being called for and ordered,

There were yeas 17.

Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison,
Noot, Nobles, Plummer, Richardson, Roy, Sloan, Watson and Speaker—17.

So the amendment was adopted.

The question then recurring on the agreeing to the fifth amendment,
It was agreed to.

The question then recurring on agreeing to the sixth amendment,
And the yeas and nays being called for and ordered,

There were yeas 8; nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and
Speaker 9.

So the amendment was lost.

Mr. Lord moved,

To amend in lines 12, 13, 14, and 15, Section 12, by striking out the words "said
liquors shall be declared forfeited, and shall be destroyed by authority of a written order
to that effect by said Justice or Judge, and in his presence or in the presence of some
person appointed by him to witness the destruction thereof, who shall join with the
officers by whom they were destroyed in attesting the fact on the back of said order."
And insert instead thereof, "And the liquor so seized shall be placed in charge of the
regular agent or agents, to be disposed of by him, and the proceeds thereof paid into
the County Treasury."

On motion of Mr. Day,

The House adjourned.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest,

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

FRIDAY, FEBRUARY 17, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Richardson,

The reading of the Journal was dispensed with.

Mr. Bartlett presented the petition of A. Lambert, and 42 other citizens of Little Canada, relative to sheep and swine.

On motion of Mr. Davis,

The petition was referred to a select committee of three.

The Speaker appointed

Messrs. Davis, Roy, and Bartlett said committee.

Mr. Nobles introduced

(No. 30, H. of R.) A bill for an act to retrench the expenditures of Counties,

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

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(No. 25, H. of R.) A bill for an act to establish certain counties, and for other purposes,

And then he withdrew,

Mr. Watson introduced

(No. 31, H. of R.) A bill to restrict the sale of intoxicating liquors within this Territory.

Mr. Nobles moved the rules be suspended,

And the bill be read a first and second times, by its title, and laid on the table to be printed.

And two-thirds having voted in the affirmative.

The motion prevailed,

And the bill was read accordingly.

Mr. Plummer introduced

(No. 32, H. of R.) A bill to alter the boundaries of certain counties, and for other purposes,

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

Mr. Gardner, from the Committee on Schools, introduced

(No. 33, H. of R.) A bill for an act to amend the Revised Statutes,

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

(No. 3, C. F.) A memorial to Congress relative to the half-breed lauds in Minnesota.

Was taken up,

On motion of Mr. Fletcher,

The House resolved itself into Committee of the Whole,

Mr. Gardner in the Chair,

For the further consideration of said memorial.

And after some time passed therein,

The Committee rose,

**And by their Chairman,
Reported the same back to the House, with an amendment,
Which report was accepted,**

And the amendment was agreed to.

Mr. Day moved the rules be suspended,

And the memorial be read a third time by its title, and

Two-thirds having voted in the affirmative,

The motion prevailed, and

(No. 3, C. F.) Memorial relative to the half-breed lands in Minnesota,

Was read a third time by its title.

The question then recurring on the passage of said memorial,

It was passed.

And the title thereof was agreed to.

Messages from the Council being under consideration,

(No. 18, C. F.) A bill to incorporate the Minnesota Bridge Company,

Was taken up,

And read a first and second times.

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Was taken up.

The question being

On adopting the seventh amendment proposed by the committee of the whole, striking out section fourteen,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 10.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Sloan—7.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—10.

So the amendment was lost.

The question being

On adopting the eighth amendment,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Speaker—9.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

So the amendment was adopted.

The question then being on adopting the ninth amendment,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Speaker—9.

(No. 26 of R.) Memorial to Congress to make an appropriation to

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

So the amendment was adopted.

Mr. Richardson moved to amend the bill by striking out all after the word "trial" in section 21st,

Which motion prevailed.

And the amendment was adopted.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 15.) A bill to organize the county of Sibley.

Also,

(C. F. No. 22.) A bill to amend the Revised Statutes,

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

The question then being on the adoption of the tenth amendment, proposed by the committee of the whole,

It was adopted.

Mr. Fisher moved the bill be referred to a select committee,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 9.

Those who voted in the affirmative were,

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Speaker—9.

So the motion was lost.

Mr. Day moved,

The bill be laid on the table,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Plummer, Richardson, and Speaker—8.

So the motion was lost.

Mr. Bartlett moved the House adjourn,

Which motion was lost.

On motion of Mr. Plummer,

The bill was ordered to be engrossed.

Mr. Fletcher moved that the bill after being engrossed be referred to a select committee of five,

Which motion prevailed,

And, Messrs. Fletcher, Plummer, Davis, McKusick, and Nobles, were appointed said committee.

Mr. Plummer moved that the bill be printed as amended,
Which motion prevailed.

On motion of Mr. Fletcher,
The rules were suspended, and
The House resolved itself into Committee of the Whole,
Mr. Noot in the Chair,
Having under consideration

(No. 10, H. of R.) Memorial to Congress for the extinguishment of the Indian title to the lands on the North side of Lake Superior.

A message from the Council being announced,
The Speaker resumed the Chair, and

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of
(No. 17, H. of R.) A bill to provide for laying out a Territorial Road from Minneapolis to a point opposite the present village of Sauk Rapids.

Also,

(No. 20, H. of R.) A bill relative to the County Officers of Wabesha County.

Also,

(No. 4, H. of R.) Joint resolution relative to the establishment of an emigrant route to Oregon California,

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 memorial back to the House,
Without amendment,

Which report was received.

On motion of Mr. Day,

The rules were suspended,

And the memorial was read a third time by its title.

The question then recurring on the passage of the memorial,

It was passed.

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

It was agreed to.

Mr. Sloan gave notice that on to-morrow or some future day, he would introduce a bill to provide for the good conduct of negroes and mulatto persons.

Mr. Plummer, 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:

(No. 15, H. of R.) A bill to incorporate the German Reading Society of St. Paul,

Also,

(No. 21, H. of R.) A bill to provide for the laying out of a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

Also,

(No. 2, H. of R.) Memorial to Congress to make an appropriation to construct

a Military Road from Winona, on the Mississippi River, to Fort Ridgely,

**JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committee.**

The House resolved itself into a Committee of the Whole,

Having under consideration,

(No. 13, H. of R.) A bill to incorporate the City of St. Paul, Ramsey, county Territory of Minnesota.

A message from the Council being announced,

The Speaker resumed the Chair,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(No. 23, H. of R.) A bill to provide for the survey of Logs and Lumber in Minnesota Territory,

With amendments.

Also,

(No. 19, H. of R.) An act to amend Section 23, Article I, Chapter 8, of the Revised Statutes of Minnesota,

With an amendment, and an amendment to the title thereof.

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

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.

The report was accepted.

The Speaker signed the following bills and memorial:

An act to incorporate the German Reading Society of St. Paul.

An act to provide for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River.

Memorial to Congress to make an appropriation to construct a Military Road from Winona on the Mississippi River to Fort Ridgely.

Mr. Day moved

The House adjourn until two o'clock this afternoon,

And the yeas and nays being called for and ordered,

There were yeas 6; and nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick and Plummer—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Morrison, Noot, Roy, Sloan, Watson and Speaker—8.

So the House refused to adjourn.

Mr. Bartlett moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick and Plummer—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Morrison, Noot, Roy, Sloan, Watson and Speaker—8.

So the House refused to adjourn.

Mr. Davis moved the House adjourn until Monday next at 10 o'clock.

And the yeas and nays being called for and ordered,

There were yeas 8; and nays 6,

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Morrison, Noot, Roy, Sloan, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick and Plummer—6.

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

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

MONDAY, FEB. 20, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Day,

The reading of Friday's Journal was dispensed with.

Mr. Lord gave notice, that on to-morrow, or some future day, of this session, he would ask leave to introduce a bill for a Railroad charter from Winona to some point on the Minnesota River.

Mr. Sloan introduced

(No. 34, H. of R.) A bill to provide for the good conduct of negro and mulatto persons,

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

Messages from the Council being in order,

(No. 13, C. F.) A bill to organize the County of Sibley.

Was taken up and read a first and second times.

(No. 22, C. F.) A bill for an act to amend the Revised Statutes,

Was taken up and read a first and second times.

(No. 19, H. of R.) A bill for an act to amend Section 23, Article 1st, Chapter 8, of the Revised Statutes of Minnesota,

Was taken up,

And the question then being on concurring in the amendment of the Council,

It was concurred in.

(No. 23, H. R.) A bill to provide for the survey of logs and lumber in Minnesota Territory.

Was taken up.

And the question being on concurring in the amendments of the Council,

The House refused to concur in the first and fifth amendments to the bill,

And concurred in the second, third, fourth and sixth amendments.

The House then resolved itself into Committee of the Whole,

Having under consideration

(No. 13, H. of R.) A bill to incorporate the city of St. Paul.

After some time passed therein the committee rose,

And by their Chairman reported progress,

And asked leave to sit again.

On motion of Mr. Fletcher,

The House then resolved into committee of the whole,

Mr. Fletcher in the Chair,

For the purpose of considering.

(No. 28, H. of R.) An act authorizing J. D. Trumble to establish a ferry across Lake St. Croix.

(No. 29, H. of R.) An act to incorporate the Stillwater boom company,

And after sometime passed therein the committee rose,

And by their chairman reported back

(No. 29, H. of R.) An act to incorporate the Stillwater boom company,

With amendments.

Which report was accepted.

And the amendments were agreed to.

A Message from the Governor being announced,

R. S. Smith Esq., the Governor's private Secretary, appeared and delivered the following communication:

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

SIR:--Having been appointed by His Excellency, Gov. Ramsey, your immediate predecessor, under a joint resolution of the General Assembly of the Territory of Minnesota, passed March 3d, A. D. 1853, to attend the World's Fair in New York, and having accepted the responsibilities, and endeavored thus far to discharge the duties which were contemplated by the Resolution, I deem it my duty respectfully to report progress to you at this time.

Having by personal inspection informed myself of the prominent parts of the Territory with which I was not previously familiar, and having collected such of the agricultural and mineral productions as would best attract attention and give confidence and instruction to persons desirous to emigrate to our Territory, I proceeded to New York about the first of June, in order to secure the space allotted for Minnesota productions and to comply with the requirements of the Directors in time for the opening of the Exhibition as advertised.

Owing to unavoidable delays in preparing the Palace for the reception of goods, in common with other Commissioners, I was delayed two months longer than would otherwise have been necessary. During this time, as opportunity offered, I sought from the various foreign Commissioners, and from the offices of emigration of New York City, information and facts in regard to foreign emigration which I have appended to this report, and which, although not in strictness specified by the resolution under which I acted, will nevertheless come fairly within the spirit thereof, and which I hope may prove of some utility.

July 15th, 1853, the Crystal Palace was formally inaugurated in presence of the President of the United States, and the members of his Cabinet, the Ambassadors and Commissioners of foreign nations, and an army of scientific men, the products of whose skill and industry, gathered under that splendid canopy of iron and glass, called forth the occasion and elicited the admiration of all beholders.

The contributions from Minnesota consisted, with the exception of Daguerreotypes, of unmanufactured products of the country, furs, grains, minerals, and Indian curiosities, in all amounting to sixty-two different articles.

The furs and articles of Indian dress and ornament were exposed upon a part of the wall of the building near the northern entrance in a most conspicuous and advantageous place to attract general observation.

The grains were exhibited in suitable boxes, in the agricultural department, and singularly enough, formed the only complete exposition of the products of the soil from any of the States or Territories. From this fact, although the collection was very small and insignificant in itself, it attracted the attention and approval of the newspaper reporters, and of thousands of visitors who daily thronged the aisles and galleries of the Palace.

The mineral specimens were almost lost in the immense number and variety from other places, but the superior excellence of the sand taken from the bluff upon which St. Paul stands and which is so abundant in the vicinity, and the specimen of glass made from this sand attracted the eager and careful attention of scientific and practical examiners and glass manufacturers, who pronounced it equal to the very best.

The articles of Indian manufacture were contemplated with perhaps more of curiosity and wonder, and attracted larger notice than some of the more elegant and costly articles which the educated genius of foreign artists offered for admiration.

The manufacturing industry of the Territory could not well be represented as nothing more portable than pine lumber is manufactured to any great extent.

In the Fine Arts, we are indebted to the enterprize of Mr. J. E. Whitney who furnished some Daguerreotype views of St. Paul, which as specimens of art, were surpassed by few. The Territory is indebted to Mr. Sandford, of the firm of P. Chouteau Jr. & Co., and Mr. Ramsey Crooks, who, at the request of Hon. H. H. Sibley, placed at my disposal for exhibition, such Minnesota furs as I might select from their large collections.

The following named persons were the only exhibitors during the past year:

H. H. Sibley, Capt. J. B. S. Todd, S. B. Lowry, D. Gilman, N. McLain, W. H. Forbes, J. McCloud, Jr., J. B. Culver, W. Shaeffer and W. G. LeDuc.

I have received notice from the Directors that the exhibition will be continued during the year 1854, or a portion thereof, and also that the space occupied by Minnesota can be retained and refilled. As it is highly desirable that this excellent means of advertising our Territory be not neglected, I will endeavor to have all the space that may be allowed us filled with specimens of our natural and artificial productions during the continuance of the exhibition.

In conclusion, I hope and believe the objects contemplated by the resolution under which I have acted, have been in some degree accomplished. To the Great Industrial Exhibition of all Nations, Minnesota has contributed her mite. Among the thousands who have daily thronged that exhibition, it is not too much to suppose that the productions of Minnesota have given her wide fame, and added to her increasing popularity.

I have the Honor to Remain,

Very Respectfully,

Your obedient servant,

W. G. LE DUC.

APPENDIX:

The number of emigrants arrived at the port of New York, according to the records of the Office of Emigration, was for 1851, 209,601.

Of those, 163,256 were natives of Ireland; 69,883 of Germany; 16,812 of Switzerland, Holland, Norway, Sweden, Denmark and Scotland; 46,824 of other countries.

The total number of emigrants who arrived at the port of New York during the year 1852, was 300,992. Of these 118,631 were natives of Ireland; 118,511 of Germany; 19,631 of Scotland, Switzerland, Sweden, Denmark, Norway, Holland and Poland; 44,519 of other countries.

By the above statistics we learn that there is a large proportionate decrease from Ireland, and the southern countries of Europe, while there is a remarkably large increase from Germany, Norway, Sweden, and the northern countries of Europe, where the soil, climate and productions are more nearly allied to that of Minnesota, and other northern inland States of the Union.

The immigration for the year 1853 has been, according to the best information ob-

tained, not far from 300,000, and will show a still larger proportionate increase from northern Europe of that class of immigration particularly desirable for Minnesota. The greater part of the Germans, Norwegians, and Swedes who now emigrate, bring with them not only the means of reaching their respective destinations, and establishing themselves in some honest, if humble occupation, in our cities, towns, and inland counties, but they also bring what is incomparatively more valuable, honesty, sobriety, persevering industry, and mental cultivation sufficient to bring them, after a short residence among us within the benign influence of a Free Press.

This class of immigrants eagerly desire any reliable information of our country, and would naturally prefer and seek that portion more nearly like the land of their nativity.

By leaving pamphlets for gratuitous distribution at the various offices of emigration in New York, written in the language of the emigrant, and containing brief descriptions of our Territory and its advantages, with descriptions of the manner, time, and expense of travel, a wide and salutary influence might be excited.

There are also certain newspapers in Germany for the especial purpose of diffusing intelligence among emigrants, such as the *General Emigration Gazette*, published at Rudolstadt; the *German Emigrant*, published in Frankfort on the Main; the *Saxon Emigrant*, published in Leipsic. There are also associations in various parts of Germany, called Associations for the Protection of Emigrants, whose business it is to give all aid, information and assistance to the emigrant which may be useful in enabling him to establish himself satisfactorily in the new home he seeks. The Leipsic Association for Emigrants is the best and most widely extended of any of its kind, and it has branches all over Germany, and exercises an immense influence.

With these facts, I submit to the consideration of your Excellency, whether it is advisable to recommend legislative action to be taken to influence foreign emigration toward Minnesota.

Respectfully, &c.,

W. G. LE DUC.

And then he withdrew.

Mr. Fletcher moved,

The House adjourn until half-past two o'clock P. M.

Which motion prevailed.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

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

The Speaker called Mr. Fletcher to the Chair.

On a call of the roll a quorum answered to their names.
Mr. Davis moved,
The House adjourn,
And the yeas and nays being called for and ordered,
There were yeas 4; nays 8.
Those who voted in the affirmative, were
Messrs. Davis, Fisher, Morrison and Noot—4.
Those who voted in the negative, were
Messrs. Day, Fletcher, Gardner, Lord, McKuslek, Plummer, Richardson and Watson—8.
A call of the House was ordered,
And Messrs. Nobles, Rolette, Roy, Sloan and Speaker reported absent.
On motion of Mr. Richardson,
Mr. Sloan was excused from attendance this afternoon.
On motion of Mr. Plummer,
Further proceedings under the call of the House were dispensed with.
The question being taken on agreeing to the amendments of the Committee of the Whole to
(No. 29, H. of R.) A bill for an act to incorporate the Stillwater Boom Company,
They were concurred in.
Mr. Noot moved that
(No. 28, H. of R.) An act authorizing J. D. Trumble to establish a Ferry across Lake St. Croix,
Be referred to the Committee on Territorial Affairs,
Which motion prevailed.
(No. 29, H. of R.) An act to incorporate the Stillwater Boom Company,
Was ordered to be engrossed.
Mr. Noot moved,
(No. 30, H. of R.) An act to retrench the expenditures of Counties,
Be referred to the Committee on Territorial Affairs,
Which motion prevailed.
Mr. Richardson presented the petition George W. Sweet and sundry other citizens of Sank Rapids, Benton County, praying for the enactment of a prohibitory liquor law.
On motion of Mr. Noot,
Said petition was referred to a Committee of three.
The Speaker appointed Messrs. Noot, Richardson and Plummer said committee.
Mr. Day presented
The petition of J. W. Furber and others, for a Territorial Road from Cottage Grove to St. Paul,
On motion of Mr. Noot,
The petition was referred to the Committee on Territorial Roads.
The House then resolved itself into Committee of the Whole,
Having under consideration,
(No. 31, H. of R.) A bill for an act to restrict the sale of intoxicating liquors within this Territory,
(No. 32, H. of R.) A bill to alter the boundaries of certain Counties, and for other purposes,

(No. 33, H. of R.) A bill for an act to amend the Revised Statutes,
And after some time passed therein,
The Committee rose, and by their Chairman reported the same back to the House,
(No. 32, H. of R.) A bill to alter the boundaries of certain counties and for other

purposes,

With an amendment.

(No. 31, H. of R.) A bill for an act to restrict the sale of intoxicating liquors
within this Territory;

With amendments, and a request for leave to sit again,

And,

(No. 33, H. of R.) A bill for an act to amend the Revised Statutes,

Without amendment.

Which report was accepted.

Mr. Davis moved,

The House adjourn,

Which motion was lost.

The question then recurring on adopting the amendments to

(No. 32, H. of R.) A bill to alter the boundaries of certain counties, and for other
purposes,

It was concurred in.

The question then recurring on ordering the bill to be engrossed,

It was ordered.

The question then being on ordering

(No. 33, H. of R.) A bill for an act to amend the Revised Statutes,

To be engrossed,

It was ordered.

Mr. Richardson moved,

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Fisher, Morrison, Noot, Richardson and Roy—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Plummer and Watson—7.

So the House refused to adjourn.

On motion of Mr. Plummer,

(No. 29, H. of R.) A bill for an act to incorporate the St. Croix Boom Company,

Was read a third time.

Mr. Noot moved,

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 6.

Those who voted in the affirmative, were

Messrs. Davis, Fisher, Morrison, Noot, Roy and Watson—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, McKusick, Plummer, Richardson and Speaker—6.

So the House refused to adjourn.

A call of the House being ordered,

Messrs. Bartlett, Lord, Nobles, Rolette, Sloan and Speaker were reported absent.

On motion of Mr. Plummer,

Further proceedings under the call of the House were dispensed with.

Mr. Plummer, 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:

(No. 3, C. F.) Memorial relative to the Half-Breed Lands in Minnesota,

And,

(No. 4, C. F.) Memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and St. Louis River,

And,

(No. 3, H. of R.) A memorial to Congress for the construction of Roads in the Territory of Minnesota.

JOSEPH R. BROWN, Council.
HENRY S. PLUMMER, House,
Committee

Mr. Richardson moved,

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 5; nays 7.

Those who voted in the affirmative, were,

Messrs. Davis, Gardner, Noot, Richardson and Roy—5.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, McKusick, Plummer, Morrison and Watson—7.

So the House refused to adjourn.

Mr. Plummer moved,

(No. 29, H. of R.) A bill for an act to incorporate the St. Croix Boom Company,
Be laid on the table,

Which motion was lost.

The question then being on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 3.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Morrison, Plummer, Richardson and Watson—10.

Those who voted in the negative, were

Messrs. Davis, Noot and Roy—3.

So the bill was passed.

The question then recurring on agreeing to the title,

It was agreed to.

On motion of Mr. Plummer,

TUESDAY, FEBRUARY 21, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Fletcher

The reading of the Journal was dispensed with.

Mr. Richardson offered the following resolution,

Resolved, That one thousand copies of the Governor's Message, with accompanying Documents, be printed for the use of this House,

Which was adopted.

Mr. O. M. Lord, from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined and found correctly engrossed, the following:

(No. 32, H. of R.) A Bill to alter the boundaries of certain counties, and for other purposes,

(No. 33, H. of R.) A Bill for an act to amend the Revised Statutes.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER.

Committee.

Mr. Plummer 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:

(No. 20, H. of R.) A Bill relative to the County Officers of Wabashaw County,

(No. 17, H. of R.) A Bill to provide for laying out a Territorial Road from Minneapolis to a point opposite the present Village of Sauk Rapids,

Also,

(No. 25, H. of R.) A bill for an act to establish certain counties and for other purposes,

Also,

(No. 19, H. of R.) A bill for an act to amend Sec. 23, Art. 1, Chap. 8, of the Revised Statutes of Minnesota,

Also,

(No. 4, H. of R.) Joint Resolution relative to the establishment of an emigrant route to Oregon and California.

JOSEPH R. BROWN, Council.

HENRY S. PLUMMER,

R. M. RICHARDSON, House.

Committee.

Mr. Fisher from the Select Committee to whom was referred the petition of Ann Leroy, made the following Report:

To the Honorable, the House of Representatives of the Territory of Minnesota:—

Your Committee, to whom was referred a Bill to dissolve the marriage contract now existing between Narcissus Leroy and his wife, Ann Leroy, beg leave to report the bill back to the House, with the recommendation of its passage.

And your Committee report as above, from the following reasons:

First. That they have satisfactory evidence that the said Narcissus Leroy has threatened his wife's life, and in many ways treated her in such a brutal manner as to justify this Legislature in granting her a divorce, from her husband.

Second. That the said Ann Leroy is very poor, and could not obtain a divorce by application to the judiciary, for want of means to pay the necessary expense.

Your Committee therefore recommend that the bill pass.

JOHN FISHER,
WM. MCKUSICK,
H. S. PLUMMER.
Committee.

Which report was accepted.

(No. 28, H. of R.) A bill to dissolve the marriage contract between Narcissus Leroy and Ann Leroy,

Was taken up and read a first and second times.

On motion of Mr. Fisher,

The rule requiring the printing of bills was suspended,

And said bill was ordered to be engrossed.

Mr. Fletcher from the select committee to whom was referred,

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Made the following report:

The special committee to whom was referred,

(No. 27, H. of R.) An act to prevent the traffic in intoxicating liquors within this Territory,

Have had the same under consideration and ask leave to report, that in order to obviate every valid objection to said bill, the 14th and 16th Sections shall be struck out, and Section 8th amended so as to conform more fully to statutory provisions.

Your committee would call your attention to the fact that a bill similar in many of its provisions has already been submitted to the people of this Territory, and has been accepted by a most overwhelming majority; also to the fact that this law is called for by more than twelve hundred petitioners presented to this Legislature, which is a most significant sign that the people want it; that they are prepared for it; that nothing else will satisfy them. They invoke your action by the most pathetic appeals. They point you to the wide-spread evils which the traffic introduces in this Territory. They point you to the beggared families, to the bereaved widow, to the orphan children, to the murdered citizen, to the tears and groans of those hearts from which the last ray of hope has died out, and cry out, shall these evils be interminable?

Your Committee would therefore earnestly recommend the passage of the bill in its amended form.

H. FLETCHER,
WM. MCKUSICK,
H. S. PLUMMER.
Committee.

On motion of Mr. Watson,

The bill reported by the Committee was read a second time and laid on the table to be printed.

Mr. Davis, from the minority of the committee to whom was referred, No. 27, H. of R., made the following report:

The minority of the select committee to whom was referred,
(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Begs leave to report that he has had the said bill under consideration and would report the same back to the House with the following amendments, and would ask the concurrence of the House therein,

Your minority committee recommends the striking out of the whole of section 14, as it directly conflicts with Articles 4, and 6, of the amendments to the Constitution of the United States.

Your minority committee also recommends the striking out of section 16, as it impairs the faith of contracts and gives to the defendant or person arraigned no opportunity of vindicating himself from the charge preferred against him by the provisions of this act, and for other objections apparent upon an examination of said section.

Your committee also recommends striking out all of section 27. It must be apparent to the House on an examination of said section 27, that if the House refuses to concur in striking out said section 27, it impeaches the good faith of all custom house certificates, and shifts the burden of proof from the plaintiff to the defendant, reversing thereby the rules of evidence, that regards a "man as innocent until proved guilty"—and places it beyond the power of a person, arraigned under the provisions of this act, to procure the testimony he may require for his defence in the short time allowed him by this act.

Your committee, therefore, in view of these objections to said bill, have recommended their being struck out from said act, and should the House not concur in the recommendations herein contained, your committee would then recommend to the House as a substitute for said bill, a bill herewith annexed as accompanying this report.

WILLIAM A. DAVIS,
Minority Committee.

On motion of Mr. Plummer,
The bill reported by Mr. Davis,
(No. 36, H. of R.) A bill for an act to suppress gaming, to increase the revenue and for other purposes,

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

Mr. Plummer from the select Committee to whom was referred the petition of G. W. Sweet, and others, for the enactment of a Prohibitory Liquor Law, made the following report:

The Committee to which was referred the petition of G. W. Sweet, and others, praying for the enactment of a Prohibitory Liquor Law, have taken the same into consideration, and recommend that the prayer of the petitioners be granted.

R. M. RICHARDSON,
HENRY S. PLUMMER,
Committee.

The House then resolved itself into a Committee of the Whole,

Mr. Davis in the Chair,

Having under consideration

(No. 18, C. F.) A bill for an act to incorporate the Minnesota Bridge Company,

(No. 15, C. F.) A bill for an act to organize the County of Sibley,

(No. 22, C. F.) A bill for an act to amend the Revised Statutes,

A message from the Council being announced,

The Speaker resumed the Chair, and James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following act and memorial, to wit:

An act to incorporate the Grand Lodge of Minnesota, I. O. O. F.,
Memorial to Congress for the establishment of a road from St. Paul, by way of Little Canada, to Rum River.

And then he withdrew,

And the committee resumed its sitting.

A second message from the Council being announced, the Speaker took the Chair, and James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,
(No. 17, C. F.) A bill to incorporate the Hamline University of Minnesota.
The Council has concurred in the amendment proposed by the House to
(No. 5, C. F.) A memorial relative to the Half Breed Lands in Minnesota,
And then he withdrew,

And the Committee resumed its session.

A message from the Council being announced,

The Speaker resumed the Chair, and

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,
(No. 12, C. F.) A bill to amend an act entitled "An act to incorporate the Mississippi Boom Company, and an act amendatory thereto."

(No. 28, C. F.) A bill entitled an act to incorporate the St. Croix Boom Company,
The Council has appointed Messrs. Stearns, Mower and Freeborn, a committee of conference to act in conjunction with a similar committee from the House to take into consideration the disagreeing vote of the House to Council amendments to

(No. 23, H. of R.) A bill to provide for the survey of logs and lumber in Minnesota Territory.

The Speaker appointed Messrs. McKusick, Fletcher and Gardner a committee on the part of the House.

The Council has passed,

(No. 14, C. F.) A bill to incorporate the St. Paul Bridge Company.

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

And then he withdrew, and the committee resumed its session.

After some time passed therein, the committee rose, and by their Chairman, reported the bills under consideration, back to the House.

(No. 18, C. F.) A bill to incorporate the Minnesota Bridge Company,
With amendments, and

(No. 15, C. F.) A bill to organize the County of Sibley; and

(No. 22, C. F.) A bill to amend the Revised Statutes,

Without amendment.

Which report was accepted

The question then being on the adoption of the first amendment reported by the Committee to

(No. 18, C. F. A bill to incorporate the Minnesota Bridge Company,
It was adopted.

The question then being on the adoption of the second amendment,
It was lost.

Mr. Fletcher moved that the word "four" be inserted in the place of "five," in section
thirteen.

Which motion prevailed, and the amendment was adopted.

Mr. Davis moved that the bill be indefinitely postponed.

And the yeas and nays being called for and ordered,

There were yeas 4; nays 12.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Morrison and Noot—4.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Plummer, Richardson,
Roy, Sloan, Watson and Speaker—12.

So the motion was lost.

Mr. Davis moved the bill be laid upon the table.

And the yeas and nays being called for and ordered,

There were yeas 5; nays 11.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison and Noot—5.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Plummer, Richardson, Roy, Sloan,
Watson and Speaker—11.

So the motion was lost.

Mr. Richardson moved the rules be suspended and the bill be read a third time by its
title,

Which motion was lost.

(No. 32, H. of R.) A bill to alter certain Counties, and for other purposes,
Was taken up.

The question being on ordering the bill to a third reading,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 10.

Those who voted in the affirmative, were

Messrs. Fletcher, Gardner, Lord, McKusick, Plummer and Sloan—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Morrison, Noot, Richardson, Roy, Watson and
Speaker—10.

So the Bill was refused a third reading.

The Speaker signed the following acts and joint resolution:

(No. 20, H. of R.) An act relative to the County Officers of Wabasha County.

And,

(No. 17, H. of R.) An act to provide for laying out a Territorial Road from Min-
neapolis to a point opposite the present village of Sauk Rapids.

And,

(No. 25, H. of R.) An act to establish certain counties, and for other purposes.

And,

(No. 19, H. of R.) An act to amend Section 28, Article 1st, Chapter 8, of the Revised Statutes of Minnesota,

Also,

(No. 4, H. of R.) Joint resolution relative to the establishment of an emigrant route to Oregon and California,

Mr Fletcher moved the House adjourn until half past 2 P. M.

Which motion prevailed.

AFTERNOON SESSION.

TWO O'CLOCK, P. M.

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

The roll was called, and a quorum answered to their names.

The Speaker signed the following memorials:

A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North, and the St. Louis river.

And

A memorial to Congress for the construction of Roads in the Territory of Minnesota.

And

A memorial to Congress relative to the half-breed lands in Minnesota.

(No. 3, H. of R.) A bill to amend the Revised Statutes,

Was taken up,

And read a third time.

The question then recurring on the passage of said bill,

It was passed.

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

It was agreed to.

Mr. Fletcher moved

The House resolve itself into Committee of the Whole,

To take into consideration

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Pending which motion, a call of the House was ordered, and

Messrs. Davis, Noot, Rolette and Sloan were reported absent.

Mr. Plummer moved further proceedings under the call be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 7.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, and Plummer—7.

Those who voted in the negative, were

Messrs. Bartlett, Fisher, Morrison, Richardson, Roy, Watson and Speaker—7.

So the motion was lost,

And the Sergeant-at-Arms was directed to report the absent members in their seats.

Mr. Plummer moved that Mr. Sloan be excused from attendance in the House this afternoon,

Which motion was lost.

Mr. Plummer moved that further proceedings under the call of the House be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, and Richardson—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Watson and Speaker—8.

So the motion was lost.

After some time the Sergeant-at-Arms returned and reported the absent members in their seats,

The question then recurring on the original motion,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 7.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Sloan and Watson—10.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Speaker—7.

So the motion prevailed.

The House then resolved itself into committee of the whole,

Mr. Plummer in the chair,

Having under consideration,

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

And after some time passed therein, the Committee rose,

And by their Chairman reported the bill back to the House,

With amendments,

Which report was accepted.

The question then being on adopting the first amendment made in committee of the whole,

It was adopted.

The question then recurring on adopting the second amendment,

It was adopted.

The question then recurring on adopting the third amendment,

It was lost.

The question then being on adopting the fourth amendment,

It was lost.

Mr. Noot moved the House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 4; nays 12.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Noot and Sloan—4.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, Morrison, Nobles, Plummer, Richardson, Roy, Watson and Speaker—12.

So the motion was lost.

The question then recurring on adopting the fifth amendment,

It was lost.

The question then recurring on adopting the sixth amendment,

It was lost.

The question then being on adopting the seventh amendment,

A call of the House was ordered, and Mr. Rolette was reported absent.

On motion of Mr. Fletcher,

Further proceedings under the call were dispensed with.

The question recurring on adopting the seventh amendment,

It was adopted.

The question then being on adopting the eighth amendment,

It was adopted.

The question then being on adopting the ninth amendment it was adopted.

Mr. Watson moved that so much of section 20, as relates to section 16, be struck out.

And the yeas and nays being called for and ordered,

There were yeas 11; nays 6.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—11.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Morrison, Noot, Roy and Sloan—6.

So the amendment was adopted.

Mr. Fisher moved the word "enacted" be struck out of the enacting clause.

And the yeas and nays being called for and ordered,

There were yeas 7; nays 10.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Sloan—7.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—10.

So the motion was lost.

Mr. Watson moved to strike out all after the word "agent" in the seventh line of section 25, and insert "nor shall anything in this act be construed to prevent any person from manufacturing for his own private use, a reasonable quantity of distilled, fermented or vinous liquors. Nor shall any provision of this act be construed to prevent any person from keeping on his premises or possessions, or from bringing into this Territory for his own private use, a reasonable quantity of any liquors of the above description."

Which was lost.

Mr. Nobles moved to strike out the word "sacramental" wherever it occurs in the bill; And the yeas and nays being called for and ordered,

There were yeas 12; and nays 4.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Fletcher, Morrison, Noot, Nobles, Plummer, Roy, Sloan and Speaker—12.

Those who voted in the negative, were

Messrs. Day, Gardner, Lord and Watson—4.

So the motion prevailed.

Mr. Fletcher moved to insert the words "and shall be committed till paid," after the word "prosecution," in line 4 of section 8.

And the yeas and nays being called for and ordered,

There were yeas 9; nays 8.

Those who voted in the affirmative were,

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson and Watson—9.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Speaker—8.

So the motion prevailed.

Mr. Fletcher moved the bill be ordered to be engrossed for a third reading,

And the yeas and nays being called for and ordered,

There were yeas 9; and nays 8,

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, and Speaker—9.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy, Sloan and Watson—8.

So the motion prevailed,

And was ordered accordingly.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following acts and memorial, to wit:

An act for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,

An act to incorporate the German Reading Society of St. Paul,

And,

A Memorial to Congress to make an appropriation to construct a Military Road from Winona, on the Mississippi River, to Fort Ridgely,

And then he withdrew.

A second message from the Council was received,

And,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 29.) A bill to incorporate the Henderson and Fort Ridgely Plank Road Company,

Also,

(C. F. No. 34.) A bill to provide for laying out a Territorial Road from St. Paul to the Iowa Line,

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

And then he withdrew.

A third message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(C. F. No. 24.) A bill to incorporate the Minneapolis and Lake Minnetonka Plank Road Company,

Also,

(C. F. No. 32.) A bill for the protection of the owners of saw-logs in this Territory, In all of which the concurrence of the House of Representatives is respectfully requested.

And then he withdrew,

On motion of Mr. Davis,

The House adjourned,

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

WEDNESDAY, FEBRUARY 22, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

On motion of Mr. Richardson,

The reading of the Journal was dispensed with.

A message from the Governor being announced,

And R. S. Smith, Esq., the Governor's Private Secretary, appeared and delivered the following communication:

EXECUTIVE OFFICE, Saint Paul, Feb. 21st, 1854.

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

A memorial to Congress praying for pre-emption rights on unsurveyed lands,

Also,

Joint Resolution relative to printing the Laws, Memorials and Joint Resolutions,

Also,

Memorial to Congress for an appropriation of \$25,000 for the improvement of the Mississippi River, from the Falls of St. Anthony to Sauk Rapids,

Also,

Memorial to Congress for the establishment of a Road from St. Paul, by way of Little Canada, to Rum River,

Also,

An act to establish the county seat of Hennepin County,

Also,

An act to incorporate the Grand Lodge of Minnesota, I. O. O. F.

Mr. Plummer, 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:

(No. 4, C. F.) A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and the Saint Louis River.

(C. F. No. 3.) A memorial to Congress for an appropriation for the construction of Roads in the Territory of Minnesota,

Also,

(C. F. No. 3.) Memorial to Congress relative to the Half-Breed Lands in Minnesota.

JOSEPH R. BROWN, Council,

HENRY S. PLUMMER,

R. M. RICHARDSON, House.

Committee.

M. Richardson gave notice,

That on to-morrow, or some future day, he would introduce a bill to abolish Indian Testimony in the Courts of this Territory, and for other purposes.

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

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

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Also,

(No. 28, H. of R.) A bill to dissolve the marriage contract now existing between Narcissus Leroy and his wife Ann Leroy.

O. M. LORD,
LOUIS BARTLETT,
CEPHAS GARDNER,
Committee.

Mr. Plummer, 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:

(No. 8, C. F.) A bill to provide for laying out a Territorial Road from Red Wing to Fort Ridgely,

JOSEPH R. BROWN,
HENRY S. PLUMMER,
Committee.

Mr. Noot, from the Committee on Legislative Expenditures, introduced,

The Appropriation Bill,

On motion of Mr. Nobles,

The rules were suspended,

And the bill was read a first and second times by its title.

(No. 17, C. F.) A bill to incorporate the Hamline University of Minnesota,

Was taken up,

And read a first and second times by its title.

(No. 14, C. F.) A bill to incorporate the St. Paul Bridge Company,

Was taken up and read a first and second times by its title.

(C. F. No. 34.) A bill to provide for laying out a Territorial Road from St. Paul to the Iowa line,

Was taken up and read a first and second times.

(C. F. No. 12.) A bill to amend an act entitled, "An act to incorporate the Mississippi Boom Company,"

And an act amendatory thereto,

Was taken up and read a first and second times.

(C. F. No. 29.) A bill to incorporate the Henderson and Fort Ridgely Plank Road Company,

Was taken up and read a first and second times.

(C. F. No. 28.) A bill to amend an act entitled an act to incorporate the St. Croix Boom Company,

Was taken up and read a first and second times.

(C. F. No. 32.) A bill for the protection of the owners of saw logs in this Territory,

Was taken up and read a first and second times by its title.

(C. F. No. 24.) A bill to incorporate the Minneapolis and Lake Mabetonka Plank Road Company,

Was taken up and read a first and second times by its title.

(C. F. No. 15.) A bill to organize the County of Sibley,

Was taken up,

And on motion of Mr. Fletcher,

Was laid upon the table.

(C. F. No. 18.) A bill to incorporate the Minnesota Bridge Company,

Was taken up,

On motion of Mr. Fisher,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 11; nays 5.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Roy, Watson and Speaker—11.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, Morrison and Noot—5.

So the bill was passed.

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

It was agreed to.

(C. F. No. 22.) A bill for an act to amend the Revised Statutes,

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 the title of the bill,

It was agreed to.

(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Was taken up.

A call of the House was ordered,

And Messrs. Rolette and Sloan were reported absent.

Mr. Fletcher moved,

That further proceedings under the call be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative, were

Messrs. Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Morrison, Noot, Roy and Speaker—8.

So the motion was lost.

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

After some time passed,

The Sergeant-at-Arms reported Mr. Sloan in his seat.

The question then recurring on ordering the bill to a third reading,
 And the yeas and nays being called for and ordered,
 There were yeas 11; nays 5.
 Those who voted in the affirmative, were
 Messrs. Bartlett, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer,
 Richardson, Watson and Speaker—11.
 Those who voted in the negative, were
 Messrs. Davis, Morrison, Noot, Roy and Sloan—5.
 So the bill was ordered to be read a third time.
 On motion of Mr. Davis,
 The rules were suspended,
 And the bill read a third time by its title.
 Mr. Davis moved,
 To lay the bill upon the table.
 And the yeas and nays being called for and ordered,
 There were yeas 7; nays 10.
 Those who voted in the affirmative, were
 Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Sloan—7.
 Those who voted in the negative, were
 Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson,
 Watson and Speaker—10.
 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 yeas 10; nays 7.
 Those who voted in the affirmative, were
 Messrs. Day, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Richardson,
 Watson and Speaker—10.
 Those who voted in the negative, were
 Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Roy and Sloan—7.
 So the bill was passed.
 And the question then recurring on agreeing to the title of the bill,
 And the yeas and nays being called for and ordered,
 There were yeas 11; nays 6.
 Those who voted in the affirmative, were
 Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Rich-
 ardson, Watson and Speaker—11.
 Those who voted in the negative, were
 Messrs. Bartlett, Davis, Morrison, Noot, Roy and Sloan—6.
 Mr. Davis moved the House adjourn,
 And the yeas and nays being called for and ordered,
 There were yeas 6; nays 11.
 Those who voted in the affirmative, were
 Messrs. Bartlett, Davis, Morrison, Noot, Roy and Sloan—6.
 Those who voted in the negative, were
 Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Plummer, Rich-
 ardson, Watson and Speaker—11.

So the motion was lost.
Mr. Day, from the Committee on Territorial Affairs, reported back to the House,
(No. 28, H. of R.) A bill for an act authorizing J. D. Tumble to establish a Ferry
across Lake St. Croix,
And,

(No. 30, H. of R.) A bill for an act to retrench the expenditures of Counties,
Without amendment,
And recommend their passage,
Which report was accepted.

Mr. McKusick, from the Committee on Conference, presented the following report:
To the Honorable House of Representatives of the Territory of Minnesota:

Your Committee of Conference, appointed to confer with a Committee of the Council,
upon a disagreement of the two Houses relative to certain amendments to bill
(No. 23, H. of R.)

Beg leave to make the following report:

The first disagreement was in section 4, line 3, and your Committee would recommend
that the same may read as follows:

Of the Second Districts at the towns of St. Anthony and St. Paul.

Second and last disagreement was in section 15, lines 4, 5 and 6, and your Committee
would recommend as follows:

That all of section 16th, after the word "length," in the 4th line, be stricken out.
The above report is all in accordance with the wishes of your Committee.

H. FLETCHER,
WM. MCKUSICK,
CEPHAS GARDNER,
Committee.

Which report was received and adopted.

Mr. Day gave notice,

That on to-morrow, or some future day, he would introduce a bill for laying out a Road
from St. Paul to Lake Minnetonka.

(No. 28, H. of R.) A bill to dissolve the marriage contract between Narcissus
Leroy and Ann Leroy,

Was taken up,

And, on motion of Mr. Fisher,

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

On motion of Mr. McKusick,

The unanimous consent of the House being obtained, the blanks in said bill were
filled with the name of Ann Leroy.

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. Davis moved

The House adjourn,
And the yeas and nays being called for and ordered,

There were yeas 7, nays 10. Those who voted in the affirmative, were Messrs. Bartlett, Davis, Morrison, Noot, Plummer, Roy and Speaker—7. Those who voted in the negative, were Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Nobles, Richardson, Sloan and Watson - 10.

So the motion was lost.

Mr. Plummer moved,

The House adjourn to this afternoon, at half-past one o'clock.

Which motion was lost.

Mr. McKusick moved

The House adjourn to this afternoon at two o'clock,

Which motion prevailed.

AFTERNOON SESSION.

Two O'Clock, P. M.

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

Mr. O. M. Lord, from the committee on Engrossed Bills, made the following report:

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

(No. 29, H. of R.) An act to incorporate the Stillwater Boom Company.

O. M. LORD,

LOUIS BARTLETT,

CEPHAS GARDNER,

Committee.

(No. 30, H. of R.) A bill for an act to retrench the expenditures of Counties. 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 the title,

It was agreed to.

(No. 28, H. of R.) An act authorizing J. D. Trumble to establish a Ferry across Lake St. Croix,

Was taken up, and read a third time,

The question then being on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 2.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer and Richardson—9.

Those who voted in the negative, were

Messrs. Morrison, and Noot—2.

So the bill was passed.

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

It was agreed to.

Mr. Fisher moved,

That the rules be suspended, and the House go into Committee of the Whole,

For the consideration of

(No. 17, C. F.) A bill to incorporate the Hamline University of Minnesota,

(No. 12, C. F.) An act to amend an act to incorporate the Mississippi Boom Company and an act amendatory thereto,

(No. 14, C. F.) A bill to incorporate the St. Paul Bridge Company,

(No. 24, C. F.) A bill to incorporate the Minneapolis and Lake Minnetonka Plank Road Company.

(No. 28, C. F.) A bill to amend an act entitled, "An act to incorporate the St. Croix Boom Company,

(No. 32, C. F.) A bill for the protection of the owners of saw logs in this Territory,

(No. 34, C. F.) A bill to provide for laying out a Territorial Road from St. Paul to the Iowa line,

And

(No. 29, C. F.) A bill to incorporate the Henderson and Fort Ridgely Plank Road Company,

Which motion prevailed,

And the House resolved itself into a Committee of the Whole,

Mr. Noot in the Chair,

And after some time passed therein, the Committee rose,

And by their Chairman, reported the same back to the House,

Except,

(No. 28, C. F.) An act to amend an act entitled an act to incorporate the St. Croix Boom Company,

On which the Committee reported progress,

And asked leave to sit again.

Which report was received.

Mr. Watson moved that

(No. 24, C. F.) A bill to incorporate the Minneapolis and Lake Minnetonka Plank Road Company,

And

(No. 29, C. F.) A bill to incorporate the Henderson and Fort Ridgely Plank Road Company,

Be indefinitely postponed.

Which motion was lost.

Mr. Richardson moved

The rules be suspended, and the bills reported from the Committee of the Whole be read a third time.

Which motion was lost.

Mr. Plummer gave notice,

That on to-morrow, or some future day, he would introduce a bill for organizing the City of St. Paul, so called, into a new County, to be known by the name of Brag County, with special powers for the erection and maintenance of gas works.

The House then resolved itself into Committee of the Whole,

Mr. McKusick in the Chair,

Having under consideration,

(No. 13, H. of R.) A bill to incorporate the City of St. Paul, Ramsey County, Territory of Minnesota.

After some time passed therein, the Committee rose,

And by their Chairman reported progress,

And asked leave to sit again.

Which report was accepted.

Mr. Gardner gave notice,

That on to-morrow, or some future day, he would introduce a bill to incorporate the Minnesota Royal Arch Chapter No. 1.

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

The Joint Committee on Enrolled Bills did, on the 22d, day of February, 1854, present to His Excellency the Governor, for examination and approval, the following:

A bill for an act to amend Section 23, Article 1, Chapter 8, of the Revised Statutes of Minnesota,

Also,

A bill for an act to establish certain counties, and for other purposes.

Also,

A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North, and the Saint Louis River,

And,

Memorial to Congress for the construction of Roads in the Territory of Minnesota.

And,

Memorial to Congress relative to the Half-Breed Lands in Minnesota.

JOSEPH R. BROWN, Council,

HENRY S. PLUMMER, House,

Committee.

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

The Joint Committee on Enrolled Bills did, on the 22d day of February, 1854, present to His Excellency the Governor, for examination and approval, the following:

A bill for an act for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the east side of the Minnesota River,

Also,

A bill for an act to incorporate the German reading Society of St. Paul.

Also,

A bill for an act to provide for laying out a Territorial road from Minneapolis to a point opposite the present village of Sauk Rapids,

And

A bill entitled an act relative to the county officers of Wabashaw County,

And

Joint Resolution relative to the establishment of an emigrant route to Oregon and California,

Also,

Memorial to Congress to make an appropriation to construct a Military Road from Winona, on the Mississippi River, to Fort Ridgely.

JOSEPH R. BROWN, Council

HENRY S. PLUMMER, House,

Committee.

Mr. Plummer, 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:

(C. F. No 22.) A bill entitled an act to amend the Revised Statutes,

And

A bill for an act to provide for laying out a Territorial Road from Red Wing to Fort Ridgely.

JOSEPH R. BROWN, Council.

R. M. RICHARDSON, House,

Committee.

On motion of Mr. Noot,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

THURSDAY, FEBRUARY 23, 1854.

The House met pursuant to adjournment and was called to order by the Speaker.
Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Gardner

The reading of the Journal was dispensed with.

Mr. McKusick presented the remonstrance of sundry citizens of Minnesota against extending the charter of the St. Croix Boom Company.

On motion of Mr. Nost,

The petition was referred to the committee on incorporations.

Mr. Bartlett gave notice that on to-morrow or some future day of this session, he would ask leave to introduce a bill for a Territorial Road from St. Paul by way of Little Canada to Lake Superior, on the most direct route.

Mr. Richardson offered the following resolution:

Resolved, That each member, and Clerk of this House, give 12 stamped envelopes to the officers of this House, viz: to the Messenger, Sergeant-at-Arms and Fireman,

Which was adopted.

A Message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed.

(C. F. No. 25.) A bill to incorporate the Minneapolis and Little Falls Plank Road Company.

Also,

(C. F. No. 5.) A bill to incorporate the St. Paul Gas Light Company,

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

And then he withdrew.

Mr. Richardson introduced

(No. 37, H. of R.) A bill to abolish Indian testimony in all courts of this Territory, Which was read a first and second times, and laid on the table to be printed.

Mr. Lord introduced

(No. 38, H. of R.) An act to incorporate the the transit railroad company.

On motion of Mr. Plummer,

The rules were suspended, and the bill was read a first and second times by its title, and laid on the table to be printed.

Mr. Davis from, the select committee to whom was referred the petition of A. Lambert and others, made the following report:

The select committee to whom was referred the petition of A. Lambert and 41 others, residents of Little Canada, praying that sheep and hogs may be permitted to roam at large—have had the same under consideration, and respectfully beg leave to report by bill and recommend its passage.

All of which is respectfully submitted.

WM. A. DAVIS, Chairman,

LOUIS BARTLETT,

BETTER ROY,

Committee.

(No. 39, H. of R.) A bill relative to sheep and swine running at large in this Territory.

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

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following memorials, to wit:

A memorial to Congress for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the North and the Saint Louis River.

Also,

A memorial to Congress relative to the half-breed lands in Minnesota.

Also,

A memorial to Congress for the construction of Roads in the Territory of Minnesota.

His Excellency the Governor has informed the Council that he has approved and signed

A joint resolution authorizing the Secretary of the Territory to purchase copies of the Annals of the Minnesota Historical Society.

The President of the Council has signed the following acts and joint resolutions, to wit:

A bill for an act to establish certain counties, and for other purposes.

Also,

An act to amend Section 23, Article 1, Chapter 8, of the Revised Statutes of Minnesota,

Also,

A bill entitled an act relative to the county officers of Wabasha county.

Also,

A Bill for an act to provide for laying out a Territorial Road from Minneapolis to a point opposite the present Village of Sauk Rapids,

Also,

Joint resolution relative to the establishment of an emigrant route to Oregon and California,

The Council has passed

(No. 30, C. F.) A bill to incorporate the St. Paul and Little Canada Plank Road Company.

Also,

(No. 33, C. F.) A bill to incorporate the St. Paul and Point Douglas Plank Road Company.

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

And then he withdrew,

The House then resolved itself into Committee of the Whole,

Mr. Watson in the Chair,

Having under consideration

(No. 28, C. F.) A bill to amend an act entitled "an act to incorporate the Stillster Boom Company,

And after some time passed therein,
The Committee rose, and by their Chairman reported progress,
And asked leave to sit again;
Which report was accepted.
On motion of Mr. Richardson;
The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Two o'clock, P. M.

The House met pursuant to adjournment, and was called to order by the Speaker;
The roll was called, and a quorum answered to their names:
(No. 17, C. F.) A bill to incorporate the Hamline University of Minnesota:
Was taken up.
On motion of Mr. Fisher,
The rules were suspended, and the bill was read a third time by its title:
The question then recurring on the passage of said bill,
It was passed.
The question then recurring on agreeing to the title of the bill,
It was agreed to.
(No. 14, C. F.) A bill to incorporate the St. Paul Bridge Company.
Was taken up,
Mr. Richardson moved
The rules be suspended, and the bill be read a third time by its title.
Which motion prevailed.
The question then being 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. Richardson moved to reconsider the vote by which the bill was passed
Which motion prevailed.

Mr. Day moved to re-consider the vote by which the bill was read a third time by its title,

Which motion prevailed.

The bill was then read a third time at length.

Mr. Davis moved the blank in sec. 6 be filled with the figure 7,

Which motion was lost.

Mr. Nobles moved the blank be filled with the figure 6,

Which motion prevailed.

The question then being 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. 12, C. F.) An act to amend an act to incorporate the Mississippi Boom Company and an act amendatory thereto,

Was taken up, and read a third time.

Mr. Plummer moved the bill be referred to a select committee of two,

Which motion prevailed,

And Messrs. Plummer and Lord were appointed said committee.

(C. F. No. 24.) A bill to incorporate the Minneapolis and Lake Minnetonka Plank Road Company,

Was taken up and read a third time.

On motion of Mr. Fletcher, the blank before the word "Morrison" was filled with the word "Francis;" the blank before the word "Spofford" was filled with the words "V. P.;" and the blank before the word "Barber" was filled with the words "J. C."

(C. F. No. 29.) A bill to incorporate the Henderson and Fort Ridgely Plank Road Company,

Was taken up.

On motion of Mr. Fletcher, the rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(C. F. No. 34.) A bill to provide for laying out a Territorial Road from St. Paul to the Iowa Line,

Was taken up and 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. Fletcher gave notice that on to-morrow or some future day he would introduce a bill to regulate and define the currency of this Territory.

Also,

A bill to amend the Revised Statutes of this Territory.

Mr. Gardner introduced,

(No. 38, H. of R.) A bill for an act to authorize the County Commissioners of the several counties to offer a bounty for the destruction of destructive animals.

Also,

(No. 41, H. of H.) A bill to incorporate a chapter of Royal Arch Masons at St. Paul.

Which were severally read a first and second times,
And laid on the table to be printed.

Mr. Day introduced

(No. 40, H. of R.) An act to provide for laying out a Territorial Road from St. Paul, by way of Godfrey's mill, at the mouth of the Minnehaha to Lake Minnetonka,

Which was read a first and second times, and laid on the table to be printed.
The House then resolved itself into committee of the whole,

Mr. Watson in the chair,

Having under consideration,

(No. 28, C. F.) A bill to amend an act entitled "an act to incorporate the St. Croix Boom Company.

And,

(No. 13, H. of R.) A bill to incorporate the City of St. Paul,

And after some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

(No. 13, H. of R.) A bill to incorporate the city of St. Paul,

With amendments,

Which report was accepted.

Mr. Noot moved that

(No. 28, C. F.) A bill to amend an act entitled "an act to incorporate the St. Croix Boom Company,

Be referred to a select committee of three,

Which motion prevailed, and

Messrs. Davis, Noot and Fletcher were appointed said committee.

Mr. Fletcher gave notice that on a future day he would bring in a bill to authorize Simon Stevens, Calvin A. Tuttle, Edward S. Smith, and their successors to build a dam across the Little Falls Creek, near the residence of Simon Stevens.

Also,

A bill to appoint commissioners to lay out a road from the west line of Sibley county to Fort Ridgely.

On motion of Mr. Plummer,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

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Continued

FRIDAY, FEB. 24, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. McKusick,

The reading of the Journal was dispensed with.

Mr. Bartlett introduced

(No. 41, H. of R.) An act to provide for laying out a Territorial road from St. Paul via Little Canada, to Lake Superior,

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

Mr. Fletcher introduced

(No. 42, H. of R.) A bill for an act to amend the Revised Statutes of this Territory.

(No. 43, H. of R.) An act granting to Simon Stevens, Calvin A. Tuttle and Edward S. Smith, the right to construct and maintain a dam across Little Falls Creek, near the dwelling house of Simon Stevens.

(No. 45, H. of R.) An act to provide for laying out a Territorial Road from the west line of Sibley County to Fort Ridgely.

Which were severally read a first and second times,

And laid on the table to be printed.

Mr. McKusick introduced

(No. 46, H. of R.) An act to incorporate the city of Stillwater,

On motion of Mr. McKusick, the rules were suspended,

And the bill was read a first and second times by its title,

And laid on the table to be printed.

Mr. Noot from the select committee to whom was referred

(No. 28, C. F.) A bill to amend an act entitled "an act to incorporate the St. Croix Boom Company,"

Made the following report:

The Select Committee to whom was referred

(No. 28, C. F.) A bill to amend an act entitled "an act to incorporate the St. Croix Boom Company,"

Have had the same under consideration, and respectfully beg leave to report the same back with the following amendments:

Sec. 2. In the fourth line strike out all after the word "company."

Additional. Sec. 18. To read as follows:—"The Treasurer of said company shall on or before the 1st of January, annually, make a correct report of the financial condition of said company to the Governor of the Territory.

Sec. 17. That any owner or owners of logs or timber, shall have the same turned through said Boom by giving *thirty days previous* notice, and paying ten cents per thousand feet, as compensation for handling, catch-marking, and turning through, said logs; to be collected as herein before provided.

Sec. 19. This act shall take effect and be in force from and after its passage.

WM. NOOT,
WM. A. DAVIS,
H. FLETCHER.

Committee.

Which report was accepted.

The question then recurring on adopting the amendments of the committee, they were adopted.

On motion of Mr. Fletcher,

The bill was read a second time by its title.

The House resolved itself into Committee of the Whole,

For the further consideration of said bill,

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,
(No. 26, C. F.) A bill in relation to Ferries.

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

The above bill is a substitute for

(No. 6, H. of R.) A bill for an act granting to Z. M. Brown, the right to establish and maintain a Ferry across the Mississippi River,

Also,

(No. 12, H. of R.) A bill for an act granting to E. Cole and H. Rathburne the right to establish and maintain a Ferry across the Minnesota River at Mankato.

Also,

(No. 10, H. of R.) A bill for an act granting to Noah Armstrong the right to establish and maintain a Ferry across the Minnesota River, at Eureka, in the County of Blue Earth,

Also,

(No. 11, H. of R.) An act entitled an act to establish a Ferry across the Mississippi River,

Also,

(No. 1, H. of R.) A bill for an act to charter the Cataract Ferry Company,

The bills are herewith transmitted.

A second message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has adopted

The Report of the Committee of Conference of the two Houses, on the disagreement to

(No. 23, H. of R.) A bill to provide for the survey of logs and lumber in Minnesota Territory.

The bill is herewith returned.

And then he withdrew, and the Committee resumed its session.

A message from the Governor being announced,

The Speaker took the Chair,

And R. S. Smith, Esq., the Governor's Private Secretary, appeared and delivered the following communication:

EXECUTIVE OFFICE, Saint Paul, Feb. 24th, 1854.

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

A bill relative to the County Officers of Wabasha County,
Also,
An act to provide for laying out a Territorial Road from Minneapolis to a point opposite the present village of Sack Rapids,
Also,
An act for laying out a Territorial Road from St. Paul to Big Woods and Traverse des Sioux, on the East side of the Minnesota River,
Also,
An act to incorporate the German Reading Society of St. Paul,
Also,
An act to amend Section 23, Article 1, Chapter 8, of the Revised Statutes of Minnesota,
And,
An act to establish certain counties, and for other purposes,
And then he withdrew.
And the Committee resumed its session.
After some time passed therein, the committee rose, and by their Chairman, reported the bill under consideration, back to the House,
With an amendment,
Which report was accepted.
The question then being on the adoption of the amendment,
It was adopted.
Mr. Fletcher moved,
The rules be suspended, and the bill be read a third time and put upon its passage,
Two thirds having voted in the affirmative,
The motion prevailed.
And the bill was read a third time by its title.
The question then being on the passage of the bill,
And the yeas and nays being called for and ordered;
There were yeas 12; and nays 3.
Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Day, Gardner, Lord, Morrison, Nott, Richardson, Roy, Sloan, Watson and Speaker—12.
Those who voted in the negative, were
Messrs. Fisher, McKusick and Plummer—3.
So the bill was passed.
And the question then recurring on agreeing to the title of the bill,
It was agreed to.
Mr. Bartlett moved,
The House adjourn until Monday next at 10 o'clock.
Mr. Fletcher moved
To amend, by saying that when the House adjourn it adjourn until 2 o'clock this afternoon,
Which amendment was adopted
Mr. Lord moved
The House adjourn,
And the yeas and nays being called for and ordered,

There were yeas 6; nays 10.

Those who voted in the affirmative, were
Messrs. Davis, Lord, Morrison, Noot, Roy and Speaker—6.

Those who voted in the negative, were
Messrs. Bartlett, Day, Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson,
Sloan and Watson—10.

So the House refused to adjourn.

On motion of Mr. Fletcher,
(C. F. No. 15.) A bill to organize the county of Sibley,
Was taken up.

Mr. Davis moved

The House adjourn,
And the yeas and nays being called for and ordered,
There were yeas 5; and nays 10,

Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Morrison, Noot and Sloan—5.

Those who voted in the negative, were
Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Plummer, Richardson, Roy,
Watson and Speaker—10.

So the motion was lost.

Mr. Fletcher moved to amend
(No. 15, C. F.) A bill to organize the County of Sibley,
By the addition of three new sections,

Pending which,

A call of the House was ordered,

And Messrs. Day, Fisher, Nobles, Plummer and Bolette were reported absent.

On motion of Mr. Richardson,
Further proceedings under the call were dispensed with.

The question then being on adopting the amendment offered by Mr. Fletcher,
It was adopted.

Mr. Watson moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 6.

Those who voted in the affirmative were

Messrs. Bartlett, Davis, Gardner, Morrison, Noot, Roy, Sloan, Watson and Speaker—9.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Lord, McKusick, Plummer and Richardson—6.

So the House adjourned.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:
A. J. MORGAN,
Chief Clerk of the House of
Representatives.

SATURDAY, FEBRUARY 25, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll was called, and a quorum answered to their names.

The Journal of yesterday was read and approved.

On motion of Mr. Day,

The rules were so far suspended as to allow the taking up of
(No. 13, H. of R.) A bill to incorporate the City of St. Paul, Ramsey County,
Territory of Minnesota,

Which bill was then taken up,

And the question being on adopting the amendments made in Committee of the
Whole,

They were severally adopted.

Mr. Day then moved

The rules be suspended and the bill be read a third time by its title, and put upon its
passage.

And two-thirds having voted in the affirmative, the motion prevailed;

And 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 being on agreeing to the title of the bill,

It was agreed to.

Mr. Fletcher presented

A communication giving the proceedings of a Railroad Meeting at Minneapolis,
Hennepin County, remonstrating against the passage of a Railroad Bill introduced into
this Legislative Assembly, entitled a Bill to incorporate the Minnesota and North
Western Railroad Company,

Which was read.

Mr. Fletcher moved

The remonstrance be referred to the Committee on Incorporations,

Which motion prevailed.

Mr. Davis, from the Committee to whom was referred

(No. 24, H. of R.) A bill to abolish imprisonment for debt and for other pur-
poses,

Made the following report:

"The Select Committee to whom was referred 'A bill for an act to abolish imprison-
ment for debt and for other purposes,' have had the same under consideration, and
respectfully beg leave to submit the following report:

Your Committee believe that the passage of the bill under consideration, will have a
happy influence upon the character and prosperity of our people.

That it will tend to restore them to that state of freedom to which they were by
nature and our republican institutions designed. That an American citizen may, in this
nineteenth century, be incarcerated within the four walls of a prison, cut off from the
light of Heaven and communion with his fellow men, and this for that inconvenient
crime of being poor, is to your Committee a source of astonishment and regret, espe-
cially so, when they think upon the various miseries which daily transpire in our midst,

that the man of wealth of to-day, is the beggar of to-morrow. That the agent of the people who shall enact these penalties, may, ere the same shall be promulgated, pay the forfeiture of his own despotic enactment.

When we reflect upon the various causes by which bankruptcy and ruin are brought to our very doors, and at a period when we least expect it; that this may be caused by fire, flood, sickness, false friends, or perjury, which has become too frequent under the iniquitous provisions of Chapter 95, which offers a *reward* for the crime of *perjury*, by making all parties to suits witnesses in their own favor, to swear money into their own pockets.

Your Committee would say in this connection, "lead us not into temptation." That the border settler may be robbed of articles of commerce, or the means of subsistence, by aboriginal or Anglo-Saxon savages who infest our borders. Or what is worse than these combined, he may in an evil hour become a party to a suit under the code, this system of "Justice made easy" upon the principle of "French without a master," it matters not whether he be plaintiff or defendant, ruin is sure to overtake him. Your Committee believe that the enforcement of the rights of the citizens, under our system of codification, and the protection or redress of wrongs, are attended with heavier costs, greater delay, and uncertainty than under any system known to civilization. Your Committee are not "learned in the law," consequently they have had recourse to the various standard works on practice and pleadings, and the judicial decisions of eminent Judges upon the Bench—men qualified to give correct opinions upon this all-important subject. First, because they possess the learning and intellect to enable them to decide correctly. Secondly, all "temptation" to become corrupt, is removed by their being debarred from having any contingent interest, or tax, fee, or costs by way of "indemnity" in the subject matter of the suit. This highly honorable and intelligent class of men in anguish of soul, for the infliction of "codification" upon the people of the Empire State, an infliction more tolerable than has been meted out to the people of Minnesota, here urged upon the Representatives of the people, "the propriety of relieving courts and suitors from the incubus that weighs upon them, by repealing that code, which having been fairly tested, has utterly failed."

Your Committee believe that they cannot better subserve the cause of truth and humanity, than by making the following extract from the able opinion of His Honor Judge Barculo, in the case of *Mulligan vs. Brophy*, 8th Howard's New York Reports. "The history of this case given, as illustrative that notwithstanding the injunction of the code requiring all proceedings to be drawn "in such a manner as to enable a person of common understanding to know what is intended" after nearly a four year's litigation, one of the parties was on oath compelled to admit that under the pleadings and proceedings, "he was unable to understand his true position." (Whether the several counsel engaged in the cause from time to time were able to understand it, *quere?*) "The defendant states that the plaintiff has had in his employ no less than twelve regular members of the bar, besides supernumeraries, and as the affidavits express it, "when one attorney failed in a motion, he usually employed a new attorney, to renew the controversy in some other shape." This statement is rendered probable by the defendant's depositions which inform us "that a great number of motions have been made in this cause by or on behalf of the defendant, who is an attorney at law," while the plaintiff, being "a tailor by trade, and but very little acquainted with law, or legal pleadings, has not been able until within a few days past, of getting such information as would enable him to under-

stand the real nature of such motions, or the true position in which defendant was placed thereby."

It may appear to the uninitiated, somewhat extraordinary, that this unfortunate tailor, who commenced this suit nearly four years since, under a system of procedure, which required all pleadings to be drawn in such a manner as to enable a person of common understanding, to know what is intended, should have been so long ignorant of his "true position." But to those who have seen the working of the new machinery, it is no novelty to find a case which so far from being understood by clients, is somewhat unintelligible to counsel themselves. Whether this is not a full excuse for the numerous highly respectable lawyers, who have been connected with this matter, and whether this plaintiff is not another *legitimate victim* of codification, may more fully appear by the details of the case. We feel it our duty to state the proceedings at some length, as a striking illustration of what is constantly occurring around us, and in the sincere hope that they may suggest to those who hold the power, the propriety of relieving courts and suitors, from the incubus that weighs upon them, by repealing that code which, having been fully tested, has *utterly failed*.

"The papers before me containing not less than two hundred and fifty folios of manuscript, consisting of affidavits, pleadings, and orders, show that the plaintiff, in June, 1849, commenced an action to recover a few articles of personal property, which the defendant had purchased at Sheriff's sale, it would have been under the Revised Statutes, (the old system,) a very simple action of replevin and would have terminated in a judgment, probably within ninety days; but it appears that the plaintiff claimed the *immediate* delivery of the goods under the code, and they *have* been delivered; he asked in his complaint, merely for damages; the case was brought to trial before Justice Hulbert, at the Putnam Circuit, in October, 1849, and the plaintiff recovered a verdict for \$10. What next occurred does not very distinctly appear."

Your Committee have neither the time nor patience to follow this "unfortunate tailor" in his four years chase, after his wily debtor, the lawyer, nor to enumerate the various motions, and orders, (which, under the pure simplicity of the code, were *legally* made in his case,) or to compute the *cost* attendant thereon. Your Committee believe that such costs must have exceeded the earnings of this "tailor," during said four years.

On the third of July, 1852, the case had come to this pass, that instead of our tailor's recovering, his legal *adversary* recovered a judgment, against *him* for \$318 19, and that on the 6th of July, execution issued against the tailor, for this amount. The heart sickens at the subsequent details of this suit under the "code," and may God help the "tailor."

Your Committee feel satisfied that Mr. Muligan, the plaintiff in this case, is a "done over tailor," and that the relation of attorney and client, under the code, is well illustrated by the boys and frogs of Aesop.

Your Committee further state, that they find in the Constitution of the United States, that the forms of judicial proceedings, as known at common law, are guaranteed to suitors in our courts:

They also make the following extract from the ordinance of 1787—*that the inhabitants of this Territory shall always be entitled to the benefit of judicial proceeding, according to the course of the common law.*

They also make the following extract from the Organic Act of this Territory: "The courts shall possess *chancery* as well as *common law* jurisdiction."

Also, Congress have, by the Constitution, *exclusive* authority to regulate proceedings in the Courts of the United States, and the States have no *authority* to control their proceedings."

See *Naya vs. Southard*, 10th Wheaton's, 1, 6, Condensed Reports U. S. Supreme Court, 1, 16th Peters, 89, 17th Peters, 209, 10 Wheaton, 473, 6 Condensed Report, Supreme Court, U. S., 190.

Your Committee further state that they have been unable to find *any authority* for the abrogation of, or departure from the spirit and principles of the common law, recognized in our Constitution, and in the decisions of our highest Courts, save what is contained in our "code." They have called upon members of the bar who are clamorous, *for the code*, yet they have thus far failed to *obtain any reasons* for such attachment, save such as may be found in Chapter 72, sounding as "*indemnity*" in the shape of tax costs of \$6, \$12, \$15, &c., &c., &c., &c., too numerous to mention; which sums are to be paid by an unfortunate tailor, not for fees—O, no—nor for services; neither are they to be paid to his opponent, but to his *opponent's lawyer*. This is certainly a comfortable arrangement.

Your Committee have also discovered in looking over the code, that the more blunders an attorney commits, the heavier are his fees. This, they are advised, was not the case at common law, but that on the other hand, the attorney for such blunders, was liable to his client.

Your Committee are advised that the code possesses still another advantage in a professional point of view, in this: It requires *less skill* to set up as a lawyer than was requisite, at common law, to master the pure elements of a science which has grown up as a monument to the wisdom of our fathers.

For these reasons, your Committee are *not surprised*, to find upon their tables, a remonstrance signed by twenty-eight members of the legal profession, protesting in the strongest terms against any modification of the code, in so far as concerns the practice of our courts. They appear to be as *disinterested* as was Demetrius some 1800 years since, when Paul preached at Ephesus! If our twenty-eight legal *constituents* do not, like the craftsmen of Ephesus, shout "great is Diana," they sing the praises of the code with equal zeal, if not from the same *disinterested* motives.

If your Committee could for a moment believe, that these 28 members of the Bar, were their only constituents, that self-sacrificing disinterestedness which has induced them to *infest* the Halls of Legislation, would act as a mighty lever upon their consciences; yet when they recollect that they are in part the representatives of those who toil in the fields, upon the plains, in the forests and shops—of that toiling multitude who constitute the great motive power of the land, (not forgetting our "unfortunate tailor,") and believing, as they do, that by this code, the "chances" and that "glorious uncertainty of the law" is increased; that in a suit some time since commenced before a Justice of the Peace in this Territory, for the recovery of \$50, which suit is now pending in our courts, the cost of which, now exceeds \$100, and that the same is not likely to be determined, so long as both parties remain solvent; believing that the suitor's loss is the lawyer's gain; and yet believing that while the legal profession is numerous, yet that they constitute but a *portion* of our population, and that it is the duty of the Representative to do the "greatest good to the greatest number," your Committee feel constrained to turn

a deaf ear to the importunities of the legal profession, and to look to the *highest* sources within their reach for light. Among these, they recognize the Constitution, the Ordinance of 1787, the Organic Act, and the Decisions of the highest Courts known to the law.

Your Committee believe that this bill is based upon, and sustained by all of these great Constitutional supports; while on the other hand, it is evident that the several chapters, the repeal of which is therein contemplated, are in *direct conflict with the "supreme law of the land,"* and therefore void.

Your Committee have arrived at the conclusion, that our code is in an imperfect state; and that it is impossible to reconcile one portion with another, or either with pure principles, or sound ethics; that neither the Bar nor Bench agree as to its import upon many important questions. Entertaining this view of the subject, your Committee believe that any effort to *amend* the several chapters under consideration would be worse than idle.—They believe that if there ever was a *time* or *place* in which sound legislation, was indispensable to the safety of the citizen, this is the time and place. To establish the truth of this proposition, it is only necessary to call attention to an *extra-judicial* opinion, dated Feb. 6th, 1854, which was kindly furnished the House, a copy of which is before your Committee, in which we are advised that the legislative power of this Territory is very great; that it extends to the abrogation of the *common law*, as well as to the laws of evidence; to the unsurveyed lands of the United States, and to their management and control in all things save the "primary disposal" thereof; in all else the Legislature is said to be supreme. And this opinion is accompanied with an offer, on the part of the Judiciary to aid the Legislature;—in other words, that he is "willing and even *anxious*" to do so. Your Committee fear that the prospective vote of some "bona fide settler" obscured the mental vision of his Honor at the time he drew this opinion. They are *amazed!* Has our code repealed the common law? Has it repealed the ordinance of 1787? Does it *override* the decision of the Supreme Court of the United States? Does it *repeal* the Constitution, and above all, *has, or will,* the Supreme Court recognize this right, or power? Your Committee regret to say that a portion of that Court *has* recognized this right, and this too, with the ablest decision and commentaries known to the judicial world; confronting him, Judge Story says:—"The power of Congress over the public Territory is *clearly exclusive* and *universal*, and their legislation is subject to *no control*, but is *absolute*, and unlimited. Your Committee believe that by the Constitution, Congress is vested with the *sole* power of legislation, in, and over, this Territory, in all matters *save those of strictly a municipal character*; that there is no concurrent power, in this Territory—that when Congress *did* act upon this subject, she did so in virtue of a Constitutional right; that therefore the legislative power has been exhausted; so also in relation to our code of practice. Congress has given us a code of practice for our Courts, (See 1st U. S. Statutes at large, pages, 73 to 94, and 275 to 279,) shall chapter 88 of our code limit this power? Shall the judiciary be permitted to shrink from its duty, with the Legislature after this desire and "anxiety" to do so, permit it? Your Committee believe that our Courts recognize, in the executive, the power to *remove* Territorial Judges; this fact illustrates, and gives peculiar force, to the opinion of that eminent Jurist, Montesquieu, which is endorsed by Judge Story; "there is no liberty, if the judiciary power be not *separate* from the *legislative*, and *executive* powers," and it is no less true that personal security, and private property, rest entirely upon the wisdom, the stability, and the integrity, of the Courts of justice.

If that government can be truly said to be despotic and intolerable, in which the law is vague and uncertain, (and we claim that ours is all these,) it can but be rendered still more oppressive and more mischievous, when the active administration of justice is dependant upon caprice or favor—upon the will of rulers, or the influence of popularity; when power becomes right, it is of but little consequence whether decision rests upon corruption, or weakness—upon the accident of chance, or upon deliberate wrong.

We make the following extract from Story, on the Constitution, page 593:—"If our Judges are appointed at short intervals, (and ours are,) they will naturally and indeed almost necessarily, become more dependant upon the appointing power; if they have any desire to obtain and hold office, they will at all times evince a desire to follow and obey the will of the predominant party; * * * public justice will be administered with a feeble and a faltering hand.

It will secure nothing but its place, and the approbation of those who value because they control, it will decree what best suits the opinions of the day, and it will forget that the precepts of the law, rest on eternal foundations." It will encourage or sustain the Legislature, so far as it can in the "violent exercise," or abuse of its powers, by stimulating that body to an utter disregard of all common law, rights and restraints, by exhorting the Representatives of the people "not to hesitate nor fail, nor suffer themselves to be paralyzed by the magic influence of the wizard wand of hoary error."

Your Committee feel that *such* sentiments thus expressed, in such a quarter, call for sound and thorough legislation, that the present legislative *mist* and *fog* be cleared away, and no longer furnish a screen from justice on the one hand, and from censure on the other. Let each department of our government assume its legitimate responsibility.—Until this be done, our people are *not free*. It remains to be demonstrated whether our fears are not well founded, whether our judiciary will evince that firmness, necessary to protect the citizen by asserting his constitutional rights. If this shall not be done, and the Legislature shall retain upon the Statute book the chapters under consideration, which may, like *Panlora's Box*, be opened to scourge the land, at the instance of all or either of the immortal 28 whose names are before your Committee; than the man of wealth and power, and especially the politician, will not stand upon the same level with the common citizen, in judicial controversies. His chances for success or failure, will depend upon the influence he may bring to bear upon the retention or removal of the Judge. These influences will not be confined to the man of wealth or power. The courtesan has played her part in infamy; her favors and frowns are dispensed, aided by banquets prepared from her ill-gotten gains. By these she illures, such of the Legislative and Judicial departments of the government, as may thus be enticed, or ensnared; thus moral sentiment becomes depraved; the sot, the knave, and the prostitute are tolerated in society—are even permitted to enter the sanctuary of God; and we shall not have an end of this, until each department of our government shall be kept separate—shall become fearless and faithful in the discharge of their respective duties, without reference to occupant votes, *Bachus* or *Jezebel*.

The importance of the subject referred to your Committee, must be their apology for this draught upon the attention of the House.

They therefore recommend the passage of the bill, after striking therefrom such portions of chapter 71, as are contained between, and including sections 93 to 103.

All of which is respectfully submitted.

WM. A. DAVIS, Chairman,

LOUIS BARTLETT,

- A call of the House was ordered, and
Messrs. Fisher, Nobles, Plummer, Rolette, Roy and Sloan were reported absent.
- On motion of Mr. Bartlett,
Further proceedings under the call of the House were dispensed with.
- Mr. Davis moved:
The reading of the report be dispensed with, and that it be printed.
Which motion prevailed.
- (No. 30, C. F.) A bill to incorporate the St. Paul and Little Canada Railroad Company,
Was then taken up, and read a first and second times.
- (No. 33, C. F.) A bill to incorporate the St. Paul and Point Douglas Plank Road Company,
Was then taken up, and
On motion of Mr. Bartlett,
The rules were suspended,
And the bill was read a first and second times by its title.
- (C. F. No. 25.) A bill to incorporate the Minneapolis and Little Falls Plank Road Company,
Was taken up and read a second time by its title.
- (C. F. No. 5.) A bill to incorporate the St. Paul Gas Light Company,
Was taken up and read a first and second times.
- Mr. Fletcher, by unanimous consent of the House, introduced the following resolution:
Resolved, That the Chief Clerk of the House be, and is hereby directed to procure for each member of this House at least one copy of the bill printed by order of the Council Feb. 23d inst., entitled "A bill to incorporate the Minnesota North-western Railroad Company."
Which was adopted.
- (No. 26, C. F.) A bill in relation to Ferries,
Was taken up and read a first and second times by its title.
- Mr. McKusick introduced:
(No. 48, H. of R.) A bill to mark and lay out a Territorial Road from Cottage Grove, to St. Paul.
Which was read a first and second times, and laid on the table to be printed.
- Mr. Fletcher moved:
The rules be so far suspended as to allow the House to go into committee of the whole for the consideration of the following bills:
- (No. 35, H. of R.) A bill to amend chapters 12 and 29 of the Revised Statutes.
- (No. 37, H. of R.) A bill to abolish Indian testimony in all courts of Justice in this Territory,
- (No. 38, H. of R.) A bill to authorize the County Commissioners of the several counties to offer a bounty for the destruction of destructive animals,
- (No. 39, H. of R.) A bill relative to sheep and swine running at large in this Territory.
- (No. 40, H. of R.) A bill for an act to provide for laying out a Territorial Road from St. Paul, by way of Godfrey's mill, at the mouth of the Minnehaha to Lake Minnetonka,

(No. 41, H. of R.) A bill to incorporate a chapter of Royal Arch Masons at St. Paul,

And,

(No. 42, H. of R.) An act to incorporate the Transit Railroad Company.

Which motion prevailed,

Two-thirds voting in the affirmative.

The House then resolved itself into a committee of the whole, accordingly,

Mr. McKusick in the chair,

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

(No. 37, H. of R.) A bill to abolish Indian testimony in all the Courts of Justice in this Territory,

(No. 35, H. of R.) An act to amend chapter 12 and 29 of the Revised Statutes.

And,

(No. 39, H. of R.) An act relative to sheep and swine,

With amendments,

And,

(No. 42, H. of R.) A bill for an act to incorporate the Transit Railroad Company,

Reported progress and asked leave to sit again,

Which report was accepted.

On motion of Mr. Bartlett,

The House adjourned until Monday next, at 10 o'clock, A. M.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

MONDAY, FEBRUARY 27, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

Mr. Richardson moved

The reading of the Journal be dispensed with,

Which motion was lost.

The Journal was then read and approved.

Mr. Richardson presented

The petitions of F. Ayer, and 12 others, of Swan River; of Antoine Grignore, and 18 others, and Mrs. Christine Grignore and 16 others, of Long Prairie; of C. H. Beaulieu, and 14 others, and Elizabeth Beaulieu and 15 others, of Crow Wing; all praying for the enactment of Prohibitory Liquor Law for this Territory.

Mr. Nobles presented

The petition of Jacques Beaurpie, and 20 others, of Le Suer, praying for the same object.

On motion of Mr. Davis,

Said petitions were referred to a Select Committee of three,

And Messrs. Davis, Nobles and Fletcher, were appointed said committee.

Mr. Day offered the following resolution:

Resolved, That 200 copies of the Senate Bill to aid the Territory of Minnesota, in constructing a Military and Postal Road, and for other purposes, be printed for the use of this Legislature, of January 28, 1854.

Which was unaprimously adopted.

Mr. Davis made the following report:

The Committee on Agriculture and Manufactures, beg leave to make the following report:

Believing that the interests of stock-raisers in this Territory, will be promoted by the passage of the bill, herewith presented, we beg leave to report the same and recommend its passage.

WM. A. DAVIS,
D. G. MORRISON,
R. WATSON,

Committee.

(No. 49, H. of R.) A bill to prevent stallions and certain other animals from running at large,

Was then read a first and second times,

And laid on the table to be printed.

(No. 26, C. F.) A bill in relation to Ferries,

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 the title,

It was agreed to.

(C. F. No. 5.) A bill to incorporate the St. Paul Gas Light Company,

Was taken up,

Mr. Day moved,

The bill be laid upon the table,

Which motion prevailed.

(No. 30, C. F.) A bill to incorporate the St. Paul and Little Canada Plank Road Company,

Was taken up.

On motion of Mr. Fletcher,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(C. F. No. 25.) A bill to incorporate the Minneapolis and Little Falls Plank Road Company,

Was then taken up.

On motion of Mr. Day,

The rules were suspended,

And 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 the title of the bill,

It was agreed to.

(No. 33, C. F.) A bill to incorporate the St. Paul and Point Douglas Plank Road Company,

Was taken up,

On motion of Mr. Fletcher,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 32, C. F.) A bill for the protection of the owners of saw logs in this Territory, Was taken up and read a third time.

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.

(No. 38, H. of R.) A bill for an act to authorize the County Commissioners of the several counties to offer a bounty for the destruction of destructive animals.

Was taken up.

And ordered to be engrossed for a third reading.

(No. 40, H. of R.) A bill to provide for laying out a Territorial Road from St. Paul, by way of Godfrey's mill, at the mouth of the Minnehaha, to Lake Minnetonka,

Was taken up.

Mr. Plummer moved

That the bill be laid upon the table,

Which motion prevailed.

(No. 41, H. of R.) A bill to incorporate a Chapter of Royal Arch Masons at St. Paul.

Was taken up,

And ordered to be engrossed.

On motion of Mr. Fletcher,

The rules were suspended,

And the bill was read a third time to-day by its title.

The question then being on the passage of said bill,

It was passed.

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

It was agreed to.

(No. 37, H. of R.) A bill to abolish Indian testimony in all Courts of Justice in this Territory,

Was taken up,

And the question then recurring on the adoption of the amendment of the Committee of the Whole,

It was adopted.

Mr. Richardson moved,

The rules be suspended, and the bill be ordered to be engrossed and read a third time now by its title,

Which motion prevailed, two-thirds having voted in the affirmative.

And the bill was then 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 the title of the bill,

It was agreed to.

(No. 35, H. of R.) A bill to amend Chapters 12 and 29 of the Revised Statutes,

Was then taken up

And the question being on adopting the amendments of the Committee of the Whole,

They were adopted.

Mr. Gardner moved

The bill be further amended by adding thereto a new section,

Which motion prevailed,

And the bill was amended accordingly.

The bill was then ordered to be engrossed as amended.

On motion of Mr. Gardner,

The rules were suspended,

And the bill was read a third time by its title.

The question then being on the passage of the bill,

It was passed.

And the question then being on agreeing to the title of the bill,

It was agreed to.

(No. 39, H. of R.) A bill relative to sheep and swine running at large in this Territory,

Was then taken up.

Mr. Fletcher moved.

The bill be referred to a Select Committee of three,

Which motion prevailed,

And Messrs. Fletcher, Bartlett and Noot were appointed said committee.

Mr. Roy moved,

The House adjourn,

Which motion was lost.

The House then resolved itself into Committee of the Whole,

For the further consideration of

(No. 42, H. of R.) A bill for an act to incorporate the Transit Railroad Company.

And after some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

With amendments,

Which report was accepted.

Mr. Gardner moved

The House adjourn until 2 o'clock this afternoon.

Carried.

AFTERNOON SESSION.

Two o'clock, P. M.

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

The roll was called, and a quorum answered to their names.

(No. 42, H. of R.) An act to incorporate the Transit Railroad Company,

Was taken up,

And the question being on the adoption of the amendments of the Committee of the Whole,

They were severally adopted.

Mr. Fletcher moved

To further amend the bill by inserting the words "shall be final" after the word "thereon" in line 52, of section 5,

Which motion was lost.

Mr. Plummer moved

To strike out the names of Byron Kilborn and E. D. Clinton from among the corporators in section 1,

Which motion was lost.

Mr. Rolette moved

To add the name of Alexander Ramsey among the corporators in section 1,

Which motion prevailed.

Mr. Day moved, the rules be suspended, and the bill be read a third time now by its title,

Which motion prevailed,

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.

(No. 15, C. F.) A bill to organize the County of Sibley,

Was taken up and read a third time.

The question then being on the passage of said bill,

It was passed.

The question then being on agreeing to the title to said bill,

It was agreed to.

Mr. Rolette moved

The House adjourn,

Which motion was lost.

The House then resolved itself into Committee of the Whole,

Mr. Lord in the Chair,

Having under consideration

(No. 46, H. of R.) A bill for an act to incorporate the City of Stillwater, in the County of Washington,

(No. 34, H. of R.) A bill to provide for the good conduct of negro and mulatto persons,

(No. 47, H. of R.) An act to provide for laying out a Territorial Road from St. Paul via Little Canada, to Lake Superior.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,

(No. 35, C. F.) A bill to amend an act to punish trespassers on School Lands in Minnesota Territory, approved March 6th, 1852,

(No. 39, C. F.) A bill to incorporate the Red Wing and Henderson Plank Road Company,

(No. 19, C. F.) A bill relating to Auctioneers,

Also,

(No. 36, C. F.) A bill amendatory to an act for the support of Common Schools,

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

The Council has concurred in the amendments proposed by the House to

(No. 28, C. F.) An act to amend an act entitled an act to incorporate the St. Croix Boom Company,

Also,

To the amendments made to

(No. 14, C. F.) A bill to incorporate the St. Paul Bridge Company,

Also,

To the amendments made to

(No. 15, C. F.) A bill to organize Sibley County,

And then he withdrew, and the Committee resumed its session.

After some time passed therein, the Committee rose,

And by their Chairman, reported the same back to the House with amendments,

Except

(No. 46, II. of R.) A bill for an act to incorporate the city of Stillwater,

On which the Committee reported progress, and asked leave to sit again,

Which report was accepted.

The question then being on adopting the amendments to

(No. 34, II. of R.) A bill to provide for the good conduct of negro and mulatto persons,

The first, second and third amendments were adopted

The question then being on the adoption of the fourth amendment,

And the yeas and nays being called for and ordered,

There were yeas 4; nays 9.

Those who voted in the affirmative, were

Messrs. Fletcher, Gardner, McKusick and Plummer—4.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Lord, Noot, Richardson, Watson and Speaker—9.

So the amendment was lost.

The question recurring on adopting the fifth amendment,

It was adopted.

Mr. Plummer moved,

To further amend the bill by striking out the words "twenty-four hours" in the 9th line of section 2, and insert the words "three minutes,"

And the yeas and nays being called for and ordered,

There were yeas 2; nays 11.

Those who voted in the affirmative, were

Messrs. Gardner and Plummer—2.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Lord, McKusick, Noot, Richardson, Watson and Speaker—11.

So the motion was lost.

Mr. Plummer moved

The bill be indefinitely postponed,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 6.

Those who voted in the affirmative, were

Messrs. Fletcher, Gardner, Lord, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fisher, Noot and Speaker—6.
So the motion prevailed,
And the bill was indefinitely postponed.
(No. 47, H. of R.) A bill for an act to provide for laying out a Territorial Road from St. Paul, by way of Little Canada, to Lake Superior,
Was taken up,
And the question then being on the adoption of the amendments reported from the Committee of the Whole,
They were severally adopted.
The bill was then ordered to be engrossed for a third reading.
Messages from the Council then being in order,
(No. 19, C. F.) A bill relating to Auctioneers,
(No. 36, C. F.) A bill amendatory of an act for the Support of Common Schools,
(No. 39, C. F.) A bill to incorporate the Red Wing and Henderson Plank Road Company,
Were taken up, and severally read a first and second times.
Mr. Bartlett moved
The rules be suspended, and
(No. 47, H. of R.) A bill for an act to provide for laying out a Territorial Road from St. Paul, by way of Little Canada, to Lake Superior,
Be read a third time by its title,
Which motion prevailed,
And 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 the title of the bill,
It was agreed to.
Mr. Fletcher gave notice,
That on to-morrow he would introduce a bill to incorporate the Minnesota Central University.
The Speaker signed,
An act to provide for the survey of logs and lumber in Minnesota Territory.
Mr. Plummer, 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:
(No. 23, H. of R.) A bill entitled an act to provide for the survey of logs and lumber in Minnesota Territory.

JOSEPH R. BROWN, Council.
HENRY S. PLUMMER, House,
Committee.

On motion of Mr. Bartlett, the House adjourned.

N. C. D. TAYLOR,
Speaker of the House of
Representatives

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

TUESDAY, FEB. 28, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

On motion of Mr. Davis,

The reading of the Journal was dispensed with.

Mr. Fletcher presented

The Petition of Thomas Chambers and 80 others,

Also,

Of Emanuel Case and 24 others,

Remonstrating against the annexation of St. Anthony to Hennepin County.

On motion of Mr. Day,

The petitions were laid upon the table.

Mr. Watson offered, joint resolution

(No. 5, H. of R.) Relative to the conduct of Capt. Ingraham.

Resolved, By the Legislative Assembly of the Territory of Minnesota, That the course pursued by the gallant Captain Ingraham of the United States Corvette St. Louis, in the rescue of the Hungarian Refugee, Kosta, at Smyrna, is well calculated to make our flag honored and respected abroad, and also to make it known, wherever it floats, as the fearless defender of the right, and the protector of the defenceless, and

Resolved, further, That we warmly approve the conduct of Captain Ingraham, and in behalf of the people of Minnesota, we hereby tender him our hearty thanks for the honor he has conferred on our Country's Flag,

Which was read a first time.

Mr. McKusick moved

The resolution be read a second time,

And the yeas and nays being called for and ordered,

There were yeas 13; and nays 3.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Fletcher, Gardner, Lord, McKusick, Noot, Plummer, Rolette, Richardson, Sloan, Watson and Speaker—13.

Those who voted in the negative, were

Messrs. Davis, Morrison and Roy—3.

So the motion prevailed,

And the resolution was read accordingly.

A Message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The President of the Council has signed the following bills, to wit:

An act to provide for laying out a Territorial Road from Red Wing to fort Ridgely.

Also,

An act to amend the Revised Statutes.

And then he withdrew.

Mr. Fletcher introduced.

(No. 48, H. of R.) A bill for an act to incorporate the Minnesota Central University.

Mr. Fletcher moved

The rules be suspended,

And the bill was read a first and second times by its title,

And two-thirds voting in the affirmative,

The motion prevailed,

And the bill was read a first and second times by its title, accordingly.

Mr. Davis from the select committee to whom was referred the petition of F. Ayer, and others, made the following report:

The committee to whom was referred the petition of F. Ayer and 101 others praying for the passage of a prohibitory liquor law, have considered the same, and as the bill prayed for by the petitioners has passed this House, we ask leave to report the petition back to the House,

WM. A. DAVIS,
H. FLETCHER,
Committee.

Which report was accepted, and

On motion of Mr. Noot, the committee was discharged.

Mr. Fletcher, from the Committee to whom was referred

(No. 39, H. of R.) A bill relative to sheep and swine running at large in this Territory,

Reported the same back to the House,

With an amendment.

Which report was accepted, and

On motion of Mr. Noot,

The report was adopted.

Mr. Richardson moved that the vote by which

(No. 34, H. of R.) A bill to provide for the good conduct of negro and mulatto persons,

Was indefinitely postponed to be reconsidered.

Pending the motion,

A call of the House was ordered, and

Messrs. Bartlett and Nobles were reported absent.

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

Mr. Plummer moved

Further proceedings under the call of the House be dispensed with.

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative were,

Messrs. Fletcher, Gardner, Lord, McKusick, Plummer, Richardson, Roy and Watson

—8.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, Morrison, Noot, Rolette, Sloan and Speaker—8.

So the motion was lost.

On motion of Mr. Fletcher,

Further proceedings under the call were dispensed with,

The question then recurring on the motion of Mr. Richardson,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 6.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Morrison, Noot, Rolette, Richardson, Sloan and Speaker

—9.

Those who voted in the negative, were

Messrs. Fletcher, Gardner, Lord, McKusick, Roy and Watson—6.

So the motion prevailed.

The question then being on the passage of

(No. 34, H. of R.) A bill to provide for the good conduct of negro and mulatto persons,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 10.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Noot, Sloan and Speaker—6.

Those who voted in the negative, were

Messrs. Fletcher, Gardner, Lord, McKusick, Morrison, Plummer, Rolette, Richardson, Roy and Watson—10.

Mr. Day gave notice

That on to-morrow or some future day he would introduce a bill to compel all the negro population of the Territory of Minnesota to reside in St. Anthony and Minneapolis.

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt, and other purposes,

Was then taken up,

And read a second time, as amended by the Select Committee.

The House then resolved itself into a Committee of the Whole,

Mr. Plummer 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 House,

With an amendment,

Which report was accepted.

And the question being on the adoption of the amendments of the Committee of the Whole, to strike out the following sections:

Sec. 3. Be it further enacted that Chapters 43, 44, 45, 51, 62, 63, 64, and articles 1 and 2, of chapter 69; that chapters 70 and 71, except so much thereof as is contained between sections 93 to 103, including 72, 74, 82, 86, 90, 94, 95, 115, 116, 117, 119, 121, 122, 123, of the Revised Statutes of Minnesota, passed in the year 1851 and all subsequent amendments thereto, be and the same are hereby repealed.

And the yeas and nays being called for and ordered,

There were yeas 10; nays 4.

Those who voted in the affirmative, were

Messrs. Day, Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer, Rolette, Roy and Speaker—10.

Those who voted in the negative, were

Messrs. Davis, Richardson, Sloan and Watson—4.

So the amendment was agreed to.

Mr. Watson moved the bill be indefinitely postponed,
And the yeas and nays being called for and ordered,
There were yeas 8; nays 7.
Those who voted in the affirmative, were
Messrs. Day, Fisher, McKusick, Nobles, Plummer, Rolette, Watson and Speaker—8.
Those who voted in the negative, were
Messrs. Davis, Fletcher, Gardner, Morrison, Richardson, Roy and Sloan—7.
So the motion prevailed.
Mr. Richardson moved
The House adjourn until 2 1-2 o'clock this afternoon,
And the House adjourned accordingly.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment and was called to order by the Speaker.
On a call of the roll, a quorum answered to their names.
(No. 19, C. F.) A bill relating to Auctioneers.
Was taken up,
Mr. Fletcher moved
The bill be referred to a Select Committee of three,
Which motion prevailed, and
Messrs. Fletcher, Lord and Roy were appointed said Committee.
(No. 36, C. F.) A bill amendatory to an act for the support of Common Schools,
Was taken up and read a third time.
Mr. Watson moved the bill be laid on the table,
Which motion prevailed.
(No. 39, C. F.) A bill to incorporate the Red Wing and Henderson Plank Road
Company,
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 the title of the bill,
It was agreed to.

(No. 35, C. F.) A bill to amend an act to punish trespassers on School Lands in Minnesota Territory, approved March 6th, 1852,

Was then taken up and read a third time.

The question then being on the passage of the bill,

It was passed.

And the question then being on agreeing to the title of the bill,

It was agreed to.

Mr. Richardson moved

The rules be suspended so as to allow the House to resolve itself into Committee of the Whole to consider all bills and resolutions ready for said Committee,

And two-thirds voting in the affirmative,

The motion prevailed, and

The House then resolved itself into a committee of the whole, accordingly,

Having under consideration

(No. 5, H. of R.) Joint Resolution relative to Captain Ingraham.

(No. 39, H. of R.) A bill relative to sheep and swine.

(No. 48, H. of R.) A bill for an act to provide for laying out a Territorial Road from Cottage Grove in Washington county, to St. Paul in Ramsey county.

(No. 46, H. of R.) A bill for an act to incorporate the city of Stillwater,

And,

(No. 49, H. of R.) A bill to prevent stallions and certain other animals from running at large,

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

(No. 39, H. of R.) An act relative to sheep and swine,

(No. 48, H. of R.) A bill for an act to provide for laying out a Territorial Road from Cottage Grove in the county of Washington to St. Paul in the county of Ramsey.

And,

(No. 46, H. of R.) A bill for an act to incorporate the City of Stillwater, in the County of Washington,

With amendments,

Which report was accepted.

The question being on ordering

(No. 5, H. of R.) Joint resolution relative to Captain Ingraham,

To be engrossed for a third reading.

On motion of Mr. Fisher,

The rules were suspended,

And the resolution was read a third time.

The question then being 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.

And the question then being on the adoption of the amendment of the Committee of the Whole, to

(No. 49, H. of R.) A bill to prevent stallions and certain other animals from running at large,

The amendment was lost.

The bill was then ordered to be engrossed for a third reading.
 And the question then being on the adoption of the amendment of the Committee of the Whole, to

(No. 39, H. of R.) A bill for an act relative to sheep and swine,
 It was adopted.

And the bill was ordered to be engrossed for a third reading.

The question then being on adopting the amendments of the Committee, to
 (No. 48, H. of R.) A bill for an act to provide for laying out a Territorial Road from Cottage Grove in the county of Washington, to St. Paul in the county of Ramsey,
 They were adopted,

And the bill was ordered to be engrossed for a third reading.

The question then being on adopting the amendments of the Committee to
 (No. 46, H. of R.) A bill to incorporate the city of Stillwater,
 They were adopted,

And the bill was ordered to be engrossed for a third reading.

Mr. Richardson moved

The rules be suspended, and

(No. —, H. of R.) A bill to incorporate the Minnesota Central University,
 Be read a third time now by its title, and put upon its passage.

And two-thirds voting in the affirmative.

The motion prevailed,

And the bill was read accordingly.

The question then being 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. Lord from the Committee to whom was referred

(No. 19, C. F.) A bill relating to Auctioneers,
 Reported the same back to the House, with an amendment,
 Which report was accepted,

And the amendment was adopted.

Mr. Lord moved

To further amend the bill by adding thereto the following sections:

Sec. 13. No person, or association of persons, or body corporate, except such bodies corporate as are expressly authorized by law, shall issue any bills or promissory notes, or checks, certificates of deposit, or other evidence of debt, for the purpose of loaning them, or putting them in circulation as money, unless thereto especially authorized by law; and every person, and every member of a corporation, who shall violate either of the provisions of this section, shall forfeit for each and every such violation the sum of one hundred dollars.

Sec. 14. No person shall pay, give or receive in payment, or in any way circulate, or attempt to circulate as money, any bank bill or promissory note, check, draft, or other evidence of debt, which shall purport to be for the payment of a less sum than one dollar, or payable otherwise than in lawful money of the United States; and any person who shall wilfully violate any of the provisions of this section, shall forfeit twenty-five dollars.

Sec. 15. The penalties prescribed in this chapter shall be recovered by suit in the name

of the board of County Commissioners in the County in which the offence is committed, to be prosecuted by the District Attorneys of said Counties respectively; and the same shall be paid into the County Treasury.

Sec. 16. If the District Attorney, or board of County Commissioners whose duty it is to comply with any of the requisitions of this chapter, shall neglect or refuse so to do, he or they shall forfeit and pay a sum of not less than ten, or more than one hundred dollars for each and every day, he or they shall delay a compliance.

Which motion prevailed,

And the amendments were adopted.

Mr. Watson moved

That the rules be suspended, and the bill be read a third time by its title,

And two-thirds having voted in the affirmative,

The motion prevailed,

And the bill was read accordingly.

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. Fisher introduced

(No. 12, H. of R.) A memorial to Congress praying for a grant of Swamp Lands for the relief of the St. Croix Boom Company.

Mr. Lord moved

The House adjourns,

And the yeas and nays being called for and ordered,

There were yeas 4; nays 8.

Those who voted in the affirmative, were

Messrs. Fisher, Lord, Morrison and Rolette—4.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, McKusick, Plummer, Richardson, Roy, Watson and Speaker—8.

So the House refused to adjourn.

Mr. Plummer, from the Select Committee to whom was referred

(No. 28, C. F.) An act to amend an act entitled an act to incorporate the Mississippi Boom Company, and an act amendatory thereto,

Reported said bill back to the House with an amendment.

The question then being on adopting the amendment,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 6.

Those who voted in the affirmative, were

Messrs. Fisher, Gardner, Lord, McKusick, Plummer and Watson—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Morrison, Rolette, Richardson and Roy—6.

So the amendment was lost.

Mr. Richardson moved

The bill be laid on the table,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 4.

Those who voted in the affirmative, were
Messrs. Fisher, Gardner, McKusick, Morrison, Noot, Plummer, Rolette, Richardson
and Roy—9.

Those who voted in the negative, were
Messrs. Day, Fletcher, Lord and Watson—4.

So the motion prevailed,
And the bill was laid upon the table.

Mr. Fletcher, to whom was referred the remonstrance of a meeting of the citizens of
Minneapolis against the passage of the Charter Bill incorporating the Minnesota North
Western Railroad Company,

Made the following report:

The Committee to whom was referred the following instructions to the Representatives
of the Sixth Council District, instructing them to oppose the passage of the Charter to
the Minnesota North Western Railroad Company, report the same back to the House,
with the recommendation that the said servants of the people implicitly obey the will of
their masters.

H. FLETCHER,
Wm. MCKUSICK,
Committee.

RAILROAD MEETING.

At a Mass Meeting of the citizens of Hennepin County, held at the Court House in
Minneapolis, February 24, 1854, Isaac Attwater, Esq., was called to the Chair, and
John H. Stevens appointed Secretary.

The object of the meeting was stated by the Chairman,

When, on motion,

Eli Pettijohn, Esq., of Fort Snelling, and William Dickie, Esq., of Lake Harriet,
were appointed Vice-Presidents of the meeting.

Dr. Ames moved

That a Committee of five, said Committee to include I. Attwater, be appointed to
draft resolutions expressing the sense of the meeting.

The Chair appointed Dr. A. E. Ames, M. C. Baker, Esq., Edward Murphy, Esq.,
and Samuel Clark, said Committee.

Messrs. James C. Shipley, John H. Stevens, A. Harmon and the Rev. E. A. Hodson,
were severally called upon and addressed the large audience during the absence of the
Committee.

The following resolutions were reported by the Committee, and were unanimously and
enthusiastically adopted:

Resolved, That we request the members of the Council and House of Representa-
tives in the Legislature convened from the Sixth Council District, to oppose by every
honorable means, the passage of a bill introduced into the Legislature of Minnesota,
entitled "A bill to incorporate the Minnesota and North-Western Railroad Company,"
for the following reasons, viz:

Because it confers powers dangerous to the future prosperity of the Territory,

Because it confers lands on said company, the title to which is not yet in the gift of
this Territory,

Because it exempts the property of said company from taxation to an unlimited
extent.

The resolutions were warmly supported by different gentlemen, and Messrs. John H. Stevens, Franklin Steele, I. Attwater, Dr. Ames, A. Northrop, Rev. E. A. Hodson, and Mr. Pierce, were appointed a Committee to report the wish of one of the largest assemblies ever held in the Territory to the Legislature, and more particularly to the members of the Sixth Council District.

Which report was accepted.

Mr. Watson moved,

The rules be suspended, and the bills which have been ordered to be engrossed for a third reading be read a third time by their titles and put upon their passage now,

And two-thirds voting in the affirmative,

The motion prevailed,

And,

(No. 46, H. of R.) A bill for an act to incorporate the City of Stillwater, in the County of Washington,

Was 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.

(No. 39, H. of R.) A bill for an act relative to sheep and swine,

Was read a third time by its title.

And the question then being 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.

(No. 49, H. of R.) A bill to prevent Stallions and certain other animals from running at large,

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,

And the yeas and nays being called for and ordered,

There were yeas 3; nays 10.

Those who voted in the affirmative, were

Messrs. Fisher, Gardner and Morrison—3.

Those who voted in the negative, were

Messrs. Day, Fletcher, Lord, McKusick, Noot, Plummer, Rolette, Richardson, Roy and Watson—10.

So the title was not agreed to.

(No. 48, H. of R.) A bill for an act to provide for laying out a Territorial Road from Cottage Grove, in the County of Washington, to St. Paul, in the County of Ramsey,

Was read a third time.

The question then recurring on the passage of said bill,

It was passed.

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

It was agreed to.

Mr. Noot moved

The House adjourn until to-morrow morning at half-past ten o'clock,

And the yeas and nays being called for and ordered,

There were yeas 5; nays 8.

Those who voted in the affirmative, were

Messrs Fisher, Fletcher, Gardner, Morrison and Noot—5.

Those who voted in the negative were

Messrs. Day, Lord, McKusick, Plummer, Rolette, Richardson, Roy and Watson—8.

So the motion was lost.

Mr. Day moved that

(No. 12. C. F.) An act to amend an act to incorporate the Mississippi Boom Company and an act amendatory thereto.

The motion prevailed.

Mr. Plummer moved the bill be indefinitely postponed.

And the yeas and nays being called for and ordered,

There were yeas 6; nays 7.

Those who voted in the affirmative, were

Messrs. Fisher, Gardner, McKusick, Morrison, Plummer and Roy—6.

Those who voted in the negative, were

Messrs. Day, Fletcher, Lord, Noot, Rolette, Richardson and Watson—7.

So the motion was lost.

Mr. Noot moved

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

Which motion was lost.

Mr. Plummer moved

To further amend said bill by inserting after the words "St. Anthony," in line 9, of sec. 2, the words "when it shall appear that by the breaking away of such boom or booms there shall have escaped therefrom one million feet or more of logs or lumber,"

Which amendment was adopted.

On motion of Mr. Watson,

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

The question then being on the passage of the bill,

It was passed.

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

It was agreed to.

On motion of Mr. Day,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

WEDNESDAY, MARCH 1, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Bartlett,

The reading of the Journal was dispensed with.

Mr. Fisher gave notice

That he would at some future time ask leave to introduce a bill to authorize the Judges of the District Courts to appoint the times of holding the terms of the District Court in the several Counties in their respective Districts.

On motion of Mr. Day,

The rules were suspended, by unanimous consent, so as to allow Mr. Fisher to present said bill immediately.

Mr. Fisher accordingly introduced

(No. 52, H. of R.) An act to prescribe the times and places of holding the terms of the District Courts in the several Judicial Districts of the Territory of Minnesota, Which was read a first and second times.

On motion of Mr. Day,

The rules were suspended, by unanimous consent, so as to allow the bill to be read a third time by its title, and put upon its passage now.

And the bill was read a third time by its title accordingly.

The question then being 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. Day moved

To reconsider the vote by which the House on yesterday passed

(No. 48, H. of R.) A bill for an act to provide for laying out a Territorial Road from Cottage Grove, in Washington County, to St. Paul, in Ramsey County.

Which motion prevailed, two thirds having voted in the affirmative.

Mr. Day moved,

To strike out the first amendment to said bill, which was adopted on yesterday,

Which motion prevailed.

Mr. Fisher moved

Said bill be laid on the table,

And the yeas and nays being called for and ordered,

There were yeas 3; nays 12.

Those who voted in the affirmative, were

Messrs. Fisher, Roy and Watson—3.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Gardner, McKusick, Morrison, Noot, Nobles, Plummer, Rolette, Richardson and Sloan—12.

So the motion was lost.

Mr. Day moved

To strike out the second amendment to said bill made by the House on yesterday,

Which motion prevailed.

The question then recurring on the passage of the bill, as it now reads,
And the yeas and nays being called for and ordered,
There were yeas 12; nays 4.

Those who voted in the affirmative, were
Messrs. Davis, Day, Fletcher, Gardner, McKusick, Morrison, Noot, Nobles, Rolette,
Richardson and Sloan—12.

Those who voted in the negative, were
Messrs. Fisher, Plummer, Roy and Watson—4.
So the bill was passed.

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

A message from the Council being announced,
James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

No. 20, C. F.) A bill to establish three additional Council Districts in this Territory and for other purposes,

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

And then be withdrew.

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

The Joint Committee on Enrolled Bills did, on the 1st day of March, 1854, present to His Excellency the Governor, for examination and approval, the following:

A bill for an act to provide for laying out a Territorial Road from Red Wing to Fort Ridgely,

And

A bill for an act to amend the Revised Statutes,

Also,

A bill for an act to provide for the survey of logs and lumber in Minnesota Territory.

JOSEPH R. BROWN, Council

R. M. RICHARDSON, House.

Committee.

Messages from the Council being in order,

(No. 20, C. F.) A bill to establish three additional Council Districts in this Territory, and for other purposes,

Was taken up and read a first and second time.

Mr. Davis moved

The bill be referred to a Select Committee of three.

And the yeas and nays being called for and ordered,

There were yeas 12; nays 2.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, McKusick, Morrison, Noot, Richardson, Roy, Sloan and Watson—12.

Those who voted in the negative, were

Messrs. Gardner and Plummer—2.

So the motion prevailed.

And the Speaker appointed

Messrs. Davis, Richardson and Fletcher, said Committee.

Mr. McKusick offered the following resolution:

Resolved. That whereas this House has requested the opinions of the Supreme Judges of this Territory, upon the validity of Chapter 88, page 444 of the Revised Statutes; and whereas said Judges have, in accordance to the requirements of the Statutes, given their opinions, together with their reasons for the same, and whereas, a report was made to this House on Saturday, the 25th, from a Select Committee to whom was referred "A Bill to Abolish Imprisonment for Debt, and other purposes," in which an unwarrantable attack was made upon our Judiciary, not only upon their opinion but upon their character; therefore, be it resolved that said report be forever expunged from our Journal.

The report is as follows:

The Select Committee to whom was referred "A bill for an act to abolish imprisonment for debt and for other purposes," have had the same under consideration, and respectfully beg leave to submit the following report:

Your Committee believe that the passage of the bill under consideration, will have a happy influence upon the character and prosperity of our people.

That it will tend to restore them to that state of freedom to which they were by nature and our republican institutions designed. That an American citizen may, in this nineteenth century, be incarcerated within the four walls of a prison, cut off from the light of Heaven and communion with his fellow men, and this for that inconvenient crime of being poor, is to your Committee a source of astonishment and regret, especially so, when they think upon the various mutations which daily transpire in our midst, that the man of wealth of to-day, is the beggar of to-morrow. That the agent of the people who shall enact these penalties, may, ere the same shall be promulgated, pay the forfeiture of his own despotic enactment.

When we reflect upon the various causes by which bankruptcy and ruin are brought to our very doors, and at a period when we least expect it; that this may be caused by fire, flood, sickness, false friends, or perjury, which has become too frequent under the iniquitous provisions of Chapter 95, which offers a reward for the crime of perjury, by making all parties to suits witnesses in their own favor, to swear money into their own pockets.

Your Committee would say in this connection, "lead us not into temptation." That the border settler may be robbed of articles of commerce, or the means of subsistence, by aboriginal or Anglo-Saxon savages who infest our borders. Or what is worse than these combined, he may in an evil hour become a party to a suit under the code, this system of "Justice made easy" upon the principle of "French without a master," it matters not whether he be plaintiff or defendant, ruin is sure to overtake him. Your Committee believe that the enforcement of the rights of the citizens, under our system of codification, and the protection or redress of wrongs, are attended with heavier costs, greater delay, and uncertainty than under any system known to civilization. Your Committee are not "learned in the law," consequently they have had recourse to the various standard works on practice and pleadings, and the judicial decisions of eminent Judges upon the Bench—men qualified to give correct opinions upon this all-important

subject. First, because they possess the learning and intellect to enable them to decide correctly. Secondly, all "temptation" to become corrupt, is removed by their being debarred from having any contingent interest, or tax, fee, or costs by way of "indemnity" in the subject matter of the suit. This highly honorable and intelligent class of men in anguish of soul, for the infliction of "codification" upon the people of the Empire State, an infliction more tolerable than has been meted out to the people of Minnesota, here urged upon the Representatives of the people, "the propriety of relieving courts and suitors from the incubus that weighs upon them, by repealing that code, which having been fairly tested, has *utterly failed.*"

Your Committee believe that they cannot better subserve the cause of truth and humanity, than by making the following extract from the able opinion of His Honor Judge Barculo, in the case of *Mulligan vs. Brophy*, 8th Howard's New York Reports. The history of this case given, as illustrative that notwithstanding the injunction of the code requiring all proceedings to be drawn "in such a manner as to enable a person of common understanding to know what is intended" after nearly a four year's litigation, one of the parties was on oath compelled to admit that under the pleadings and proceedings, "he was unable to understand his true position." (Whether the several counsel engaged in the cause from time to time were able to understand it, *quere?*) "The defendant states that the plaintiff has had in his employ no less than twelve regular members of the bar, besides supernumeraries, and as the affidavits express it, "when one attorney failed in a motion, he usually employed a new attorney, to renew the controversey in some other shape." This statement is rendered probable by the defendant's depositions which inform us "that a great number of motions have been made in this cause by or on behalf of the defendant, who is an attorney at law," while the plaintiff, being "a tailor by trade, and but very little acquainted with law, or legal pleadings, has not been able until within a few days past, of getting such information as would enable him to understand the real nature of such motions, or the true position in which defendant was placed thereby."

It may appear to the uninitiated, somewhat extraordinary, that this unfortunate tailor, who commenced this suit nearly four years since, under a system of procedure, which required all pleadings to be drawn in such a manner as to enable a person of common understanding, to know what is intended, should have been so long ignorant of his "true position." But to those who have seen the working of the new machinery, it is no novelty to find a case which so far from being understood by clients, is somewhat unintelligible to counsel themselves. Whether this is not a full excuse for the numerous highly respectable lawyers, who have been connected with this matter, and whether this plaintiff is not another *legitimate victim* of codification, may more fully appear by the details of the case. We feel it our duty to state the proceedings at some length, as a striking illustration of what is constantly occurring around us, and in the sincere hope that they may suggest to those who hold the power, the propriety of relieving courts and suitors, from the incubus that weighs upon them, by repealing that code which, having been fully tested, has *utterly failed.*

"The papers before me containing not less than two hundred and fifty folios of manuscript, consisting of affidavits, pleadings, and orders, show that the plaintiff, in June, 1849, commenced an action to recover a few articles of personal property, which the defendant had purchased at Sheriff's sale, it would have been under the Revised Statutes, (the old system,) a very simple action of replevin and would have terminated in a judg-

ment, probably within ninety days; but it appears that the plaintiff claimed the *immediate* delivery of the goods under the code, and they *have* been delivered; he asked in his complaint, merely for damages; the case was brought to trial before Justice Hulbert, at the Putnam Circuit, in October, 1849, and the plaintiff recovered a verdict for \$10. What next occurred does not very distinctly appear."

Your Committee have neither the time nor patience to follow this "unfortunate tailor" in his four years chase, after his wily debtor, the lawyer, nor to enumerate the various motions, and orders, (which, under the pure simplicity of the code, were *legally* made in his case,) or to compute the *cost* attendant thereon. Your Committee believe that such costs must have exceeded the earnings of this "tailor" during said four years.

On the third of July, 1852, the case had come to this pass, that instead of our tailor's recovering, his legal *adversary* recovered a judgment against *him* for \$318 19, and that on the 6th of July, execution issued against the tailor, for this amount. The heart sickens at the subsequent details of this suit under the "code;" and may God help the "tailor."

Your Committee feel satisfied that Mr. Muligan, the plaintiff in this case, is a "done over tailor," and that the relation of attorney and client, under the code, is well illustrated by the boys and frogs of Æsop.

Your Committee further state, that they find in the Constitution of the United States, that the forms of Judicial proceedings, as known at common law, are guaranteed to suitors in *our* courts.

They also make the following extract from the ordinance of 1787—"that the inhabitants of this Territory shall always be entitled to the benefit of *judicial proceeding*, according to the course of the *common law*."

They also make the following extract from the Organic Act of this Territory: "The courts shall possess *chancery* as well as *common law* jurisdiction."

Also, Congress have, by the Constitution, *exclusive* authority to regulate proceedings in the Courts of the United States, and the States have no *authority* to control their proceedings."

See *Nayn vs. Southard*, 10th Wheaton's, 1, 6, Condensed Reports U. S. Supreme Court, 1, 16th Peters, 89, 17th Peters, 209, 10 Wheaton, 473, 6 Condensed Report, Supreme Court, U. S., 190.

Your Committee further state that they have been unable to find *any authority* for the abrogation of, or departure from the spirit and principles of the common law, recognized in our Constitution, and in the decisions of our highest Courts, save what is contained in our "code." They have called upon members of the bar who are clamorous, *for the code*, yet they have thus far failed to *obtain any reasons* for such attachment, save such as may be found in Chapter 72, sounding as "indemnity" in the shape of tax costs of \$6, \$12, \$15, &c., &c., &c., &c., too numerous to mention; which sums are to be paid by an unfortunate tailor, not for fees—O, no—nor for services; neither are they to be paid to his opponent, but to his *opponent's lawyer*. This is certainly a comfortable arrangement.

Your Committee have also discovered in looking over the code, that the more blunders an attorney commits, the heavier are his fees. This, they are advised, was not the case at common law, but that on the other hand, the attorney for such blunders, was liable to his client.

Your Committee are advised that the code possesses still another advantage in a professional point of view, in this: It requires *less* skill to set up as a lawyer than was requisite, at common law, to master the pure elements of a science which has grown up as a monument to the wisdom of our fathers.

For these reasons, your Committee are *not* surprised, to find upon their tables, a remonstrance signed by twenty-eight members of the legal profession, protesting in the strongest terms against any modification of the code, in so far as concerns the practice of our courts. They appear to be as *disinterested* as was Demetrius some 1800 years since, when Paul preached at Ephesus! If our twenty-eight legal *constituents* do not, like the craftsmen of Ephesus, shout "great is Diana," they sing the praises of the code with equal zeal, if not from the same *disinterested* motives.

If your Committee could for a moment believe, that these 28 members of the Bar, were their only constituents, that self sacrificing disinterestedness which has induced them to *infest* the Halls of Legislation, would act as a mighty lever upon their consciences; yet when they recollect that they are in part the representatives of those who toil in the fields, upon the plains, in the forests and shops—of that toiling multitude who constitute the great motive power of the land, (not forgetting our "unfortunate tailor,") and believing, as they do, that by this code, the "chances" and that "glorious uncertainty of the law" is increased; that in a suit some time since commenced before a Justice of the Peace in this Territory, for the recovery of \$50, which suit is now pending in our courts, the cost of which, now exceeds \$400, and that the same is not likely to be determined, so long as both parties remain solvent; believing that the suitor's loss is the lawyer's gain; and yet believing that while the legal profession is numerous, yet that they constitute but a *portion* of our population, and that it is the duty of the Representative to do the "greatest good to the greatest number," your Committee feel constrained to turn a deaf ear to the importunities of the legal profession, and to look to the *highest* sources within their reach for light. Among these, they recognize the Constitution, the Ordinance of 1787, the Organic Act, and the Decisions of the highest Courts known to the law.

Your Committee believe that this bill is based upon, and sustained by all of these great Constitutional supports; while on the other hand, it is evident that the several chapters, the repeal of which is therein contemplated, are in *direct conflict* with the "*supreme law of the land,*" and therefore void.

Your Committee have arrived at the conclusion, that our code is in an imperfect state; and that it is impossible to reconcile one portion with another, or either with pure principles, or sound ethics; that neither the Bar nor Bench agree as to its import upon many important questions. Entertaining this view of the subject, your Committee believe that any effort to *amend* the several chapters under consideration would be worse than idle.—They believe that if there ever was a *time* or *place* in which sound legislation, was indispensable to the safety of the citizen, this is the time and place. To establish the truth of this proposition, it is only necessary to call attention to an *extra-judicial* opinion, dated Feb. 6th, 1854, which was kindly furnished the House, a copy of which is before your Committee, in which we are advised that the legislative power of this Territory is very great; that it extends to the abrogation of the *common law*, as well as to the laws of evidence; to the unsurveyed lands of the United States, and to their management and control in all things save the "primary disposal" thereof; in all else the Legislature is said to be supreme. And this opinion is accompanied with an offer, on the part of the Ju-

dicary to aid the Legislature;—in other words, that he is “willing and even anxious” to do so. Your Committee fear that the prospective vote of some “bona fide settler” obscured the mental vision of his Honor at the time he drew this opinion. They are amazed! Has our code repealed the common law? Has it repealed the ordinance of 1787? Does it *override* the decision of the Supreme Court of the United States? Does it *repeal* the Constitution, and above all, *has, or will, the Supreme Court recognize this right, or power?* Your Committee regret to say that a portion of that Court *has* recognized this right, and this too, with the ablest decision and commentaries known to the judicial world; confronting him, Judge Story says:—“The power of Congress over the public Territory is *clearly exclusive and universal*, and their legislation is subject to *no control*, but is *absolute*, and unlimited. Your Committee believe that by the Constitution, Congress is vested with the *sole* power of legislation, in, and over, this Territory, in all matters save those of *strictly a municipal* character; that there is no concurrent power, in this Territory—that when Congress *did* act upon this subject, she did so in virtue of a Constitutional right; that therefore the legislative power has been exhausted; so also in relation to our code of practice. Congress has given us a code of practice for our Courts, (See 1st U. S. Statutes at large; pages, 73 to 94, and 275 to 279,) shall chapter 88 of our code limit this power? Shall the judiciary be permitted to shrink from its duty, will the Legislature after this desire and “anxiety” to do so, permit it? Your Committee believe that our Courts recognize, in the executive, the power to *remove* Territorial Judges; this fact illustrates, and gives peculiar force, to the opinion of that eminent Jurist, Montesquieu, which is endorsed by Judge Story; “there is no liberty, if the judiciary power be not *separate* from the *legislative*, and *executive* powers,” and it is no less true that personal security, and private property, rest entirely upon the wisdom, the stability, and the integrity, of the Courts of justice.

If that government can be truly said to be despotic and intolerable, in which the law is vague and uncertain, (and we claim that ours is all these,) it can but be rendered still more oppressive and more mischievous, when the active administration of justice is dependant upon caprice or favor—upon the will of rulers, or the influence of popularity; when power becomes right, it is of but little consequence whether decision rests upon corruption, or weakness—upon the accident of chance, or upon deliberate wrong.

We make the following extract from Story, on the Constitution, page 593:—“If our Judges are appointed at short intervals, (and ours are,) they will naturally and indeed almost necessarily, become more dependant upon the appointing power; if they have any desire to obtain and hold office, they will at all times evince a desire to follow and obey the will of the predominant party; * * * public justice will be administered with a feeble and a faltering hand.

It will secure nothing but its place, and the approbation of those who value because they control, it will decree what best suits the opinions of the day, and it will forget that the precepts of the law, rest on eternal foundations.” It will encourage or sustain the Legislature, so far as it can in the “violent exercise,” or abuse of its powers, by stimulating that body to an utter disregard of all common law, rights and restraints, by exhorting the Representatives of the people “not to hesitate nor fail, nor suffer themselves to be paralyzed by the magic influence of the wizard wand of hoary error.”

Your Committee feel that *such* sentiments *thus* expressed, in such a quarter, call for sound and thorough legislation, that the present legislative *mist* and *fog* be cleared away, and no longer furnish a screen from justice on the one hand, and from censure on the

other. Let each department of our government assume its legitimate responsibility.— Until this be done, our people are *not free*. It remains to be demonstrated whether our fears are not well founded, whether our judiciary will evince that firmness, necessary to protect the citizen by asserting his constitutional rights. If this shall not be done, and the Legislature shall retain upon the Statute book the chapters under consideration, which may, like *Pandora's Box*, be opened to scourge the land, at the instance of all or either of the immortal 28, whose names are before your Committee, than the man of wealth and power, and especially the politician, will not stand upon the same level with the common citizen, in judicial controversies. His chances for success or failure, will depend upon the influence he may bring to bear upon the retention or removal of the Judges. These influences will not be confined to the man of wealth or power. The courtesan has played her part in infamy; her favors and frowns are dispensed, aided by banquets prepared from the ill-gotten gains. By these she illures, such of the Legislative and Judicial departments of the government, as may thus be enticed, or ensnared; thus moral sentiment becomes degraded; the sot, the knave, and the prostitute are tolerated in society—are even permitted to enter the sanctuary of God; and we shall not have an end of this, until each department of our government shall be kept separate—shall become fearless and faithful in the discharge of their respective duties, without reference to occupant votes, *Bacchus or Jezebel*.

The importance of the subject referred to your Committee, must be their apology for this draught upon the attention of the House.

They therefore recommend the passage of the bill, after striking therefrom such portions of chapter 71, as are contained between, and including sections 93 to 108.

All of which is respectfully submitted.

WM. A. DAVIS, Chairman,
LOUIS BARTLETT,

- Mr. Bartlett moved
The resolution be laid on the table.
And the yeas and nays being called for and ordered,
There were yeas 6; and nays 10,
Those who voted in the affirmative, were
Messrs. Bartlett, Davis, Noot, Richardson, Roy and Sloan—6.
Those who voted in the negative, were
Messrs. Day, Fisher, Gardner, McKusick, Morrison, Nobles Plummer, Rolette, Watson and Speaker—10.
So the motion was lost.
Mr. Plummer moved
The resolution be adopted,
And the yeas and nays being called for and ordered,
There were yeas 10; nays 5.
Those who voted in the affirmative, were
Messrs. Day, Fisher, Gardner, McKusick, Morrison, Nobles, Plummer, Rolette, Richardson and Speaker—10.
Those who voted in the negative, were
Messrs. Bartlett, Davis, Noot, Roy and Sloan—5.
So the motion passed,
And the resolution was adopted.

A message from the Governor being announced,
R. S. Smith, Esq., the Governor's Private Secretary, appeared and delivered the following communication:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act to provide for the survey of logs and lumber in Minnesota Territory.

Also,

Joint Resolution relative to the establishment of an emigrant route to Oregon and California.

Mr. Plummer moved

The House adjourn to 2 o'clock this afternoon,

Which motion was lost.

Mr. Davis offered the following resolution:

Resolved, That the Remonstrance of the 28 members of the legal profession be put upon the Journal.

Which resolution was adopted.

The Remonstrance referred to in said resolution is as follows:

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

The undersigned Members of the Bar of this Territory, having been informed that notice has been given of the presentation of a bill having for its object the repeal of the act entitled "An act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes," respectfully remonstrate against the repeal of the said act, as hasty and ill advised.

H. L. MOSS,
THE E. PARKER,
J. ESAIAS WARREN,
HENRY F. MASTERSON,
A. PIERSE,
WM. HOLLINSHEAD,
DAVID A. SECOMBE,
L. A. BABCOCK,
M. S. WILKINSON,
GEO. L. BECKER,
L. E. THOMPSON,
ORLANDO SIMONS,
C. L. WILLES,
W. G. LEDUC,

GOLD T. CURTIS,
JOSEPH WAKEFIELD,
JAMES A. MARKLAND,
CHARLES D. GILFILLAN,
D. C. COOLEY,
ED. RICE,
J. W. NORTH,
S. J. R. McMILLAN,
JNO. B. BRISBIN,
CHAS. E. FLANDRAU,
GEORGE W. PRESCOTT,
JAMES K. HUMPHREY,
J. A. BANKER,
JACOB J. NOAH.

Mr. Bartlett moved

The House adjourn until 2 o'clock this afternoon,

And the yeas and nays being called for and ordered,

There were yeas 5; nays 8.

Those who voted in the affirmative, were

Messrs. Bartlett, Gardner, Noot, Rolette and Sloan—5.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, McKusick, Morrison, Nobles Richardson and Roy—8.

So the House refused to adjourn.

Mr. Davis moved

That the vote by which

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt, and other purposes,

Was indefinitely postponed, be reconsidered.

And the yeas and nays being called for and ordered,

There were yeas 9; nays 3.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Richardson, Roy and Sloan—9.

Those who voted in the negative, were

Messrs. Fisher, Gardner and McKusick—3.

So the motion prevailed.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—His Excellency, the Governor, has informed the Council that he has approved and signed the following Acts and Memorials, to wit:

An act to amend the Revised Statutes.

An act to provide for laying out a Territorial Road from Red Wing to Fort Ridgely. Memorial relative to the Half-breed lands in Minnesota,

A memorial to Congress, for a grant of lands for the construction of a Railroad from some point on Lake or River St. Croix, to St. Paul and St. Anthony, and thence to the western boundary of the Territory, the Red River of the north, and the St. Louis River.

A memorial to Congress for the construction of Roads in the Territory of Minnesota.

And then he withdrew

Mr. Fisher moved

The House adjourn,

Which motion was lost.

On motion of Mr. Fisher,

The House adjourned until this afternoon at 2 1-2 o'clock.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment, and was called to order by the Speaker. The roll was called, and a quorum answered to their names.

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt and for other purposes.

Was taken up.

And the question then being

On ordering the bill to be engrossed for a third reading,

A call of the House was ordered, and

Messrs. Lord, Morrison, Rolette, Roy and Sloan were reported absent.

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

Mr. Plummer moved

Further proceedings under the call of the House be dispensed with,

Which motion was lost.

Mr. Day moved

To reconsider the vote by which the House just refused to dispense with further proceedings under the call,

Which motion prevailed.

Mr. Noot moved that

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt, and for other purposes,

Be made the special order of the day for to-morrow,

Which motion prevailed,

Mr. Fisher, from the Judiciary Committee to whom was referred the remonstrance of H. L. Moss and 28 others against the repeal of the act abolishing the distinction between law and equity practice, reported said remonstrance back to the House.

Which report was accepted.

The House then resolved itself into a Committee of the Whole,

Mr. Bartlett in the Chair,

Having under consideration

(No. 51, H. of R.) A bill to defray the expenses of the Legislative Assembly, and for other purposes.

And after some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

With a recommendation that it be referred to Joint Standing Committee on Legislative Expenditures:

Which report was accepted.

And on motion of Mr. Plummer,

The bill was referred as recommended by said Committee.

On motion of Mr. Bartlett,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

THURSDAY, MARCH 2, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

Mr. Bartlett moved

The reading of the Journal be dispensed with.

Which motion was lost.

The reading of the Journal was commenced, and when nearly completed,

On motion of Mr. Bartlett,

The further reading thereof was dispensed with.

Mr. Fisher gave notice,

That on to-morrow, or at some future time, he would introduce a bill to amend sec. 30 of chapter 95 of the Revised Statutes of Minnesota Territory.

Mr. Noot, from the Joint Committee to whom was referred.

(No. 52, H. of R.) An act to prescribe the times and places of holding the terms of the District Courts in the several Judicial Districts of the Territory of Minnesota,

Reported that they have had the same under consideration, and beg leave to report the same back to the House.

WM. NOOT, House,

J. E. MOWER,

WM. FREEBORN, Council,

Committee.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

Joint Resolution relative to an appropriation from Congress,

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

The Council has concurred in the passage of

(No. 41, H. of R.) A bill to incorporate a Chapter of Royal Arch Masons at St. Paul,

And then he withdrew.

Mr. Davis, from the Select Committee appointed yesterday, submitted the following report:

The Select Committee to whom was referred (No. 20, C. F.) Have had the same under consideration, and beg leave to report the same back to the House, without amendment.

WM. A. DAVIS,

R. M. RICHARDSON,

H. FLETCHER,

Committee.

Which report was accepted,

And the Committee was discharged.

Mr. Richardson, 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:

(C. F. No. 25.) A bill entitled an act to incorporate the Minneapolis and Little Falls Plank Road Company,

Also,

(No. 15, C. F.) A bill entitled an act to organize Sibley County,

Also,

(C. F. No. 18.) An act to incorporate the Minnesota Bridge Company.

Also,

(C. F. No. 34.) A bill entitled an act to provide for laying out a Territorial Road from St. Paul to the Iowa Line.

JOSEPH R. BROWN, Council,

R. M. RICHARDSON, House.

Committee.

The House then resolved itself into Committee of the Whole,

Mr. Bartlett in the Chair,

Having under consideration

(No. 51, H. of R.) A bill to defray the expenses of the Legislative Assembly, and for other purposes.

A message from the Council being announced,

The Speaker took the Chair, and

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has appointed Messrs. Brown, Stearns and Freeborne, a Committee of Conference, to act in conjunction with a similar Committee from the House in reference to the disagreeing vote to the House amendment to

(No. 12, C. F.) A bill to amend an act "entitled an act to incorporate the Mississippi Boom Company and an act amendatory thereto."

And then he withdrew.

And the Committee resumed its session.

After some time passed therein, the Committee rose,

And by their Chairman, reported the same back to the House with amendments,

Which report was accepted,

And the amendments adopted.

Mr. Day moved

The rules be so far suspended, that the bill may be read a third time and put upon its passage now,

Which motion prevailed,

Two-thirds voting in the affirmative,

And the bill was read a third time accordingly.

The question then being 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.

The Speaker signed the following acts:

An act to incorporate the Minnesota Bridge Company,

Also,

An act to organize the County of Sibley,
Also,
An act to provide for laying out a Territorial Road from St. Paul to the Iowa Line,
And,
An act to incorporate the Minneapolis and Little Falls Plank Road Company.
On motion of Mr. Bartlett,
The House adjourned until this afternoon at half-past two o'clock.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment and was called to order by the Speaker.
On a call of the roll, a quorum answered to their names.
Messages from the Council being in order,
Mr. Day moved
A Committee be appointed on the part of the House, to meet a similar Committee
already appointed on the part of the Council to confer in regard to (No. 12, C. F.)
The Speaker appointed
Messrs. Day, Fletcher and Davis, said Committee.
Joint Resolution relative to an appropriation from Congress,
Was taken up and read a first and second times.
On motion of Mr. Day,
The rules were suspended, and the resolution was read a third time and passed,
And the title thereof was adopted.
A message from the Council being announced,
James B. Dixon, Esq., Secretary thereof, appeared and delivered the following mes-
sage:
Mr. Speaker:—The Council has indefinitely postponed the following bill:
(No. 52, H. of R.) A bill to provide for holding the terms of the District Courts
in the various Judicial Districts in Minnesota Territory.

(No. 24, H. of R.) A bill for an act abolishing imprisonment for debt, and for other purposes,

Was taken up.

Mr. Davis moved

That section three which was struck out of said bill, be inserted,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative were

Messrs. Bartlett, Davis, Morrison, Noot, Rolette, Richardson and Roy—7.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer, Watson and Speaker—9.

So the motion was lost.

The question 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 7; nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Morrison, Noot, Rolette, Richardson, Roy and Sloan—7.

Those who voted in the negative, were

Messrs. Day, Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer, Watson and Speaker—9.

So the House refused to order the bill to be engrossed for a third reading.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed

(No. 37, C. F.) A bill to incorporate the Minnesota North-Western Railroad Company,

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

The Council has concurred in the passage of

(No. 42, H. of R.) A bill for an act to incorporate the Transit Railroad Company.

And then he withdrew.

The House then resolved itself into Committee of the Whole,

Mr. Gardner in the Chair,

Having under consideration,

(No. 20, C. F.) A bill to establish three additional Council Districts in this Territory, and for other purposes.

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

Without amendment,

Which report was accepted.

The question then being on ordering the bill to be read a third time,

And the yeas and nays being called for and ordered,

There were yeas 12; nays 4.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Fletcher, Gardner, Morrison, Nobles, Plummer, Rolette, Richardson and Speaker—12.

Those who voted in the negative, were

Messrs. McKusick, Noot, Roy and Watson—4.

So the bill was ordered to a third reading.

Mr. Fletcher moved

The rules be suspended so as to allow the bill to be read a third time by its title, and put upon its passage now,

And two-thirds voting in the affirmative,

The motion prevailed,

And the bill was read a third time accordingly.

The question then recurring on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 11; nays 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fletcher, Gardner, Morrison, Nobles, Plummer, Rolette, Richardson and Speaker—11.

Those who voted in the negative, were

Messrs. Fisher, McKusick, Noot, Roy and Watson—5.

So the bill passed.

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

It was agreed to.

On motion of Mr. Plummer,

The House adjourned.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

Representatives.

FRIDAY, MARCH 3, 1854.

The House met pursuant to adjournment and was called to order by the Speaker.
Prayer by Rev. Mr. Bradley.

The roll of members being called a quorum answered to their names.

On motion of Mr. Fletcher,

The reading of the Journal was dispensed with.

Mr. Day introduced the following Joint Resolution:

Resolved, That the Chief Clerk of the House, and Secretary of the Council, be instructed to procure such assistance as they may deem necessary to enrol the bills yet to be enrolled.

Which was adopted.

Mr. Fisher introduced

(No. 53, H. of R.) A bill for an act to amend Section 30 of Chapter 95, of the Revised Statutes of Minnesota.

Which was read a first and second times.

Mr. Fisher moved

That the rules be suspended, and the bill be read a third time by its title.

Which motion was lost.

And the bill was laid on the table to be printed.

Mr. Day, from the Committee of Conference appointed yesterday, made the following report:

The Joint Committee of Conference, to which was referred

(No. 12, C. F.) A bill to amend an act entitled an act to incorporate the Mississippi Boom Company, and an act amendatory thereto,

Would respectfully report that the Committee have conferred thereon, and recommend that the House recede from the amendment proposed to said bill.

All of which is respectfully submitted.

JOSEPH R. BROWN,
C. T. STEARNS,
WM. FREEBORN,
H. FLETCHER,
WM. A. DAVIS,
J. H. DAY,

Committee.

Which report was accepted.

And the question then being on receding from the amendments made by the House as recommended by said Committee,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fletcher, Morrison, Noot, Nobles, Rolette, Richardson, and Sloan—10.

Those who voted in the negative were

Messrs. Fisher, Gardner, McKusick, Plummer, Roy and Speaker—6.

So the House receded from its amendments.

A Message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed,

(No 6, C. F.) A memorial to Congress for certain mail routes herein named,

Also,

(No. 42, C. F.) A bill to authorize the location of a Territorial Road from Henderson and Le Seur to Cannon River,

Also,

(No. 46, C. F.) A bill in relation to certain counties,

Also,

(No. 47, C. F.) A bill to amend an act entitled an act to incorporate the Rum River Boom Company,

Also,

(No. 44, C. F.) A bill for an act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi River,

Also,

(No. 45, C. F.) A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,

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

And then he withdrew.

Mr. Plummer, 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:

(No. 4, H. of R.) A bill for an act to amend the Revised Statutes,

Also,

(No. 41, H. of R.) A bill entitled an act to incorporate a Chapter of Royal Arch Masons in St. Paul,

And,

(No. 32, C. F.) A bill for an act for the protection of the owners of saw logs in this Territory,,

Also,

(No. 24, C. F.) A bill for an act to incorporate the Minneapolis and Lake Minnetonka Plank Road Company,

Also,

(No. 26, C. F.) A bill for an act in relation to Ferries,

Also,

(No. 29, C. F.) A bill entitled an act to incorporate the Henderson and Fort Ridgely Plank Road Company,

Also,

(No. 17, G. F.) A bill for an act to incorporate the Hamline University of Minnesota,

And,

(No. 28, C. F.) A bill to amend an act entitled, "An act to incorporate the St. Croix Boom Company.

JOSEPH R. BROWN, Council.

HENRY S. PLUMMER, House,
Committee.

Messages from the Council being in order,
(No. 45, C. F.) A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,

Was read a first and second times.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of
(No. 46, H. of R.) A bill for an act to incorporate the City of Stillwater, in the County of Washington,

Also,

(No. 50, H. of R.) A bill to incorporate the Minnesota Central University,
With amendments,

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

And then he withdrew.

(No. 44, C. F.) A bill for an act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi River,
Was taken up,

And on motion of Mr. Noot,

The rules were suspended, and the bill was read a first and second times by its title.

(No. 47, C. F.) A bill to amend an act to incorporate the Rum River Boom Company,

Was read a first and second times.

(No. 6, C. F.) A memorial to Congress for certain mail routes therein named,
Was taken up.

Mr. McKusick moved

That the rules be suspended, and the memorial be read a first and second times by its title,

And the yeas and nays being called for and ordered,

There were yeas 12; nays 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Day, Fisher, McKusick, Morrison, Noot, Nobles, Rolette, Richardson, Roy, Sloan and Speaker—12.

Those who voted in the negative, were

Messrs. Davis, Fletcher, Gardner, Plummer and Watson—5.

And two-thirds voting in the affirmative,

The rules were suspended, and the memorial was read accordingly.

(No. 50, H. of R.) A bill to incorporate the Minnesota Central University,
Was taken up,

And the question then being on concurring in the amendments of the Council to said bill,

They were concurred in.

(No. 42, C. F.) A bill to authorize the location of a Territorial Road from Henderson and Le Suer to Cannon River,

Was taken up, and read a first time.

Mr. Plummer moved

The bill be indefinitely postponed,
 And the yeas and nays being called for and ordered,
 There were yeas 9; nays 8.
 Those who voted in the affirmative, were
 Messrs. Davis, Fisher, Gardner, McKusick, Noot, Plummer, Roy, Watson and
 Speaker—9.

Those who voted in the negative, were
 Messrs. Bartlett, Day, Fletcher, Morrison, Nobles, Rolette, Richardson and Sloan—8.
 So the motion prevailed,
 And the bill was indefinitely postponed.

A message from the Council being announced,
 James B. Dixon, Esq., Secretary thereof, appeared and delivered the following mes-
 sage:

Mr. Speaker:—The Council has indefinitely postponed the following House bills, to
 wit:

(No. 28, H. of R.) A bill for an act authorizing J. D. Trumble to establish a
 Ferry across Lake St. Croix,

Also,

(No. 47, H. of R.) A bill for an act to provide for laying out a Territorial Road
 from St. Paul by way of Little Canada to Lake Superior,

(No. 46, C. F.) A bill in relation to certain Counties,

Was taken up and read a first time.

Mr. McKusick moved

The bill be indefinitely postponed,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 8.

Those who voted in the affirmative, were

Messrs. Bartlett, Fisher, Gardner, McKusick, Noot, Plummer, Sloan, Watson and
 Speaker—9.

Those who voted in the negative, were

Messrs. Davis, Day, Fletcher, Morrison, Nobles, Rolette, Richardson and Roy—8.

So the motion prevailed.

(No. 37, C. F.) A bill to incorporate the Minnesota North Western Railroad
 Company,

Was taken up.

Mr. McKusick moved

The rules be suspended, and the bill be read a first and second times by its title,

And the yeas and nays being called for and ordered,

There were yeas 11; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, McKusick, Morrison, Noot, Nobles, Rolette, Richard-
 son, Roy and Sloan—11.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, Plummer, Watson and Speaker—6.

Two-thirds not voting in the affirmative,

The motion was lost.

The bill was then read a first time at length.

On motion of Mr. Fletcher,

The bill was then read a second time by its title.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the amendments proposed by the House to

(No. 20, C. F.) A bill to establish three additional Council Districts in this Territory, and for other purposes.

The Council has also concurred in the following Resolution of the House:

Resolved, That the Chief Clerk of the House, and Secretary of the Council, be instructed to procure such assistance as they may deem necessary to enrol the bills yet to be enrolled.

The Council has refused to concur in the House amendments to

(No. 19, C. F.) A bill relating to auctioneers,

And the President of the Council has appointed

And then he withdrew.

Messrs. Brown, Stearns and Mower, a Committee of Conference to act in conjunction with a similar Committee on the part of the House, relative to the disagreeing vote to said bill.

Mr. Fletcher moved the House adjourn until 2 o'clock this afternoon,

And the yeas and nays being called for and ordered,

There were yeas 8; nays 9.

Those who voted in the affirmative, were

Messrs. Bartlett, Fisher, Fletcher, Gardner, Plummer, Richardson, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Davis, Day, McKusick, Morrison, Noot, Nobles, Rolette, Roy and Sloan—9.
So the motion was lost.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has adopted the Report of the Joint Committee of Conference relative to

(No. 12, C. F.) A bill to amend an act "entitled an act to incorporate the Mississippi Boom Company, and an act amendatory thereto."

The Council has concurred in the passage of

(No. 5, H. of R.) A bill for an act to incorporate the St. Croix Bridge Company,

And then he withdrew.

Mr. Plummer offered the following resolution:

Resolved, That the Chief Clerk be requested to inform the Council that the House will meet them in joint convention, in the Hall of the House of Representatives, this afternoon at 6 o'clock, for the purpose of electing the "Surveyors General," for the various Districts, as provided by

(No. 23, H. of R.) A bill for an act to provide for the survey of logs and lumber in Minnesota Territory,

Which was adopted.

On motion of Mr. McKusick,

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

AFTERNOON SESSION.

Two O'Clock, P. M.

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

The roll was called, and a quorum answered to their names.

Mr. Day moved

A Committee of three be appointed on the part of the House to meet a similar Committee already appointed on the part of the Council to confer relative to the disagreement between the two Houses on the amendments to

(No. 26, C. F.) A bill relative to Auctioneers.

Which motion prevailed,

And Messrs. Nobles, Fletcher and Day were appointed said Committee.

Mr. Davis offered the following resolution:

Resolved, That the Chief Clerk of this House call upon the Council for No. 20, C. F.

Which was adopted.

A message from the Council being announced,

The Speaker took the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has concurred in the passage of

(No. 35, H. of R.) A bill to amend Chapters 12 and 29 of the Revised Statutes,

(No. 49, C. F.) A bill relative to the records

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

And then he withdrew.

Messages from the Council being in order,

(No. 49, C. F.) A bill relative to the records,

Was taken up and read a first and second times.

Mr. Day moved

That the rules be suspended, and the House resolve itself into Committee of the Whole,

To take into consideration

(No. 37, C. F.) A bill to incorporate the Minnesota and North Western Railroad Company,

And the ayes and nays being called for and ordered,

There were ayes 11; nays 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, McKusick, Morriss, Noot, Noiles, Rolette, Richardson, Roy, Sloan and Speaker—11.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, Plummer and Watson—5.

Two-thirds having voted in the affirmative,

The motion prevailed,

And the House resolved itself into Committee of the Whole,

Mr. Noot in the Chair,

For the consideration of said bill.

A message from the Council being announced,

The Speaker took the Chair,

And James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has instructed me to return to the House the following bill:

(No. 20, C. F.) A bill for an act to establish three additional Council Districts in this Territory, and for other purposes.

The Council has amended the Joint Resolution of the two Houses relative to meeting the House in joint convention, to elect General Surveyors, under the provisions of

(No. 23, H. of R.) An act to provide for the survey of logs and lumber in Minnesota Territory,

From six o'clock this afternoon to eleven o'clock to-morrow morning.

And then he withdrew, and the Committee resumed its sitting.

A communication from the Governor being announced,

R. S. Smith Esq., the Governor's Private Secretary, appeared and delivered the following message:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act to amend the Revised Statutes,

Also,

An act to incorporate a Chapter of Royal Arch Masons in St. Paul,

And then he withdrew, and the Committee resumed its session.

After some time passed therein, the Committee rose,

And by their Chairman reported the bill back to the House,

With amendments,

Which report was accepted.

The question then being on adopting the first amendment made by the Committee,

Mr. Plummer moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the motion was lost.

The question then recurring on agreeing to the first amendment,

A call of the House was ordered,

And Messrs. Bartlett and Lord were reported absent.

Mr. Day moved

Further proceedings under the call be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

So the motion prevailed.

The question then being on adopting the first amendment made in Committee of the Whole, to the bill, to add as corporators, the names of S. B. Olmstead, N. C. D. Taylor, and John Rollins,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the amendment was lost.

Mr. Richardson moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the motion was lost.

Mr. Plummer moved

The bill be laid on the table,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the motion was lost.

Mr. Gardner moved

The second amendment of the Committee to the bill be read,

And the yeas and nays being called for and ordered,

There were yeas 14; nays 2.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fletcher, Gardner, McKusick, Morrison, Noot, Nobles, Plummer, Rolette, Richardson, Roy, Sloan and Speaker—14.

Those who voted in the negative, were

Messrs. Fisher and Watson—2.

So the motion prevailed.

Mr. Plummer moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the motion was lost.

The second amendment was then read,

And the question being on its adoption,

And yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the amendment was lost.

The question then being on adopting the third amendment of the committee to the bill,

It was lost.

The question then being on adopting the fourth amendment of the Committee to the bill, to insert the words "at some designated place" after the word "opened" in line 2 of section 3.

And the yeas and nays being called for and ordered,

There were yeas 11; nays 5.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, Gardner, McKusick, Morrison, Plummer, Richardson, Sloan and Watson—11.

Those who voted in the negative, were

Messrs. Noot, Nobles, Rolette, Roy and Speaker—5.

So the amendment was adopted.

Mr. Fisher moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

So the motion was lost.

The question then being on adopting the fifth amendment of the Committee to the bill,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7,

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer, Richardson and Watson—9.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Rolette, Roy and Sloan—7.

So the amendment was adopted.

The question then being on adopting the sixth amendment of the Committee to the bill,

And the yeas and nays being called for and ordered,

There were yeas 12; nays 4.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Gardner, McKusick, Nobles, Plummer, Richardson, Sloan, Watson and Speaker—12.

Those who voted in the negative, were

Messrs. Morrison, Noot, Rolette and Roy—4.

So the amendment was adopted.

The question then being on adopting the seventh amendment and inserting the words "who shall be freeholders," after the words "disinterested persons," in line 22 of sec. 9.

And the yeas and nays being called for and ordered,

There were yeas 13; nays 3.

Those who voted in the affirmative, were

Messrs. Davis, Fisher, Fletcher, Gardner, McKusick, Noot, Nobles, Plummer, Richardson, Roy, Sloan, Watson and Speaker—13.

Those who voted in the negative, were

Messrs. Day, Morrison and Rolette—3.

So the amendment was adopted.

Mr. Fletcher moved

That the bill be further amended by striking out the word "additional" in line 1, of section 9,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 8.

Those who voted in the affirmative were

Messrs. Fletcher, Gardner, McKusick, Plummer, Richardson, Watson and Speaker—7.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy and Sloan—8.

So the motion was lost.

Mr. Fletcher moved

To amend said bill by striking out the word "corporation" and insert "party or parties" in the 4th line of section 9.

Pending which

A call of the House was ordered, and

Messrs. Bartlett and Lord were reported absent.

Mr. Davis moved

Further proceedings under the call of the House be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

So the motion was lost.

The question then being on adopting the amendment of Mr. Fletcher,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 6.

Those who voted in the affirmative, were

Messrs. Davis, Fisher, Fletcher, Gardner, McKusick, Nobles, Plummer, Richardson, Watson and Speaker—10.

Those who voted in the negative, were

Messrs. Day, Morrison, Noot, Rolette, Roy and Sloan—6.

So the amendment was adopted.

Mr. Plummer moved

The rules be suspended, and the bill be read a third time now.

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson, and Watson—7.

Two-thirds not voting in the affirmative,

The motion was lost.

Mr. Plummer moved

The House adjourn,

Which motion was lost.

Mr. Nobles moved

To amend said bill by striking out in section 2, all after the word "charter," in line 5, to and including the word "New York" in line 9.

And the yeas and nays being called for and ordered,

There were yeas 16; nays 0.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, Gardner, McKusick, Morrison, Noot, Nobles, Plummer, Rolette, Richardson, Roy, Sloan, Watson and Speaker—16.

Those who voted in the negative, were

None.

So the amendment was adopted.

Mr. Watson moved
To amend by inserting in section 1, after the word "Stinson" the words "Henry McKenty,"

Which motion was lost.

Mr. Richardson moved

To strike out the word "New York," in section 6, and insert "Henderson,"

Which was lost.

Mr. Plummer moved

To insert after the words "C. W. Borup," in section 1, the words "S. B. Olmstead,"

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy and Sloan—8.

So the motion was lost.

Mr. Richardson moved

To insert the name of "J. B. S. Todd" among the Corporators.

And the yeas and nays being called for and ordered,

There were yeas 7; nays 8.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Those who voted in the negative were

Messrs. Davis, Day, Noot, Nobles, Rolette, Roy, Sloan and Speaker—8.

So the motion was lost.

Mr. Fletcher moved

To strike out the words "and the management thereof" in section 10, line 3.

And the yeas and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson, Watson and Speaker—8.

Those who voted in the negative, were

Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy and Sloan—8.

So the motion was lost.

Mr. Richardson moved

To amend the bill by inserting the words "Sauk Rapids" before the words "St. Anthony" in section 7.

Which motion was lost.

Mr. Richardson moved

To amend the bill by adding thereto, a bill for an act to prevent the traffic in intoxicating drinks in this Territory.

A call of the House was ordered, and

Messrs. Bartlett, and Lord were reported absent.

Mr. Davis moved

Further proceedings under the call be dispensed with,

And the yeas and nays being called for and ordered,

There were yeas 10; and nays 6,

Those who voted in the affirmative, were
Messrs. Davis, Day, McKusick, Morrison, Noot, Nobles, Rolette, Roy, Sloan and
Speaker—10.

Those who voted in the negative, were
Messrs. Fisher, Fletcher, Gardner, Plummer, Richardson and Watson—6.
So the motion prevailed.

The question then being on adopting the amendment of Mr. Richardson,
And the yeas and nays being called for and ordered,
There were yeas 7; nays 9.

Those who voted in the affirmative, were
Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.
Those who voted in the negative, were
Messrs. Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—9.
So the motion was lost.

Mr. Fletcher moved
To strike out the words "such additional land" in line 1 of section 9, and insert the
words "such lands."

And the yeas and nays being called for and ordered,
There were yeas 12; nays 4.

Those who voted in the affirmative, were
Messrs. Davis, Day, Fisher, Fletcher, Gardner, Nobles, Plummer, Rolette, Richardson,
Sloan, Watson and Speaker—12.

Those who voted in the negative, were
Messrs. McKusick, Morrison, Noot and Roy—4.
So the amendment was adopted.

Mr. Nobles moved
To amend the bill by striking out the 4th and 5th lines of Section 2,
Which amendment was adopted.

Mr. Plummer moved
To amend the bill by inserting before the words "Franklin Steele," in section 1, the
words "William H. Nobles,"

Which amendment was lost.

Mr. Fisher moved

The bill be amended as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. That there shall be and is hereby established a Bank, by the name of the
Bank of Minnesota, with a capital of one hundred thousand dollars, which may be in-
creased to five hundred thousand dollars, in the manner hereinafter specified; which
capital shall be divided into shares of one hundred dollars each, and to be subscribed and
paid for by individual companies and corporations, as hereinafter directed; which sub-
scribers and share holders, their successors and assigns, are hereby created a body politic
and corporate, by the name and style of the "Bank of Minnesota," and shall so con-
tinue a body politic and corporate until the first day of July, 1875; and by that name,
under the restrictions hereinafter named, shall be competent to contract and be contracted
with, to sue and be sued, plead and be impleaded, answer and be answered, defend and
be defended, in all courts or places, in all matters whatsoever, as natural persons, with
full power to acquire, hold, possess, occupy and enjoy, and also to sell, convey and dis-

pose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said bank as surety for, or in satisfaction of any debt, or purchased in satisfaction of any judgment or decree, in favor of the bank, or in the purchase of any property on which said bank may have a lien; and said bank may have and use a common seal, change, alter and renew the same at pleasure, and it may ordain and put in execution such by-laws, rules and regulations for a good government of its affairs, as may be thought most proper: *Provided*, That they be not contrary to the Organic Act and laws of this Territory.

SEC. 2. The said bank shall have and keep its office of discount and deposit in the City of St. Paul, the business shall be discounting bills, notes and other evidences of debt, receiving deposits, buying and selling gold and silver bullion, foreign coins, and bills of exchange, loaning money on real and personal security, and may exercise such incidental powers as shall be necessary to carry on such business.

SEC. 3. The Secretary of the Territory is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of such denominations as may be ordered by said bank, to carry into effect the provisions of this charter, and of such form as they may prescribe; such blank circulating notes shall be countersigned by him, numbered and registered in proper books to be provided and kept for such purpose in his office, under his direction, so that each denomination of such notes shall all be of the same similitude and bear the uniform signature of said Secretary; and so soon as the President of the aforesaid bank, shall lawfully transfer to said Secretary U. S. Stocks, or the bonds of any State, being not less than fifty thousand dollars, the President and Directors of said bank shall be entitled to receive from said Secretary an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; and it shall not be lawful for the Secretary to take such stock above its par value, nor above its current market value.

SEC. 4. Said circulating notes being signed by the President, and countersigned by the Cashier of said bank, and made payable on demand, at the office of discount and deposite, in St. Paul, Minnesota, may be loaned and circulated as money, according to the ordinary course of banking business, as regulated by the laws and usages of this Territory; said notes shall have stamped on their face, secured by the pledge of bonds.

SEC. 5. In case said bank shall at any time hereafter, on lawful demand, during the usual hours of business, between the hours of ten o'clock, A. M. and three o'clock, P. M., at their banking house, in St. Paul, fail or refuse to redeem any of their said notes in the lawful money of the United States, the holder of any such note making such demand, may cause the same to be protested for non-payment by a Notary Public, under his seal of office, in the usual manner, and the Secretary, on receiving and filing in his office such protest, shall forthwith give notice in writing, to the President of said bank to pay the same; and if he shall omit to do so, for ten days after such notice, the Secretary shall immediately thereupon, (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes,) give notice in one of the St. Paul newspapers, that all the circulating notes issued by said bank, will be redeemed out of the trust funds in his hands for that purpose, and it shall be lawful for the Secretary to apply the said trust funds to the payment and redemption of such notes, with costs of protests, and to adopt such measures for the payment of all such notes put in circulation by said bank, as will, in his opinion, most effectually prevent loss to the holders thereof.

Sec. 6. The Secretary shall give to the President and Directors a power of attorney to receive interest or dividends on the stock or bonds so pledged, which said President and Directors may receive and use for the benefit of the stockholders, but such power may be revoked, upon said bank failing to redeem the circulating notes so issued, or whenever in the opinion of the Secretary, the principal of said stock shall become an insufficient security, and the said Secretary, upon the application of the President and Directors may re-transfer the said bonds or any part thereof, or the mortgages or any of them hereinafter mentioned and provided for, upon receiving and canceling an equal amount of such circulating notes in such manner that the circulating notes shall always be secured in full, either by stock, bonds, or mortgages, as in this act provided.

Sec. 7. Instead of transferring stock and bonds as aforesaid to secure the whole amount of such bills or notes, it shall be lawful for said bank, in case it shall so elect before receiving any of such bills or notes, to secure the payment of one-half of the whole amount so to be issued by transferring to the Secretary bonds and mortgages to real estate or county bonds, bearing at least six per cent. interest, payable annually or semi-annually; in which case all such bills or notes issued by said bank shall have stamped on their face, secured by the pledge of real estate, or county bonds, as the case may be. Such mortgages shall be only upon valuable unincumbered lands within this Territory, and within twenty miles of St. Paul, worth independently of any buildings thereon, at least double the amount for which they shall be so mortgaged, and the Secretary shall prescribe such regulations for ascertaining the title and the value of such lands as he may deem necessary, and such mortgages shall be payable within such time as the Secretary may direct.

Sec. 8. The Secretary may, in his discretion, re-assign the said bonds and mortgages or any of them to the bank on receiving other approved bonds and mortgages of equal amount, and when any sum of the principal of the bonds and mortgages transferred to the Secretary, shall be paid to him, he shall notify the bank of such payment, and may pay the same to said bank on receiving other approved bonds and mortgages of equal amount.

Sec. 9. The said bank may receive the annual amounts of interest to accrue on said bonds and mortgages, unless default shall be made in paying the bills or notes, to be countersigned as aforesaid, or unless, in the opinion of the Secretary, the bonds and mortgages, or stocks so pledged, shall become an insufficient security for the payment of such bills or notes, and in case such bank shall fail or refuse to pay such bills or notes on demand, in the manner specified in the fifth section of this act, the Secretary, after the ten days notice therein mentioned, may proceed to sell at public auction, the securities so pledged or the bonds and mortgages so assigned, or any or either of them, and out of the proceeds of any such sale shall pay and cancel the said bills or notes, default in paying which shall have been made as aforesaid.

Sec. 10. The stock, bonds and mortgages deposited with the Secretary by said bank, shall be held by him exclusively for the redemption of the bills and notes of said bank in circulation as money, until the same are paid.

Sec. 11. The plates, dies, and materials to be procured by the Secretary, for the printing and making of the circulating notes provided for hereby, shall remain in his custody, and under his direction, and the expenses necessarily incurred in executing the provisions of this act shall be paid by said bank.

Sec. 12. The Secretary who shall countersign for said bank bill or notes to an

amount in the aggregate exceeding the _____, at their value as provided in the third section of this act, deposited with the Secretary, shall upon conviction be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or by both such fine and imprisonment.

SEC. 13. Upon the application of any creditors or shareholders of said bank, whose debts or shares shall amount to one thousand dollars, and stating facts verified by affidavit, the Judge of the District Court of the County of Ramsey, may in his discretion order a strict examination to be made by Commissioners, appointed by him for that purpose, in order to ascertain the safety of its investments, and the prudence of its management, and the result of every such examination, together with the opinion of the Judge thereon, shall be published in such manner as the Judge shall direct, who shall make such order in respect to the expenses of such examination, and publication as he may deem proper.

SEC. 14. Said bank shall be liable to pay the holder of every note or bill put in circulation as money, the payment of which shall have been demanded and refused, or on refusal to pay any money previously deposited with said bank, and then due, and demandable to any person or persons entitled to receive the same, damages for nonpayment thereof in lieu of interest at and after the rate of seven per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereon.

SEC. 15. It shall be the duty of the Secretary to receive mutilated circulated notes issued by him, and deliver in lieu thereof other circulating notes to the same amount, to be afterward signed by the President and Cashier of said bank.

SEC. 16. Whenever the securities deposited for the redemption of circulating notes, shall, in the opinion of the Secretary, become insufficient for that purpose, he may receive the dividend on all stocks as well as the interest on bonds and mortgages, and shall deposit the same in some safe banking house in his name, in trust for the Bank of Minnesota, the deposit to be made on such terms and at such rate of interest as he may deem most conducive to the interest of said bank, and to be withdrawn and paid over whenever in his opinion the securities of said bank shall be sufficient to warrant it.

SEC. 17. It shall be lawful for the President of said bank to make or execute bonds and mortgages direct to the Secretary, to secure the payment of circulating bills or notes.

SEC. 18. All fees for protesting and circulating notes issued by said bank, shall be paid by the person procuring the services to be performed, for which said bank shall be liable, but no part of the securities deposited by said bank shall be liable for such fees.

SEC. 19. It shall be the duty of the President and Directors of said bank during the first week of January of each year to transmit to the Secretary an accurate and joint statement of the condition of said bank as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in the value of the real estate belonging to the bank and its cost, the total amount of the debts due to and from the bank, the amount of gold and silver, and other coined metals and bullion on hand, the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks, and the amount of notes in circulation of each denomination issued by the bank, the rate and amount of each dividend of profits made by the bank, with the amount of the

surplus profits or the contingent fund, which statement it shall be the duty of the Secretary to cause to be printed in a newspaper printed in St. Paul, the expense of which shall be paid by said bank.

SEC. 20. The promissory notes made payable to any person or persons, and payable and negotiable at the banking house in St. Paul, and indorsed and discounted by said bank, shall be and they are hereby put on the same footing as foreign bills of exchange, and remedy may be had jointly or severally against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other greater dignity or priority of payment than other notes.

SEC. 21. The real and personal estate, business, property, funds and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management and control of seven directors, chosen as hereinafter directed; they shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this Territory, and citizens of the United States, and after the first election shall be elected annually, on the first Monday in May. Each Director shall be a stockholder in his own right; they shall hold their offices for one year and until their successors shall be chosen; the directors shall be chosen by the shareholders who shall meet at the annual election in the city of St. Paul, at such time and place as the Directors for the time being shall direct, and notice of the time and place of holding the annual election shall be published in at least one authorized newspaper thirty days next preceding the election. The election shall be by plurality of votes, to be counted and read in public after all the votes are taken. The election shall be conducted under the direction of three shareholders acting under oath, previously chosen by the directory, and not of their own body. No person who is a director or officer of another bank shall be eligible as a Director of this bank, and any director becoming a director or officer in another bank or while under protest in this bank for the non-payment of debts, shall be held to have vacated the office of director of this bank, (nor shall two parties in trade be eligible as directors in this bank at one and the same time,) and if the President, Cashier, or any director shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this bank, and shall be held to have vacated his office or place, nor shall he be appointed to serve in this bank until his debts are paid, or until he obtains a full discharge from the same. If from any cause an election shall not take place on the day fixed by the charter, the corporation for that cause shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

SEC. 22. At all meetings of the stockholders and at all elections under the charter each and every shareholder, whether individuals, companies, or corporations, shall be entitled to one vote for each share held in their own right. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote on the same at least three months prior to that time, and so appear on the book of the bank. Any stockholder entitled to vote may do so in person or by proxy, such proxy being granted to a stockholder who is not the President or a Director, the Clerk, Cashier or Teller of the bank; and any stockholder who is not a citizen of the United States shall not be entitled to vote on his stock.

SEC. 23. The Directors chosen for the said bank under the provisions of this charter, shall, as soon as may be after the first and every annual election or other election of Directors, elect a President from their own body, who shall preside at the board until the

next election; and in case of the death, absence or resignation, or vacation of the office of President, the residue of Directors shall choose a President pro tempore; they shall fill all vacancies that may occur in their own body during the time for which they were chosen, and appoint a cashier, clerks, agents or servants of the bank, fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, and in such penalties as they may deem right; which bond shall be laid monthly before the directory, and entry made thereof on record, and the directory may from time to time require such additional bond and surties with such penalties and conditions as in their opinion will secure the bank from loss or damage, and all such officers shall hold their places during the pleasure of the President and Directors.

SEC. 24. The President and Directors of the bank may from time to time, make such by-laws and regulations for their own government and for the management and disposition of the property, estate, funds and business of the bank and all matters thereto, which they may deem expedient, not contrary to the provisions of this charter or the by-laws, rules, and regulations which the stockholders at the annual or other meetings may from time to time prescribe: *Provided, however,* that a concurrence of a majority of all the Directors shall be necessary in the adoption of any of the laws of the institution.

SEC. 25. The President and Directors shall hold stated meetings at least once a week on such days and such hour of the day as they may from time to time appoint, and at such times as they may agree on: and they shall attend called meetings at any time the President shall direct, and all questions before the board shall be decided *viva voce*, and on the request of any two members, the yeas and nays on any proposition submitted, shall be entered or recorded on the journal of their proceedings, and no vote shall be re-considered when a less number are present than when the vote was given.

SEC. 26. It shall be the duty of the President and Directors of the bank, on the first Monday in January and July of each year to declare a dividend of the profits among the stockholders, payable to them on demand, of which dividend and the time and place of payment notice shall be given. And if at any time said President and Directors shall declare a dividend lessing the capital stock, or lessing the contingent fund aforesaid; or by any mismanagement or neglect of duty, shall cause any loss or deficiency of, or in the capital stock of said bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders or any creditor of said bank who may be injured thereby; and the President and each Director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give public notice of his dissent thereto, or his absence from the institution, and call a meeting of the stockholders as herein provided.

SEC. 27. It shall be the duty of the cashier of the bank, on the first day of July, 1855, and on the first day of July, in each succeeding year during the continuance of this charter, to pay to the Treasury of this Territory, twenty-five cents on each hundred dollars of stock held and paid for in said bank, which shall be in full for all tax or bonus: *Provided,* That no tax shall be paid until said bank goes into operation: *And, provided, further,* That the tax or bonus, hereby proposed to be imposed on each share of stock in this bank, or such as shall hereafter be imposed on each share, is hereby set apart and forever dedicated to the cause of education on the common school system, and whenever the same, or any part thereof, shall be diverted otherwise by legislative enactment, said bank shall then be exonerated from the payment of any tax or bonus whatever.

Sec. 28. The board of Directors of said bank, shall allow to the President thereof such reasonable compensation for his services, as they may from time to time deem just; but no compensation shall be allowed to any Director of the bank, unless the same be voted by the stockholders at some regular meeting.

Sec. 29. It shall be the duty of the President and Directors of the bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board.

Sec. 30. That it shall not be lawful for the cashier, clerk, teller, or other subordinate officer of the bank, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the special license of the President and Directors of the bank; nor shall any of them, either directly or indirectly, become indebted to said bank, either as borrower, indorser, surety, or otherwise.

Sec. 31. If the cashier, clerk, teller, agent, or other officer of said bank, shall without the authority of the President and Directors of the bank, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the bank with intent to cheat or defraud the corporation or any person, to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of a felony, and shall upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Territory for a period of not less than five nor more than twenty years.

Sec. 32. The President and Directors of the bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders when by them demanded at any regular meeting, and they shall be open to inspection to any committee appointed by the Legislature.

Sec. 33. The President, cashier, directors, clerk teller and other officers of the bank previous to entering on the discharge of their duties shall take an oath before some justice of the peace of this Territory, faithfully, honestly, impartially, and to the best of their skill and judgment to discharge all the [duties] of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

Sec. 34. Said bank shall not contract for or receive a greater rate of interest than at the rate of seven per cent. per annum, for the loan or forbearance of money, and interest on promissory notes negotiable and payable at this bank, and their discount shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's tables of discount and interest.

Sec. 35. That the President and Directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for, and the shares of the capital stock of said bank shall be considered and held in law as personal property, and assignable and transferrable only in such manner and at such place or places as the President and Directors of the said bank shall, by their by-laws, prescribe.

Sec. 36. The certificates of deposit, bank bills or notes, bills of exchange, post notes or orders issued by said bank, shall be signed by the President and cashier, promising or requesting the payment of money to any person or persons, and to order or bearer, as the case may be, shall be obligatory on said bank, although not under its seal, and such

of said notes or bills as shall be payable to order shall, be transferable by assignment, and those made payable to bearer by delivery.

SEC. 37. That the general meeting of the stockholders shall be held annually, on the first Monday of May, in each year, in the *City of St. Paul*, at the time of the annual elections, to which meeting the President and Directors of the bank shall present an accurate statement of the condition and affairs of the bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

SEC. 38. The Legislature shall have the right to investigate the situation and affairs of said bank by any committee they may appoint for that purpose from time to time.

SEC. 39. The District Court shall have jurisdiction to try the forfeiture of this charter for the violation of any of the provisions of the same; the proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the Attorney General, when directed to do so by order of the Legislature, or the Governor, for the time being, and from and after the judgment of forfeiture said corporation shall cease to exercise any of the powers and privileges hereby granted; Provided said forfeiture shall not be so construed as to prevent said bank from being sued and continuing its operations for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

SEC. 40. That Samuel B. Elliott, Francis Y. Carlile and Alex. H. Cathcart are hereby constituted and appointed Commissioners to open books and receive subscriptions for the stock of said bank, and any two of them may superintend the election of the first board of Directors.

SEC. 41. The said Commissioners shall have power, and they are authorized and required at such time as they may deem expedient, after giving at least thirty days notice thereof in some of the newspapers printed in this Territory, to open books for the subscription of capital stock of said bank at St. Paul, and such other places as the Commissioners may deem advisable, and cause books to be kept open until at least two hundred and fifty shares shall have been subscribed, when the same may be closed, or the Commissioners may order them closed sooner if deemed advisable, and re-opened whenever they think fit; and if more than three thousand shares should be subscribed by individuals, companies, and corporations, the Commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced any other subscriptions larger. The Commissioners may appoint Commissioners in any city in the United States, to receive subscription of stock.

SEC. 42. If all the shares of the capital stock shall not be taken when the books of subscription shall first be opened by the Commissioners the President and Directors may cause the books to be opened from time to time, and at such times as they may direct, and cause them to be kept open if they choose, until the whole balance shall be taken, and the President and Directors may require such premium on the stocks sold at the opening of the books as they shall deem right, and such premium shall be the property of the bank.

SEC. 43. When not less than two hundred shares of the capital stock shall have been taken, and the Commissioners shall have closed the books, it shall be their duty to give notice in some public newspaper printed in this Territory, and appoint a day and place in the city of St. Paul, for the election of the first board of Directors for said bank, who shall hold their offices until the succeeding annual election, and not less than thirty,

nor more than sixty days notice shall be given of the time and place of electing the said board of Directors, and two of the Commissioners shall act as inspectors of the election and shall take the proper oaths, and perform all the duties of inspectors of elections in like cases.

SEC. 44. The payment of the shares of the capital stock, held by individuals, companies and corporations, shall be at the times and in the manner to be determined by the Commissioners, and which time and manner shall be published in the newspapers at St. Paul, and distinctly and fully made known in writing, to each stockholder on the subscription of his stock.

SEC. 45. Should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock as herein provided, and as prescribed by the Commissioners, the President and Directors first giving public notice in at least one public authorized newspaper, printed in this Territory, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to re-sell the same, and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

SEC. 46. If any stockholder or stockholders in said bank, who shall not be a citizen or citizens of the United States, shall vote or authorize any person to vote at the election of Directors for said bank upon the stock held by such person or persons, not a citizen or citizens of the United States or which may be held by others, for his or their use and benefit, that such stock so held and may have been voted upon or authorized to be voted upon at any of the elections for Directors of said bank shall be forfeited by such stockholder or stockholders to and for the use of said bank.

SEC. 47. The bills or notes of said corporation originally made payable to bearer, shall be receivable in all payments to the Territory, and on account of county levies, so long as it shall redeem its notes in gold or silver, on demand, unless otherwise directed by law.

SEC. 48. It shall not be lawful for the President or any of the Directors of the bank to become bound as security, or accommodation endorser on any note or bill discounted in said bank, and a violation of any of the provisions of this section shall subject the person violating the same to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for their use and benefit.

SEC. 49. Said bank shall not make any loan of money, or discount any note or bill on the pledge of the stock of said bank whatever, and no stockholder shall be allowed to pay any debt he may owe the bank by the surrender of the stock of the bank, until all the notes of the bank shall have been redeemed, and all the debts of the bank paid, and stockholders, who shall become indebted to the bank shall be compelled to pay their debts in all respects as other persons dealing with the bank, nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said bank.

SEC. 50. The President and Directors of the bank shall cause the Cashier to make quarterly reports on the first day of January, April, July and October, in alphabetical order, of all the debts due said bank, setting out the amount due by each individual, with the names of the indorsers or securities, and a note of the other securities, the date of the notes or bills, and when payable; and these memorandums shall at all times be open to the examination of the President and Directors of the Bank.

SEC. 51. The President and Directors of the bank shall have power and authority to purchase and to transfer any scrip or bonds which may be issued by the Territory.

SEC. 52. Note: to be issued by said bank of a denomination less than five dollars, may be signed by the President or Cashier of said bank, without being countersigned by any other officer.

SEC. 53. The President and Directors of said bank may, under the direction of such agent or agents as they may think proper to appoint, keep open books for the transfer of the stock of said bank, at such places, and under such rules and regulations as they may deem proper.

SEC. 54. The capital stock of said bank shall be one hundred thousand dollars, as provided in the first section of this act, which may at any time, provided a majority of the stockholders at their annual meeting or election shall so determine, be increased to five hundred thousand dollars, and the Secretary, whenever an additional sum of such securities as are required in this act shall be deposited with him by the said bank, shall issue to said additional securities so deposited: *Provided*, That the amount of circulating notes so issued by him, and put in circulation by said bank, shall never in the whole, exceed five hundred thousand dollars at any one time in circulation; and said bank may diminish the amount of notes in circulation as provided in the sixth section of this act, and may also diminish the capital stock when a majority of the stockholders at their annual meeting shall so determine, in the manner which said bank may deem best; and nothing in the forty-ninth section of this act shall be so construed as to contravene this last granted power, and the stockholders, in determining by vote whether to diminish or increase the capital stock, shall have one vote for each share, as in all other elections.

Pending which,
On motion of Mr. Rolette
The House adjourned.

N. C. D. TAYLOR,
Speaker of the House of
Representatives.

Attest:

A. J. MORGAN,
Chief Clerk of the House of
Representatives.

SATURDAY, MARCH 4, 1854.

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

Prayer by Rev. Mr. Bradley.

The roll of members being called, a quorum answered to their names.

Mr. Bartlett moved

The reading of the Journal be dispensed with.

And yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Rolette, Richardson, Roy and Sloan—9.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Watson and Speaker—7.

So the motion prevailed,

And the reading of the Journal was dispensed with.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has indefinitely postponed the following bill:

(No. 37, H. of R.) A bill to abolish Indian testimony in all Courts of Justice in this Territory.

The Council has refused to pass

(No. 33, H. of R.) A bill for an act to amend the Revised Statutes,

(No. 39, H. of R.) A bill for an act relative to sheep and swine.

The bills are herewith returned.

(C. F. No. —) Joint Resolution relative to Sioux Indians,

Was taken up and read.

Mr. McKusick moved

It be indefinitely postponed,

And the yeas and nays being called for and ordered,

There were yeas 12; nays 4.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Fletcher, McKusick, Morrison, Noot, Plummer, Richardson, Roy, Watson and Speaker—12.

Those who voted in the negative were

Messrs. Day, Gardner, Nobles and Sloan—4.

So the motion prevailed, and the resolution was indefinitely postponed:

(No. 43, C. F.) A bill to prohibit the introduction of liquor into the Territory purchased from the Sioux Indians,

Was taken up.

Mr. Richardson moved

That the House refuse to pass said bill,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, McKusick, Morrison, Noot, Plummer, Richardson, Roy and Watson—10.

Those who voted in the negative, were
Messrs. Day, Fletcher, Gardner, Nobles, Sloan and Speaker—6.
So the motion prevailed.

Messages from the Council being in order,

The amendment of the Council to the Joint Resolution relative to meeting in joint convention for the election of Surveyors General—changing the hour to eleven o'clock of this day,

Was concurred in.

(No. 37, C. F.) A bill to incorporate the Minnesota and North-Western Railroad Company,

Was taken up,

And the reading of the amendment offered by Mr. Fisher, pending on the adjournment of yesterday, being resumed,

Mr. Fisher, on leave granted, withdrew the amendment.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has passed the following Joint Resolution:
Joint Resolution relative to the Sioux Indians,

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

And then he withdrew.

And the bill (No. 37, C. F.) being still before the House,

The previous question was called for.

The Speaker put the question, "Shall the main question now be put?"

And the yeas and nays being called for and ordered,

There were yeas 11; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Richardson, Roy, Sloan and Speaker—11.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer and Watson—6.

So the House decided that the main question should now be put.

The question then being on the third reading of the bill,

And the yeas and nays being called for and ordered,

There were yeas 11; and nays 6,

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Richardson, Roy, Sloan and Speaker—11.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer and Watson—6.

So the motion prevailed.

Mr. Noot moved

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

And the yeas and nays being called for and ordered,

There were yeas 10; nays 7.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Roy, Sloan and Speaker—10.

Those who voted in the negative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Richardson and Watson—7.

Two-thirds not voting in the affirmative,

The motion was lost.

Mr. Plummer moved

The House adjourn,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 10.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Plummer, Roy and Watson—7.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Richardson, Sloan, and Speaker—10.

So the motion was lost.

Pending the reading of the bill,

Mr. Richardson moved

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

And two-thirds voting in the affirmative,

The motion prevailed,

And the bill was read by its title accordingly.

The question then being on the passage of the bill, the previous question was moved,

And the Speaker put the question "Shall the main question now be put?"

And the yeas and nays being called for and ordered,

There were yeas 12; nays 5.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Fisher, Morrison, Noot, Nobles, Rolette, Richardson, Roy, Sloan and Speaker—12.

Those who voted in the negative, were

Messrs. Fletcher, Gardner, McKusick, Plummer and Watson—5.

The question then being, shall the bill pass?

And the yeas and nays being called for and ordered,

There were yeas 11; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Day, Morrison, Noot, Nobles, Rolette, Richardson, Roy, Sloan and Speaker—11.

Those who voted in the negative, were

Messrs. Fletcher, Fisher, Gardner, McKusick, Plummer and Watson—6.

So the bill was passed.

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

It was agreed to.

The following message was received from the Council, by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The Council has passed

(No. 31, C. F.) A bill to amend section 16, article 3, of the Revised Statutes,

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

And then he withdrew.

Mr. Plummer moved

That a committee of two be appointed to inform the Council that the House is now ready to meet them in joint convention for the election of Surveyors General in accordance with the resolution to that effect,

Which motion prevailed, and

Messrs. Plummer and Richardson were appointed said committee.

On motion of Mr. Bartlett,

The House took a recess of fifteen minutes to allow the Committee time to discharge their duty,

After the expiration of which time, the House was called to order, and the Committee reported that they had discharged their duty.

The Council was then announced, and took their seats in the House.

JOURNAL OF THE JOINT CONVENTION.

The rolls of the two Houses were called and a quorum of each answered to their names.

Mr. Stimson nominated Robert Hastie as a candidate for Surveyor General for the 1st District, and Mr. Fisher nominated H. N. Setzer.

The Convention then proceeded to vote *visa voce* for Surveyor General for the First District, and on the first vote Mr. Brown voted for Mr. Hastie; Mr. Freeborn voted for Mr. Setzer; Messrs. Mower, Murray, Stearns, Stimson, President and Bartlett voted for Mr. Hastie; Messrs. Davis, Day and Fisher voted for Mr. Setzer; Mr. Fletcher voted for Mr. Hastie; Messrs. Gardner and McKusick voted for Mr. Setzer; Messrs. Morrison and Noot voted for Mr. Hastie; Messrs. Nobles and Plummer voted for Mr. Setzer; Messrs. Rolette, Richardson and Roy voted for Mr. Hastie; Messrs. Sloan and Watson voted for Mr. Setzer; and Mr. Speaker voted for Mr. Hastie.

The result of the vote was then declared as follows:

Mr. Hastie received fourteen votes; Mr. Setzer received ten votes.

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

On motion of Mr. Noot,

The Convention then proceeded to vote for Surveyor General of the Second District.

Mr. Murray nominated Daniel Stanchfield, of St. Anthony, for that office, and in support thereof presented the petition of sundry citizens of said district.

On the first ballot, Messrs. Brown, Mower, Murray, Stearns, Stimson, President, Bartlett and Davis voted for Mr. Stanchfield; Mr. Day voted for Mr. Collins; Messrs. Fisher, Fletcher, Gardner and McKusick voted for Mr. Stanchfield; Mr. Morrison voted

for Mr. Collins; Mr. Noot voted for Mr. Stanchfield; Mr. Nobles voted for Mr. Collins; Mr. Plummer voted for Mr. Stanchfield; Messrs. Freeborn, Rolette and Richardson voted for Mr. Collins; Messrs. Roy, Sloan, Watson and Speaker voted for Mr. Stanchfield.

The result of the vote was then declared as follows:

Mr. Stanchfield received eighteen votes, Mr. Collins received six votes.

Mr. Stanchfield having received a majority of the votes cast, was declared elected.

On motion of Mr. Stearns,

The Convention then proceeded to vote for Surveyor General of the Third District.

Mr. Freeborn nominated Mr. Lauvre.

On the first ballot, Messrs. Brown, Freeborn, Mower, Murray, Stearns, Stimson, President, Bartlett and Davis voted for Mr. Lauvre; Mr. Day voted for Mr. Bailey; Mr. Fisher voted for Mr. Freeborn; Mr. Fletcher voted for Mr. Lauvre; Mr. Gardner voted for Mr. O. M. Lord; Mr. McKusick voted for Mr. Lauvre; Mr. Morrison voted for Mr. Bailey; Mr. Noot voted for Mr. Freeborn; Mr. Nobles voted for Kit Carson; Messrs. Plummer, Rolette, Richardson and Roy voted for Mr. Bailey; Mr. Sloan voted for Mr. Lauvre; Mr. Watson voted for Mr. Lord; and Mr. Speaker voted for Mr. Lauvre.

The result of the vote was then declared as follows:

Mr. Lauvre received thirteen votes; Mr. Bailey received six votes; Mr. Freeborn received two votes; Mr. Lord received two votes; and Kit Carson received one vote.

Mr. Lauvre having received a majority of votes cast, was declared elected.

Mr. Watson moved the Convention adjourn.

Which motion prevailed.

The Speaker called the House to order, when

Mr. Noot moved

The House adjourn until half-past two o'clock this afternoon;

And the ayes and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Morrison, Noot, Rolette, Roy, Sloan and Speaker—9.

Those who voted in the negative, were

Messrs. Day, Fletcher, Gardner, McKusick, Nobles, Richardson and Watson—7.

So the House adjourned until half past two this afternoon.

AFTERNOON SESSION.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment and was called to order by the Speaker.
On a call of the roll, a quorum answered to their names.

The following message was received from the Council by James B. Dixon, Esq.,
Secretary thereof:

Mr. Speaker:—The Council has passed

(No. 7, C. F.) A memorial to Congress relative to town sites,

Also,

(No. 43, C. F.) A bill to prohibit the introduction of liquor into the Territory purchased from the Sioux Indians,

Also,

(No. 38, C. F.) A bill to regulate the sale of spirituous liquors in this Territory,

Also,

(No. 50, C. F.) A bill relative to sheep and swine;

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

The Secretary then withdrew.

Mr. Nobles presented the following report:

The majority of the Committee of Conference, to whom was referred the disagreeing votes to House-amendments to bill (No. —, C. F.,) A bill relative to Auctioneers, ask leave to report that the House recede from the first amendment and concur with the Council, and adhere to its second amendment.

WM. H. NOBLES, Chairman,
J. E. MOWER,
Committee.

Which report was accepted, and the recommendation was adopted.

Mr. Richardson, 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:

(No. 14, C. F.) A bill entitled "an act to incorporate the St. Paul Bridge Company,"

(No. 35, C. F.) A bill entitled "an act to amend an act to punish trespassers on School Lands in Minnesota Territory, approved March 6, 1852.

JOSEPH R. BROWN, Council,
R. M. RICHARDSON, House.
Committee.

The Speaker then signed said bills:

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

The Joint Committee on Enrolled Bills did, on the 3d day of March, 1854, present to His Excellency the Governor, for examination and approval, the following:

- A bill entitled an act to amend the Revised Statutes,
 - A bill entitled an act for the protection of owners of saw logs in this Territory,
 - A bill for an act to incorporate the Minneapolis and Lake Mianetonka Plank Road Company,
 - A bill entitled an act in relation to ferries,
 - A bill entitled an act to incorporate the Henderson and Fort Ridgely Plank Road Company,
 - A bill entitled an act to incorporate the Hamline University of Minnesota.
 - A bill entitled an act to incorporate a Chapter of Royal Arch Masons in St. Paul,
 - A bill to amend an act entitled an act to incorporate the St. Croix Boom Company.
- JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committee.

Mr. Richardson 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:

(No. 12, C. F.) A bill entitled an act to amend an act entitled an act to incorporate the Mississippi Boom Company.

(No. 30, C. F.) A bill entitled an act to incorporate the St. Paul and Little Canada Plank Road Company.

(No. 42, H. of R.) A bill for an act to incorporate the Transit Railroad Company.

(No. 25, H. of R.) A bill entitled an act to amend chapters 12 and 29 of the Revised Statutes.

(No. 38, H. of R.) A bill entitled an act to incorporate the Minnesota Central University.

(No. —, C. F.) A bill entitled an act to incorporate the St. Paul and Point Douglas Plank Road Company.

JOSEPH R. BROWN, Council,
R. M. RICHARDSON, House,
Committee.

The Speaker then signed said bills.

Mr. Plummer moved

at the House adjourn until six o'clock this evening,
and the yeas and nays being called for and ordered,
there were yeas 4; nays 12.

Those who voted in the affirmative, were

Messrs. Fisher Plummer, Watson and Speaker—4.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Fletcher, Gardner, Morrison, Noot, Nobles, Rollette, Richardson, Roy and Sloan—12.

So the motion was lost.

The following message was received from the Council by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The Council has passed

(No. 51, H. of R.) A bill to defray the expenses of the Legislative Assembly, and for other purposes.

With amendments,

In which the concurrence of the House is respectfully requested.

The Secretary then withdrew.

Mr. Richardson moved

The amendments of the Council be concurred in,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 8.

Those who voted in the affirmative, were

Messrs. Davis, Day, McKusick, Morrison, Noot, Rolette, Richardson, Roy and Speaker—9.

Those who voted in the negative, were

Messrs. Bartlett, Fisher, Fletcher, Gardner, Nobles, Plummer, Sloan and Watson—8.

So the amendments were concurred in.

The following message was received from the Council by James B. Dixon, Esq., Sec-

Mr. Speaker:—The Council has concurred in the passage of

(No. 29, H. of R.) An act to incorporate the Stillwater Boom Company.

The Secretary then withdrew.

On motion of Mr. Bartlett

The House took a recess till 5 o'clock this afternoon.

EVENING SESSION.

FIVE O'CLOCK, P. M.

The Speaker called the House to order. A quorum answered to their names.

Mr. Plummer from the Joint Committee on Enrolled Bills made the following report:

The Joint Committee on Enrolled Bills did on the 4th day of March, 1854, presented to His Excellency the Governor, for examination and approval, the following:

A bill entitled an act to punish trespassers on School Lands in Minnesota Territory.

A bill entitled an act to incorporate the St. Paul Bridge Company.

A bill entitled an act to incorporate the St. Paul and Point Douglas Plank Road Company.

A bill entitled an act to amend chapters 12 and 29 of the Revised Statutes.

A bill entitled an act to amend an act entitled an act to incorporate the Mississippi Boom Company, and an act amendatory thereto.

A bill entitled an act to incorporate the Minnesota Central University.

A bill entitled an act to incorporate the Transit Railroad Company.

A bill entitled an act to incorporate the St. Paul and Little Canada Plank Road Company.

JOSEPH BROWN, Council,
HENRY S. PLUMMER, House,
Committee.

Mr. Plummer moved

To reconsider the vote by which the House rejected
(No. 43, C. F.) A bill to prohibit the introduction of liquor into the Territory purchased of the Sioux Indians,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 6.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fletcher, Gardner, Nobles, Plummer, Richardson, Watson and Speaker—9.

Those who voted in the negative, were

Messrs. Bartlett, Fisher, McKusick, Noot, Rolette and Roy—6.

So the motion prevailed.

Mr. Plummer moved

The rules be suspended, and the bill be read a first and second times by its title,
Which motion prevailed,

And the bill was read accordingly.

(No. 50, C. F.) A bill relative to sheep and swine,
Was taken up.

On motion of Mr. Bartlett,

The rules were suspended,

And the bill was read a first and second times by its title.

(No. 38, C. F.) A bill to regulate the sale of spirituous liquors in this Territory,
Was taken up.

On motion of Mr. Plummer,

The rules were suspended,

And the bill was read a first and second times by its title.

(No. 7, C. F.) Memorial to Congress relative to town sites,
Was taken up.

On motion, the rules were suspended,

And the bill was read a first and second times by its title.

(No. 51, C. F.) A bill to amend the Revised Statutes, and for other purposes,
Was taken up.

On motion of Mr. Plummer,

The rules were suspended,

And the bill was read a first and second times by its title.

Previous to which, the following message was received from the Council, by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The Council has passed

(No. 51, C. F.) A bill to amend the Revised Statutes, and for other purposes,

In which the concurrence of the House is respectfully requested,

The Secretary then withdrew.

The following message was received from the Governor by R. S. Smith, Esq., his Secretary:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act to incorporate the Minnesota Central University,

Also,

An act to amend chapters 12 and 29 of the Revised Statutes.

The Secretary then withdrew.

(No. 53, H. of R.) A bill for an act to amend section 30 of chapter 95 of the Revised Statutes of Minnesota Territory,

Was taken up.

On motion of Mr. Plummer,

The rules were suspended,

And the bill was read a first and second times by its title.

(No. 34, C. F.) A bill to amend section 16, article 8 of the Revised Statutes,

Was taken up.

On motion of Mr. Plummer,

The rules were suspended,

And the bill was read a first and second times by its title.

On motion of Mr. Davis,

The rules were suspended, and

The House resolved itself into Committee of the Whole,

Mr. Nobles in the Chair,

Having under consideration the following:

(No. 43, C. F.) A bill to prohibit the introduction of liquor into the Territory purchased of the Sioux Indians.

(No. 50, C. F.) A bill relative to sheep and swine.

(No. 38, C. F.) A bill to regulate the sale of spirituous liquors in this Territory.

(No. 7, C. F.) Memorial to Congress relative to town sites.

(No. 51, C. F.) A bill to amend the Revised Statutes, and for other purposes.

(No. 53, H. of R.) A bill for an act to amend section 30 of chapter 95 of the Revised Statutes of Minnesota Territory.

(No. 34, C. F.) A bill to amend section 16 article 8 of the Revised Statutes.

(No. 45, C. F.) A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company.

(No. 47, C. F.) A bill to amend an act entitled an act to incorporate the Rum River Boom Company.

(No. 49, C. F.) A bill relative to the records.

(No. 44, C. F.) A bill for an act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi River.

(No. 6, C. F.) Memorial to Congress for certain mail routes therein named.

After some time passed therein, the Committee rose,

And by their Chairman reported the same back to the House,

Without amendment,

(No. 49, C. F.) A bill relative to the records,
 Was taken up, and
 On motion of Mr. Fletcher,
 The rules were suspended,
 And the bill was read a third time by its title.
 And the question then being 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.

(No. 6, C. F.) Memorial to Congress for certain mail routes therein named,
 Was taken up, and
 On motion of Mr. McKusick,
 The rules were suspended,
 And the memorial was read a third time by its title,

The question then recurring on the passage of the memorial,
 It was passed.

The question then being on agreeing to the title of the memorial,
 It was agreed to.

(No. 43, C. F.) A bill to prohibit the introduction of liquor into the Territory purchased of the Sioux Indians,

Was taken up.

Mr. Fletcher moved

The rules be suspended,

And the bill be read a third time by its title,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 6.

Those who voted in the affirmative, were

Messrs. Bartlett, Day, Fisher, Fletcher, Gardner, Nobles, Plummer, Richardson, Watson and Speaker—10.

Those who voted in the negative, were

Messrs. Davis, McKusick Morrison, Noot, Rolette and Roy—6.

So the motion prevailed,

And the bill was read a third time by its title accordingly.

The question then recurring on the passage of said bill,

It was passed.

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

It was agreed to.

(No. 47, C. F.) A bill to amend an act entitled an act to incorporate the Rum River Boom Company,

Was taken up.

On motion of Mr. Noot,

The rules were suspended,

And the bill was read a third time by its title.

The question then being on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 50, C. F.) A bill relative to sheep and swine,
Was taken up.

On motion of Mr. Fletcher,

The rules were suspended,

And the bill was read a third time by its title.

The question then being on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 7, C. F.) Memorial to Congress relative to town sites,

Was taken up.

On motion of Mr. Fletcher,

The rules were suspended,

And 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 the title of the bill,

It was agreed to.

(No. 38, C. F.) A bill to regulate the sale of spirituous liquors in this Territory,

Was taken up.

On motion of Mr. Rolette,

The rules were suspended,

And the bill was read a third time by its title.

The question then recurring on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 44, C. F.) A bill for an act granting to Franklin Steele the right to construct
and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi river,

Was taken up.

On motion of Mr. Fletcher,

The rules were suspended

And 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 the title of the bill,

It was agreed to.

(No. 51, C. F.) A bill to amend the Revised Statutes, and for other purposes,

Was then taken up.

Mr. Fletcher moved to amend section I by striking out 800 and inserting instead
thereof 300,

Which amendment was adopted.

On motion, the rules were suspended

And the bill was read a third time by its title.

The question then being on the passage of the bill,

It was passed.

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

It was agreed to.

(No. 45, C. F.) A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,

Was then taken up.

Mr. Richardson moved

The bill be indefinitely postponed,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Bartlett, Fletcher, Gardner, Morrison, Noot, Plummer, Richardson, Roy and Watson—9.

Those who voted in the negative, were

Messrs. Davis, Day, Fisher, McKusick, Nobles, Rolette and Speaker—7.

So the motion prevailed,

Mr. Watson moved

That the vote be reconsidered,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, McKusick, Nobles, Plummer, Rolette and Watson—9.

Those who voted in the negative, were

Messrs. Bartlett, Gardner, Morrison, Noot, Richardson, Roy and Speaker—7.

So the vote to indefinitely postpone the bill was reconsidered.

And the question then being on ordering the bill to a third reading,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, McKusick, Nobles, Plummer, Rolette and Watson—9.

Those who voted in the negative, were

Messrs. Bartlett, Gardner, Morrison, Noot, Richardson, Roy and Speaker—7.

So the bill was ordered to be read a third time.

Mr. Bartlett moved

That the rules be suspended,

And the bill be read a third time by its title,

Which motion prevailed,

And the bill was read a third time accordingly.

The question then being on the passage of the bill,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 7.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fisher, Fletcher, McKusick, Nobles, Plummer, Rolette and Watson—9.

Those who voted in the negative, were

Messrs. Bartlett, Gardner, Morrison, Noot, Richardson, Roy and Speaker—7.

So the bill was passed.

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

It was agreed to.

(No. 53, H. of R.) A bill for an act to amend section 30 chapter 95 of the Revised Statutes of Minnesota Territory,

Was taken up.

Mr. Fisher moved

That the rules be suspended,

And the bill be read a third time, and put upon its passage now,

Which motion prevailed.

Mr. Bartlett moved

The rules be further suspended,

And the bill be read by its title,

Which motion prevailed.

The bill was then 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 the title of the bill,

It was agreed to.

Mr. Nobles moved that

(N. 20, C. F.) A bill to establish three additional Council Districts in this Territory, and for other purposes.

Be taken from the table,

And the yeas and nays being called for and ordered,

There were yeas 7; nays 9.

Those who voted in the affirmative, were

Messrs. Davis, Day, Fletcher, Gardner, Nobles, Rolette and Speaker—7.

Those who voted in the negative, were

Messrs. Bartlett, Fisher, McKusick, Morrison Noot, Plummer, Richardson, Roy and Watson—9.

So the motion was lost.

Mr. Fletcher moved

The House take a recess until half-past seven o'clock this evening,

And the yeas and nays being called for and ordered,

There were yeas 10; nays 6.

Those who voted in the affirmative, were

Messrs. Fisher, Fletcher, Gardner, McKusick, Noot, Nobles, Rolette, Richardson,

Roy and Speaker—10.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Day, Morrison, Plummer and Watson—6.

So the motion prevailed,

And the House took a recess accordingly.

7 1-2 O'clock, P. M.

The Speaker called the House to order, and a quorum answered to their names.

The following message was received from the Governor by R. A. Smith, Esq., his Secretary:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act to incorporate the Transit Railroad Company,

The Secretary then withdrew.

A call of the House being ordered,

Messrs. Day, McKusick, Lord and Sloan were reported absent.

On motion of Mr. Noot,

Further proceedings under the call were dispensed with.

Mr. Nobles moved

That the House reconsider their vote by which was passed

(No. 45, C. F.) A bill for an act to incorporate the Minnesota Life, Fire and Marine Insurance Company,

Which motion prevailed,

And the bill was then indefinitely postponed.

The following message was received from the Council, by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The Council has ordered me to request the House to return to the Council a bill relative to a road from St. Paul, by way of Little Canada, to Lake Superior.

The Secretary then withdrew.

Mr. Plummer moved

That the vote by which the House to-day refused to take from the table

(No. 20, C. F.) A bill to establish three additional Council Districts, and for other purposes,

Be reconsidered:

And the ayes and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Morrison, Nobles, Plummer, Rolette and Richardson—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, McKusick, Noot, Roy, Watson and Speaker—8.

So the motion was lost.

Mr. Plummer, 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;

(No. 39, C. F.) A bill entitled an act to incorporate the Henderson and Red Wing Plank Road Company.

(No. 29, H. of R.) A bill entitled an act to incorporate the St. Croix Boom Company.

(No. 49, C. F.) A bill entitled an act relative to records.

(No. 6, C. F.) Memorial to Congress for certain Mail Routes therein named.
JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committee.

The Speaker then signed said bills and memorial.

(No. 31, C; F.) A bill to amend section 16 article 8 of the Revised Statutes,
Was taken up and read a first and second times.

Mr. Plummer moved

The rules be suspended, and

The House resolve itself into Committee of the Whole,

To take into consideration said bill.

And two-thirds having voted in the affirmative,

The motion prevailed,

And the House resolved into Committee of the Whole accordingly,

Mr. Davis in the Chair.

And after some time passed therein,

The Committee rose, and by their Chairman reported the bill back to the House

With amendments,

Which report was accepted, and

On motion of Mr. Fletcher,

The amendments were adopted.

On motion of Mr. Watson,

The rules were suspended,

And 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 the title of the bill,

It was agreed to.

Mr. Nobles moved that

(No. 20, C. F.) A bill to establish three additional Council Districts, and for other purposes,

Be taken from the table.

The Speaker decided the motion out of order.

Mr. Nobles appealed from the Speaker's decision.

Pending which, a call of the House was ordered, and

Messrs. Lord and Sloan were reported absent.

Mr. Fletcher moved

That further proceedings under the call be dispensed with,

And the ayes and nays being called for and ordered,

There were yeas 8; nays 8.

Those who voted in the affirmative were

Messrs. Day, Fletcher, Gardner, Morrison, Plummer, Rolette, Richardson and Speaker—8.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, McKusick, Noot, Nobles, Roy and Watson—8.

So the motion was lost,

And the Sergeant-at-Arms was directed to report the absent members in their seats.
Mr. Nobles moved

The House reconsider the vote by which it refused to suspend proceedings under the call,

And the yeas and nays being called for and ordered,

There were yeas 6; nays 16.

Those who voted in the affirmative, were

Messrs. Day, Fletcher, Gardner, Morrison, Richardson and Speaker—6.

Those who voted in the negative, were

Messrs. Bartlett, Davis, Fisher, McKusick, Noot, Nobles, Plummer, Rolette, Roy and Watson—10.

So the motion was lost.

The following message was received from the Governor, by B. S. Smith Esq., his Secretary:

Mr. Speaker:—I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

An act to incorporate the Stillwater Boom Company.

The Secretary then withdrew.

The following message was received from the Council by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The Council has concurred in the House amendments to

(No. 51, C. F.) A bill to amend the Revised Statutes,

Also,

(No. 34, C. F.) A bill to amend section 16, article 8, of the Revised Statutes.

I am directed to request the House to concur in an exacting clause affixed by the Council to

(No. 49, C. F.) A bill relative to the records.

The Secretary then withdrew.

The Sergeant-at-Arms returned and reported Mr. Sloan, in his seat, and Mr. Lord was excused from attendance.

The question then recurring on sustaining the Speaker in his decision,

And the yeas and nays being called for and ordered,

There were yeas 9; nays 4.

Those who voted in the affirmative, were

Messrs. Bartlett, Davis, Fisher, Gardner, McKusick, Noot, Roy, Watson and Speaker—9.

Those who voted in the negative, were

Messrs. Day, Fletcher, Morrison, Nobles, Rolette and Richardson—6.

So the decision of the Speaker was sustained.

Messages from the Council being in order,

(No. 49, C. F.) A bill relative to the Records,

Was taken up,

And the amendment to the Council was concurred in.

The following message was received from the Council, by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—His Excellency, the Governor, has informed the Council that he has approved and signed the following act and memorial, to wit:

An act to incorporate the Red Wing and Henderson Plank Road Company,
Also,

A memorial to Congress relative to certain mail routes therein named.

The Secretary then withdrew.

Mr. Plummer 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:

(No. —, H. of R.) A bill entitled an act to incorporate the City of Stillwater, in Washington County.

(No. 13, H. of R.) A bill entitled an act to incorporate the City of St. Paul, Ramsey County, Territory of Minnesota.

(No. 31, C. F.) A bill entitled an act to amend section 16 article 8 of the Revised Statutes.

(No. 5, H. of R.) A bill entitled an act to incorporate the St. Croix Bridge Company.

(No. 50, C. F.) A bill entitled an act relative to sheep and swine;

(No. 44, C. F.) A bill for an act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi River;

(No. 51, H. of R.) A bill entitled an act to defray the expenses of the Legislative Assembly, and for other purposes.

(No. 47, H. of R.) A bill entitled an act to amend an act to incorporate the Rum River Boom Company.

(No. 49, C. F.) A bill entitled an act relative to auctioneers.

(No. 37, C. F.) A bill entitled an act to incorporate the Minnesota and North-Western Railroad Company.

(No. 51, C. F.) A bill entitled an act to amend chapter 41 of the Revised Statutes and for other purposes.

(No. 38, C. F.) A bill entitled an act to regulate the sale of spirituous liquors in this Territory.

(No. 43, C. F.) A bill entitled an act to prohibit the introduction of liquor into the Territory purchased from the Sioux Indians.

JOSEPH R. BROWN, Council.

HENRY S. PLUMMER, House,

Committee.

The Speaker then signed said bills.

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

The Joint Committee on Enrolled Bills did on the 4th day of March, 1854, present to His Excellency the Governor, for examination and approval, the following:

A bill entitled an act relative to Auctioneers.

A bill entitled an act to incorporate the Minnesota and North-Western Railroad Company.

A bill entitled an act relative to the Records.

A bill entitled an act to amend chapter 41 of the Revised Statutes, and for other purposes.

A bill entitled an act to regulate the sale of spirituous liquors in this Territory.

A bill entitled an act to incorporate the Red Wing and Henderson Plank Road Company.

- A bill entitled an act to incorporate the Stillwater Boom Company.
- A bill entitled an act to amend an act entitled an act to incorporate the Rum River Boom Company.
- A bill entitled an act to defray the expenses of this Legislative Assembly.
- A bill entitled an act to amend section 16, article 8 of the Revised Statutes.
- A bill entitled an act to incorporate the St. Croix Boom Company.
- A bill entitled an act relative to sheep and swine.
- A bill entitled an act to prevent the introduction of liquor into the territory purchased of the Sioux Indians.
- A bill entitled an act granting to Franklin Steele the right to construct a sluice at the Falls of St. Anthony in the Mississippi river.
- A bill entitled an act to incorporate the St. Croix Bridge Company.
- A memorial to Congress for certain mail routes therein named.

JOSEPH R. BROWN, Council,
HENRY S. PLUMMER, House,
Committed.

The following message was received from the Governor by R. A. Smith, Esq., his Secretary.

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed

- An act to incorporate the city of St. Paul, Ramsey County Territory of Minnesota.
- Also,
- An act to incorporate the St. Croix Bridge Company.
- Also,
- An act to incorporate the City of Stillwater.
- Also,
- An act to defray the expenses of this Legislative Assembly, and for other purposes.

The Secretary then withdrew.

The following message was received from the Council by James B. Dixon, Esq., Secretary thereof:

Mr. Speaker:—The President of the Council has signed the following acts and memorial:

- An act to incorporate the Red Wing and Henderson Plank Road Company.
- An act to incorporate the Stillwater Boom Company.
- An act relative to the Revised Statutes.
- An act relating to Auctioneers.
- An act to regulate the sale of spirituous liquors in this Territory.
- An act to incorporate the Minnesota and North Western Railroad Company.
- An act to defray the expenses of this Legislative Assembly, and for other purposes.
- An act to amend an act to incorporate the Rum River Boom Company.
- An act to incorporate the City of Stillwater.
- An act to incorporate the City of St. Paul.
- An act to incorporate the St. Croix Bridge Company.
- An act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony in the Mississippi River.
- A bill to prohibit the introduction of liquors into the territory purchased from the Sioux Indians.

His Excellency, the Governor has informed the Council that he has approved and signed the following acts, to wit:

An act to prohibit the introduction of liquors into the territory purchased from the Sioux Indians.

Also,

An act to amend an act entitled an act to incorporate the Rum River Boom Company.

Also,

An act to amend section 16 article 8 of the Revised Statutes.

Also,

An act granting to Franklin Steele the right to construct and maintain a lumber sluice at the Falls of St. Anthony, in the Mississippi River.

Also,

An act relative to sloop and swite.

The Secretary then withdrew.

Mr. Plummer moved

That the thanks of this House be tendered to the Clerks and other Officers thereof, in the manner in which they have performed their duties.

Which motion prevailed.

Mr. Day moved

That the thanks of this House be tendered to J. Travis Easser, Esq., Secretary of the Territory, for the kind and gentlemanly manner which has characterized all his intercourse with the members hereof.

Which motion prevailed.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker:—The Council has appointed Messrs. Van Etten, Brown and Stinson, a Committee to act in conjunction with a similar Committee on the part of the House to wait on His Excellency the Governor, and ask him if he has any further communications to make to the Legislative Assembly.

Mr. Noot moved

A similar Committee on the part of the House be appointed to act in conjunction with the Committee of the Council.

Which motion prevailed, and

Messrs. Noot, Fletcher and Rolette were appointed.

After a short absence the Committee returned and reported that they had performed their duty, and that the Governor answered that he would communicate with the Assembly in a few minutes.

A call of the House being ordered,

Messrs. Bartlett, Davis, Morrison, Rolette, Boy and Sloan were reported absent.

On motion of Mr. Noot,

Further proceedings under the call were dispensed with.

Mr. McKusick offered the following resolution.

Resolved, That the thanks of this House are due to, and are hereby tendered to the Hon. N. C. D. Taylor, for the able and impartial manner in which he has discharged the duties of the office of Speaker of the House of Representatives during the session about.

to close; and for the uniform kindness and courtesy which he has been pleased to extend to the Members of this body, during his continuance in office.

Which resolution was unanimously adopted.

Mr. Fisher moved

That the Speaker appoint a Committee of two to inform the Governor that the House is ready to receive any further communication he may have to make.

Which motion was lost.

A call of the House was ordered, and

Messrs. Davis, Day, Lord, Morrison, Noot, Rolette, Roy and Sloan were reported absent.

On motion of Mr. Fletcher,

Further proceedings under the call were dispensed with.

Mr. Plummer moved

That the Chief Clerk be instructed to inform the Council that the House is now ready to adjourn.

A message from the Council being announced,

James B. Dixon, Esq., Secretary thereof, appeared and delivered the following message:

Mr. Speaker.—The Council has appointed Messrs. Brown and Van Etten, on the part of the Council to act in conjunction with a similar Committee on the part of the House, to inform His Excellency the Governor, that the two Houses are now ready to adjourn *sine die*, and request to be informed if he has any communication to make to the Legislative Assembly.

A motion to appoint a similar Committee on the part of the House was carried,

And the Speaker appointed Messrs. Noot and Nobles said Committee.

After a short absence, the Committee returned and reported that they had performed their duty, and the Governor answered that he would communicate with the Assembly in a few minutes.

No further Message being received,

And the House having been informed that the Council had adjourned,

Mr. Fletcher moved

That the House do now adjourn *sine die*,

Which motion prevailed.

The Speaker then addressed the house,

And after a few valedictory remarks, declared the House adjourned *sine die*.

N. C. D. TAYLOR,

Speaker of the House of

Representatives.

Attest:

A. J. MORGAN,

Chief Clerk of the House of

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No. 43.—To prohibit the introduction of liquors into the country purchased of the Sioux Indians.

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Passed by Council, 284.

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Considered in committee of the whole, 314.

Read a third time and passed, 316.

Reported enrolled and signed by Speaker, 322.

Signed by President of Council, 323.

No. 45.—To incorporate Minnesota Life, Fire and Marine Insurance Company.

Passed by Council, 284.

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Considered in committee of the whole, 214.

Read a third time and passed, 317.

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Indefinitely postponed, 286.

No. 47.—To amend an act to incorporate the Rum River Boom Company.

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- For Construction of Roads in the Territory of Minnesota.
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No. 5,—(C. F.)

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TO THE

JOURNAL OF THE HOUSE OF REPRESENTATIVES

OF THE

TERRITORY OF MINNESOTA.

GOVERNOR'S MESSAGE.

Fellow Citizens of the Council and House of Representatives:

You have assembled here to day, in obedience to law, to deliberate upon the most suitable measures to be adopted for the promotion of the general good of the country.

Since your last meeting, a change in the administration of the General Government, has produced a change in the Executive Department of the Territory. And I may be allowed to hope, that by your co-operation we may be able to so direct the legislation of the country, that its varied resources may be developed, and a new impetus given to its prosperity. And allow me to congratulate the country upon the advent of a new National Administration, which has inspired new hope in the people, that our national honor will be vindicated, our resources developed, our commerce extended, and our constitutional obligations to the States faithfully kept.

During the year that has just closed, it has pleased the Great Ruler of the Universe to continue His blessings toward us individually and collectively, and, especially, to protect us from the ravages of such epidemics as have scourged other portions of the Union. The great cause of agriculture has been blessed, and our farmers have gathered an abundant harvest. The moral, social and political condition of the people has been improved, population has poured into the country with unparalleled rapidity, and every branch of industry has been richly rewarded.

The short time that I have had the honor to preside over the Territory, and the unprecedented amount of labor that has devolved upon me, from the day I landed on your shores, up to within a few days before your meeting, has precluded my giving that attention to our laws and institutions, which, under less pressing duties, it would have been my pleasure to have done, will give you ample apology, I hope, for my not going into a more detailed review of the necessary future legislation.

The maxim that, "that government is best which governs least," has much wise admonition to a State in its infancy. The laws for the government of a plain republican people, should be few, simple, and with uniform application to every section of the country, and bearing alike upon all, leaving to each individual the largest liberty consistent with the

good of the whole. Capital always comes forward with the largest demands upon the Legislator, whilst labor is more humble in its pretensions, and stands yet far more in need of your fostering care. I hope we may all profit by an occasional recurrence to those great principles, which lie at the foundation of all legislation. Therefore, should it be your pleasure, during the present session, to incorporate companies for the developement of our resources, I recommend that they be so guarded, with restrictions, as to keep them constantly under the control of the people's representatives. Population and commerce will command capital, and without the aid of Legislative protection, that capital, concentrated, will *command* power enough for all legitimate purposes.

The resources of Minnesota are such, as to give those who have seen them, ample cause for congratulating themselves on a most hopeful future. In June, 1849, His Excellency, Governor Ramsey, issued his proclamation for organization; then this beautiful city, now of near five thousand souls, had scarcely emerged from the dominion of the savage; then but a few small houses composed the now flourishing city of St. Paul, and scarcely could a white man be found, except upon the St. Croix, save the adventurer to the Indian trading posts in the bosom of an uninhabited and comparatively unexplored wilderness. Then from Prairie du Chien to Crow Wing there was scarcely a village to dot the advance of civilization. Now Prairie La Cross, Winona, Wabashaw, Rolling Stone, Red Wing, Point Prescott, Point Douglass, Hastings, Kaposia, Red Rock, Saint Paul, Mendota, St. Anthony, Manomin, Anoka, Itasca, Sauk Rapids, and Watab, are flourishing points, and mark the advance of commerce and civilization on the Mississippi River. No less prosperous are all the villages on the St. Croix and Minnesota, from the mouth of each to the Indian country, and population is spreading into the interior upon our lakes and prairies. The fine flourishing settlements on Lake Minnetonka, deserve special notice. The lovely valley of the Minnesota is now fast filling up with a hardy and industrious population, who are opening farms and building villages, with a rapidity unparalleled in the Northwest.

This fall the Dakota or Sioux tribe of Indians have been permanently removed from their old homes on the Mississippi and lower Minnesota Rivers, leaving that beautiful country free for settlement and cultivation. No event has transpired, since your last meeting, that will tend in a higher degree to promote the prosperity and growth of the Territory, when the fact is known to those who may desire to locate within our borders. The laws for the protection of the rights, and enforcement of legal remedies on these lately ceded lands, may, and probably will, demand your attention.

No doubt every member of this General Assembly, will be animated with a sense of the propriety of asking, in a proper manner, of the Congress of the United States, a reasonable appropriation for the opening of roads in the Territory. An appropriation of this sort will redound to the advantage of the General Government equally as much as to our own.

The President of the United States, in his message delivered to the present Congress, with that high spirit of liberality and progress that characterizes the man and his principles, has wisely said that he regards our public domain, "as chiefly valuable to provide homes for the industrious and enterprising," and fully concurs in the propriety of appropriations for the construction of roads within the Territories. In a country like ours, just emerging from a wilderness, the new settler, as a matter of primary importance, must

first build a cabin to shelter himself and family, next must fence, plow and plant; the mechanic must build his shop, the merchant his store room. Every individual coming to a new country must attend first to these primary wants, before he can spare the time to construct roads. Thus it is, we need the fostering care and aid of the parent Government to assist the infant settlers. By these appropriations the General Government invites the population from which she derives a revenue from the sale of her public lands. When without this facility for travel and transportation a new country must long struggle against the natural impediments to prosperity. Your superior acquaintance with the geography of the country, will enable you, in your wisdom, to determine what points to designate. It will give me pleasure to co-operate with you in whatsoever may be the result of your deliberations.

I beg leave to call your attention to the condition of the settlers on the west side of the Mississippi River, on the lands ceded to the Government by the Sioux tribe of Indians, by the treaties of 1851. It will be remembered that this fertile region, even since the date of those treaties, has been filling up with a hardy, industrious, intelligent and enterprising people. Hundreds of farms have been opened, neat houses built, villages laid off, hotels erected, machine shops and mercantile houses established. Your familiarity with a new country, will, no doubt, enable you to devise the proper memorial to Congress for their protection. Nearly all of these settlements are unprotected by the present pre-emption laws of the United States, until the surveys are made. So powerfully does this interest appeal to the justice of the General Government, that I most earnestly recommend that you, by joint resolution, ask Congress to recognize and confirm to actual settlers their claims to 160 acres of land.

In my judgment that duty is enjoined upon Congress by a higher consideration than ordinary pre-emption laws; it will dispel any danger that might arise by speculators attempting to rob honest toil and worthy enterprise of its just reward. Should Congress, in their enlightened judgment, legalize these actual settlements, it would avoid all possible future litigation between our citizens, and prevent those scenes of violence that have sometimes occurred, growing out of conflicting interests at the land sales.

This desired action of Congress, I deem of increased interest and importance, from the fact, that several years may elapse before the surveys and subdivisions will be completed.

If Congress, in its wisdom, sees proper to amend the pre-emption laws in this regard, it will, in my judgment, greatly facilitate the settlement of the country. The subject of granting lands to actual settlers has always been a favorite measure with the western people.

If population is the basis of our National power and greatness, then the policy of the Government should be to facilitate and encourage the speedy settlement and cultivation of the soil, by proper enactments of Congress.

The Creator of the earth intended that civilized man should own and enjoy it, and in a government where the sovereign power is in the people, it should not tax the occupant of that soil any more than may be necessary for their good; and now, when the revenues derived from imports has created, and is accumulating, a large surplus in the National Treasury, seems to me a most propitious moment for relieving the bona fide settler from this land tax of \$1,25 per acre. Now is a favorable moment to reward the hardy pioneer

for going in advance and clearing away the difficulties, dangers and obstacles to a rapidly approaching civilization, commerce and wealth. This class of our countrymen have taken their rifle, axe and plow, and stood between a higher civilization and the wild savage of the wilderness and prairie, and they deserve a land warrant of their country as richly as any gallant soldier, for dangerous and distinguished services, and all the reward they need or ask is that the powers that govern them shall deal justly by them.

These hardy men feel that close upon their track are always found the school and the house of God. They are not speculators, traders, merchants, bankers, or brokers, but sentinels upon the out posts, guarding each of these from danger and molestation. And, without intending to be invidious, it is too often the case that opulence and comfort lead the Legislator to forget what these frontier people are daily doing for the cause of civilization and christianity. I therefore submit, whether it would not be proper for you to give an expression of your views on this question, so vitally important to western interests. The great power of this Union is now in the West; its great agricultural resources are here in the valley of the Mississippi. The conservative principle, on almost every question of great National importance, is in the West; and it is no longer the fancy of the poet, that says:

"Westward the Star of Empire takes its way."

It is now a stern reality, that no power can resist. The South have their peculiar institutions, and the North their prejudices of education, but it is here, in the great West, where we "know no North, no South, nothing but the Union," and the laws of progress. By an act of the last Congress appropriations were made to prosecute surveys and explorations of the different routes for a railroad to the Pacific. These have been commenced, and by this time mostly completed. Information, of a reliable character, has been received from Governor Stevens, giving the most satisfactory report upon the practicability of the Northern route. A most extraordinary natural pass has been found in the mountains for a road, thereby obviating all anticipated difficulty.

It has been objected to the Northern route, that the winter snows present an obstacle which is supposed to embarrass it, but the Government need only to be properly informed to dispel this unfounded objection. This objection is made without reason, and against the experience of the people of equally high Northern latitudes, where railroads are now in full and successful operation, without obstacle or inconvenience.

If Congress should grant public lands to aid in the construction of this great work of the 19th century, it would seem unjust not to give that portion of the Union a fair consideration, from which these lands will have to be chiefly taken.

The country from the Mississippi, to far beyond the limits of Minnesota, and to near Fort Union, is level, and possesses timber, water and a fertile soil. In a word, no country in the Union, for the same distance, has so few and so slight obstacles to the speedy and cheap construction of a railroad; and such, we are assured, will be the views of Governor Stevens in his official report to the Government. It, therefore, would not be improper to have an official expression from you on this subject.

The question of opening up our communication with the South and East, during the winter season, is one of great concern, among the people. Nothing is so much needed as this. Indeed, this barrier must not exist any longer than it can be obviated and overcome.

To get out from here, during the winter, to the most accessible point to regular communication with the great marts of commerce and trade, is far above and beyond any other consideration to the people of Minnesota. To accomplish this, in my judgment, you must concentrate all the energies of the people to one or two roads, AND NO MORE, for the present. I have but little doubt that Congress will grant us land sufficient to unlock our ice-bound home, if we confine our request to one point. Our internal resources are now of sufficient importance to command capital enough for this purpose. If the Legislature, in its wisdom, will lay aside all local interests, and concentrate its whole energy and power to this great point, they will have done more than can by possibility be accomplished, in many years to come, by any other policy or course of action.

I, therefore, earnestly recommend that you single out the route which will give us the quickest and most safe transit from this Capitol to where the channels of communication are uninterrupted; and let the Congress of the United States be properly informed of this, your united request, and it will be granted beyond all reasonable doubt.

Your action will give the whole people the initial point, and, from that hour, capital will seek investment in the enterprise.

It is to be hoped that the General Government will take early steps to extinguish the Indian title to that portion of the copper region lying within the Territory of Minnesota, on Lake Superior. Public attention is being attracted to the vast mines of copper on the shores of this Lake, and soon we may look for a strong tide of emigration to set in that direction. Indeed, to day, the region is attracting the attention of capitalists, and population is giving it the germ of a great Lake city.

By a late act of Congress, the military reserve, attached to Fort Snelling, has been reduced to perhaps one fourth its original size.

Before this limitation of its boundaries, many persons settled thereon, at least by the sufferance of the Government, and now, in my judgment, they should not lose the result of their labor. Some of their improvements are valuable and extensive, and it seems to me the Government will, and surely ought, to recognize their bona fide pre-emption right. You are supposed to be familiar with the circumstances, and it might not be amiss to make the proper memorial on the subject.

The unexampled increase of population within the Territory lately ceded by the Sioux Indians to the United States, makes the present law apportioning the members of the Council and House of Representatives, in my judgment, unequal, and it should be changed.

I would, also, call your attention to the taxes of the Territory and counties. The burdens of a new settlement should be as light as possible. No one thing retards the settlement of a new country more than the fear of heavy taxation. This subject needs your attention, and will, no doubt, receive it in the proper way.

Where the field of speculation is large, and the use of money demands a high rate of interest, the temptation for creating banks, to circulate paper money, is, and has always been, in every section of the Union, very great. The school of politics, to which I have always had the honor to belong, has opposed, upon principle, the establishment of such banking institutions; and it would be repeating the well established doctrines of the country, to attempt a re-argument of this question. I, therefore, content myself by saying, that no law, creating a bank within this Territory, for circulating a paper currency, can receive any official sanction.

I should be doing injustice to a highly meritorious class of our fellow citizens, engaged in the lumbering business, were I not to call your attention to the embarrassments that surround them: The act organizing this Territory says, that "the Legislative power of the Territory shall extend to all the rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act, but no law shall be passed interfering with the primary disposal of the soil." The extent of your power, on the subject of protecting the Government lands from trespassers, is complete, and as the pineries of Minnesota, for the present, to some extent, bear the same relation to our people and our commerce, that the mines of California do to their people and their commerce, it seems to me that you can act on this subject in such a way as to disembarrass our enterprising lumbermen, and secure the Government against damage until the pine lands are all in the market. I have taken some pains to ascertain the character and extent of this trade on the St. Croix and Upper Mississippi, for which I am greatly indebted to Mr. Setzer, of Stillwater, and Mr. McAlpin, of St. Anthony, which is deemed entirely reliable.

St. Anthony Mills.

Manufacture eight millions feet of long lumber per year—eight upright saws in operation ;
 — average one million per saw.

600,000 laths,
 1,300,000 shingles,
 100,000 pickets for fencing.

Has \$80,000 invested to carry on the operations.

Employs, in connection with the mills, cutting logs, &c., 100 men.

To which should be added the mills at Manomin, Rum River, Elk River, and Little Falls.

This vast trade has been much annoyed by the heretofore uncertain regulations of the Government, and it is believed that action by the Territory can afford a remedy, either by the proper memorial to Congress, or to the Secretary of the Interior. The latter is taking much pains to expedite the surveys, and have the public lands speedily brought into market, which must prove highly advantageous to our Territorial prosperity.

The improvement of the Little Rapids, in the Minnesota River, would be of incalculable benefit to the Rapidly growing country above that point, and should claim your attention.

I call your attention to the propriety of considering the best means to organize a few independent companies of volunteer militia. The city of St. Paul, and the town of Saint Anthony, would, no doubt, get up two or three uniform companies, that would have a salutary influence upon the Indian population of the Territory. The people will feel that those whose business it is to provide for the defence of the country, in emergencies, were neglectful of the public weal, if they should fail to take some steps to this end.

The "University of Minnesota," as yet, exists only in name, but the time has come when a substantial reality may and should be created, to which that name may be permanently attached.

The provisions made in the Statutes for the establishment of a University "at or near the Falls of St. Anthony," and the appropriation of two townships of land by Congress for its endowment, are most wise and liberal.

The inhabitants of this Territory will soon need such an institution full grown; and they very much need some of its departments now. Could a department of agricultural chemistry be opened, with facilities for analyzing the different soils in the Territory, and giving instruction upon the various branches of agriculture, the department of industry upon which the prosperity of the Territory must mainly depend, it must and would result in inestimable benefit to this rising and rapidly growing country. Such a department of practical knowledge would tend directly and immediately to increase the interest in the cultivation of the soil, and place in the hands of the people the means of obtaining the richest and most abundant productions of which it is capable. Much need not be said to enforce the necessity of adding every facility and encouragement for the pursuit of agriculture, which an enlightened people and wise legislation can invent.

While other branches of labor and enterprise will more naturally be promoted and sustained, agriculture, from its complex nature, and unparalleled importance, as well as the tendency of all classes, from the safe and the sure, to the speculative pursuits, needs more attention and encouragement from Legislative influence.

It is highly desirable that some steps be taken to have the two townships of land granted to the Territory for the purposes of the University, selected and made available at as early a day as possible. With this view, some action will be necessary by the Legislature.— And allow me to hope that it will not be delayed longer than a proper deliberation can be had.

It would not embarrass our resources, in my judgment, if a small loan was effected to erect a building and establish one or two Professorships, and a preparatory department. Such loan to be based upon the two townships of land appropriated for the sole use of this institution.

Its present location, at the Falls of St. Anthony, is eminently eligible. This point must ere long attract the attention of the Southern people, as a summer retreat, and delightful watering place. Its beautiful scenery, and surrounded as it is by an unsurpassed fertility of soil, and roaring by its side the grand cataract of the king of rivers, make it a most fitting point for the seat of literature and science.

Upon the subject of Common Schools a full report will be made, and more definite information given by the Superintendent.

It gives me pleasure in being able to say, that our school system, although it is susceptible of improvement, is working well. Provision for the general diffusion of knowledge, for which the people of this Republic, generally, are so justly celebrated, has not been neglected in Minnesota. Our common schools are sustained with the ability and usefulness of those in older sections of the country.

In these schools the means of mental culture are provided for the young without distinction, and there the foundation is laid for their future usefulness. These schools are the more important from the fact that in them a large number receive their entire education. Either from the want of means or disposition to avail themselves of the advantages of schools of a higher grade, a great portion of the young of this Territory will go beyond the common schools for that education which is to qualify them to act as citizens and useful members of society. While schools of a higher order should not be neglected, the common schools should share largely in the interests of the people, and government should most vigilantly foster, and sustain these colleges of the people.

The number of schools the last year has considerably increased in the Territory, and every new settlement is soon christened with a school house. It should ever be the policy of the citizens to bear with them, or create wherever they go the means of educating their children. If government could provide the means, and point the way, the people would be induced, wisely, to avail themselves of the benefit of its provisions.

The gradual increase of the Territorial Library is highly desirable. The liberality of Congress would, no doubt, promptly respond to a request on your part for such purpose. And it would be appropriate, in my judgment, should the Legislature add a small sum for such purpose from the Territorial Treasury.

The Territorial Prison, at Stillwater, has been nearly completed, and is ready for the reception of convicts. An additional appropriation of about five thousand dollars will be needed to complete the grading, and do such work as will protect the walls and buildings from the action of the surface and spring water.

The report of the Board of Inspectors will give you a more detailed view of the affairs of the Prison, to which I refer you.

The Capitol has been nearly completed, but we need a small appropriation to dig a well, and erect a fence around, and otherwise protect it. It is, also, highly important that the Government should be asked for a small additional appropriation to purchase a fire engine to be kept for its special protection. I regret to say that some of the work is not done in that substantial manner contemplated by the liberal appropriations made by Congress.

For a history of the financial condition of the Territory, I refer you to the reports of the Auditor and Treasurer.

I beg leave to call your attention to the subject of providing more stringent laws to enforce the strictest accountability of all your public officers from the lowest to the highest. Without an honest and faithful discharge of all public trusts, the people are always the sufferers. It is the unsuspecting masses that are the main props of a republican government; they bear its burden, and defend its honor, and every public officer should be held to the strictest accountability for the faithful discharge of his duty.

I hope that, in all your legislation, you may find it profitable to recur frequently to the great political truths that have guided those wise statesmen of the past, and illuminated the path and progress of republican liberty throughout this great confederacy. Give the people the largest political rights, consistent with the Constitution of the United States, and the Organic act of the Territory. Enforce the strictest obedience to the laws. Be guided by the safest economy in all public expenditures; let your action be controlled by the rule that the "RIGHT IS ALWAYS EXPEDIENT." Encourage a high morality amongst the people. Guard the weak against the strong. Give equal rights to all, exclusive privileges to none. And thus, by keeping these great truths before our eyes, we shall merit and receive the approbation of Him who holds the destiny of nations in his hand, and lay the foundation, broad and deep, for a State in whose high destiny we shall all be proud.

WILLIS A. GORMAN.

WARDEN'S OFFICE, TERRITORIAL PRISON, }
Stillwater, January 4, 1854. }

Gov. W. A. GORMAN, SIR:—I herewith transmit to you a transcript of the doings of the Board of Inspectors, at their meeting held January 2nd and 3rd; also, their report to you.

I also transmit, through you, to the Legislative Assembly, my report as Warden.

Yours respectfully,

F. R. DELANO,

Warden Territorial Prison.

EXECUTIVE OFFICE, }
January 17, 1854. }

Hon. Baldwin Olmstead, President of the Council:

I have the honor to lay before the Council the Report of the Warden and Inspectors of the Territorial Prison.

Very respectfully,

Your obedient servant,

W. A. GORMAN.

REPORT OF THE WARDEN
OF THE
TERRITORIAL PRISON.

WARDEN'S OFFICE, TERRITORIAL PRISON, }
Stillwater, December 31, 1853. }

To the Honorable Legislative Assembly of the Territory of Minnesota:

In accordance with the requirements of an act of the Legislature, entitled "An Act for the Government of the Territorial Prison of Minnesota," approved March 5th, 1853, the undersigned entered upon the duties of his office as Warden, and respectfully submits the following statement of the general affairs of the Prison, as also of the receipts and expenditures, from March 5, to December 31, 1853.

The first meeting of the Inspectors was held April 4th. At this meeting, measures were adopted for completing the buildings and grading the grounds connected therewith. Upon the 9th of May, contracts were entered into for building a workshop, an office, and two guard houses, also, for completing the prison buildings, the erection of a buttress wall, and to do a part of the grading.

Orders have, also, been made for the completion of the Warden's house, and for fencing the grounds connected thereto.

The work already laid out and commenced, will, when completed, exhaust the amount of appropriations now on hand.

The Prison, so far as it is finished, is furnished throughout, and ready for the reception of convicts, as, also, for county prisoners, from those counties in which there is no sufficient jail to detain them.

No convicts have yet been received into this prison.

PRISON RECEIPTS.

IN ACCOUNT.	DR.
To balance of Prison Fund received from Alex. Wilkins, late treasurer,	\$277 54
To amount received from United States Treasurer, being the amount appropriated by act of Congress, approved March 3, A. D., 1853,	12,500 00
	<hr/>
	\$12,777 54

PRISON EXPENDITURES.

IN ACCOUNT.	CR.
By amounts paid to contractors and others, for material and labor furnished to prison,	\$7,160 78
Balance on hand,	5,616 76
	<hr/>
	\$12,777 54

F. R. DELANO,
Warden Territorial Prison.

INSPECTORS OFFICE, TERRITORIAL PRISON, }
Stillwater, January 3, 1854. }

The above statement and account of the Warden has been examined and approved by the Board of Inspectors.

CORNELIUS LYMAN,
Chairman.

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

F. R. Delano, of Stillwater, in said county, being duly sworn, doth depose and say, that he is Warden of the Territorial Prison, and that the above and foregoing statement and account of the affairs of said prison is true and correct.

F. R. DELANO.

Sworn and subscribed before me, this 4th day of January, A. D., 1854.

T. E. PARKER,
Notary Public, in and for said county,

REPORT OF THE BOARD OF INSPECTORS

OF THE

TERRITORIAL PRISON.

INSPECTORS OFFICE, TERRITORIAL PRISON,
Stillwater, January 2, 1854.

To His Excellency, Governor Gorman:

SIR:—In accordance with the provisions of an act of the Territorial Legislature, approved March 5th, 1853, entitled "An Act for the Government of the Territorial Prison of Minnesota," (Sec. 8 thereof,) the following report is respectfully submitted:

The Inspectors entered upon the duties of their office, and held their first meeting, at the prison, on the 4th of April, 1853; a special meeting was held May 9th. Regular stated meetings were held on the first Mondays in January, April, July and October.—Transcripts of our proceedings have been forwarded to you, to which reference is made in connection with this report.

At the first meeting of this Board measures were adopted to complete the buildings connected with the prison, and the Warden was instructed to advertise for proposals to finish the same.

Proposals were received and contracts were entered into for building an addition to the prison containing ten cells. Also, for a workshop seventy five feet long, thirty feet wide, and nine feet high in the clear. Also, for an office building, which building answers the purpose of an office, guard house and stair room, by which access is had to the yard without opening the large gates. The building of a small guard house, upon the yard wall, at the north west angle, is, also, included in these contracts.

A. 3.

The grading has been finished around the yard walls, around and in front of the prison yard and Warden's house, so far as to make the premises available for use; an additional amount of grading and culverting is absolutely needed to protect the buildings and yard walls from the effects of the spring water and frost.

The amount necessary to finish these protection works is estimated at five thousand dollars.

A contract was entered into for the erection of a buttress wall against the south wall of the yard, the original wall having been very much injured by the water and frost last winter. The contractor for this work is the only one who has failed to give satisfaction to this Board, by the manner in which they have done their work, and as this was the most important job, requiring great strength and penmenance, the Board of Inspectors believing it will not answer the purpose for which it was intended, owing to the manner in which it has been done, have declined paying Mr. Flinn, the contractor, for the same until next spring.

Of the work, commenced under the appropriations, there still remains unfinished the addition to the prison, the small guard house, the addition to the Warden's house, and the fencing of the grounds. The work will be resumed at an early day in the spring, and completed as soon as possible. The contracts already made, will exhaust the amount of the appropriation now on hand, and we respectfully suggest the propriety of the Legislature memorializing Congress for an additional appropriation for doing work to protect that which is already done. The buildings that have been erected, thus far, are all of stone.

Rules and regulations have been adopted for the government of the Warden and his officers in the management of the prisoners, a copy of which has been forwarded to you heretofore. The prison is furnished and ready for the reception of convicts, none have as yet been received.

By reference to the Warden's account, it will be seen that the sum of \$12,777 54, has been received since the 5th of March last; of this amount, \$7,160 75 has been paid out, the balance on hand will be required to meet engagements already made, so that no new work or improvement can be entered upon until an additional appropriation is made. It is reasonable to suppose, that upon works of this description, more or less repairs will be needed annually. The estimate for repairs, during the coming year, is five hundred dollars.

CORNELIUS LYMAN,
Chairman Board of Inspectors.

To his Excellency, W. A. GORMAN, {
Gov. Territory of Minnesota. }

JOURNAL OF PROCEEDINGS.

INSPECTORS OFFICE, TERRITORIAL PRISON,)
Minnesota Territory, May 9, 1853.)

Board met pursuant to adjournment.

Present—Messrs. Lyman and Stearns.

Mr. Lyman in the Chair.

On motion of Mr. Stearns, it was

Ordered, That the work done around the Warden's house, by Johnson and McHale, be accepted, and the amount specified in the contract, with them, paid by the Warden, out of funds appropriated for completion of prison.

On motion of Mr. Stearns, it was

Ordered, That the ten rules and regulations, submitted to this Board by the Warden, be marked A, and signed by the Chairman, and placed on file in this office; and that a copy be posted in the Warden's office for the instruction of himself and officers in discharge of their duties.

On motion of Mr. Stearns, it was

Ordered, That the Warden apply to the Secretary and Treasurer of the Board of Building Commissioners, formerly controlling the prison, for certified copies of contracts, bonds and specifications connected with the prison, and for whatever funds are now on hand, appropriated to the use of the prison, and receipt for the same.

On motion of Mr. Lyman, it was

Ordered, That the Warden cause to be put upon the Warden's house a good tin trough and spouts.

On motion of Mr. Stearns, it was

Ordered, That the Warden employ an attorney to draw contracts, bonds, and attend to any other legal business, connected with the affairs of the prison.

On motion of Mr. Stearns, it was

Ordered, That all accounts, both for salaries and contracts, be presented to this Board, for allowance, at each regular stated meeting.

On motion of Mr. Stearns,

The Board proceeded to open and award proposals for doing the work upon the prison and grounds, as advertised for.

On motion of Mr. Stearns,

The Board adjourned to Tuesday the 10th inst., at 8 o'clock, A. M.

CORNELIUS LYMAN,
Chairman.

Attest:

F. R. DELANO,
Clerk.

TUESDAY, MAY 10, 1853.

The Board met pursuant to adjournment.

Present—Messrs. Lyman and Stearns.

After the proposals were opened and examined, the following persons were found to be the lowest bidders, viz:

To grade, drain and culvert,	John Skallan,
“ Build buttress wall,	Peter Flinn,
“ “ guard houses,	R. B. Johnson,
“ “ addition to prison,	C. Carli,
“ “ workshop,	C. Carli.

On motion of Mr. Stearns, it was

Ordered, That the contractors be required to give bond in double the amount of their bids for the performance of their respective contracts.

On motion of Mr. Stearns, it was

Ordered, That the Warden let the fencing of the grounds to the lowest bidder, after giving written notice; the fence around the Warden's house to be built immediately; the balance when the grading is finished.

Mr. John Skallan having refused to give bonds on his bid, the same work was awarded to F. S. Curtis and D. Sullivan.

On motion of Mr. Stearns,

Mr. Lyman was appointed to visit the prison monthly, until the next regular stated meeting.

On motion of Mr. Lyman, it was

Ordered, That in case of failure, on the part of contractors, the Warden select from the bids the next best, and make the contract with the bidder thereon.

On motion of Mr. Stearns,

The Board adjourned to meet at this place on the first Monday in July next.

CORNELIUS LYMAN,
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 meetings held May 9th and 10th, 1853.

F. R. DELANO,
Warden.

MONDAY, JULY 4, 1853.

Board met pursuant to adjournment.

Present—Mr. Lyman.

No quorum being present, adjourned, to meet to-morrow morning at 9 o'clock.

CORNELIUS LYMAN,
Chairman.

Attest:

F. R. DELANO,
Clerk.

TUESDAY, JULY 5, 1853.

Board met pursuant to adjournment.

Present—Messrs. Lyman, Stearns and Case.

On motion of Mr. Case,

The Board proceeded to examine the accounts handed in and allowed, and audited, to

Jesse Taylor.....	\$ 50 00
Jesse Taylor & Co.....	811 44
C. Carli.....	675 00
Curtis and Sullivan.....	500 00
Johnson & McHale.....	65 00
W. S. Combs.....	26 85
T. E. Parker.....	12 50
Owens & Moore.....	20 00
R. B. Johnson.....	200 00
George Russell.....	64 50
T. Cogswell.....	2 00
George Battles.....	7 00
F. R. Delano.....	165 15

And ordered the same to be paid by the Treasurer.

On motion of Mr. Case, it was

Ordered, That the Warden cause to be erected a woodshed and kitchen on the back side of the Warden's house, 16 by 36 on the ground, provided the same shall not cost over 600 dollars.

On motion of Mr. Stearns, it was

Ordered, That Mr. Lyman visit the prison monthly, until next meeting.

On motion of Mr. Stearns,

The Board adjourned to meet at this place, on Monday, the 3d day of October next.

CORNELIUS LYMAN,
Chairman.

Attest:

F. R. DELANO,
Clerk.

I hereby certify that the foregoing is a correct transcript of the doings of the Board of Inspectors, at their meeting, July 4th and 5th, 1853.

F. R. DELANO,
Warden.

STILLWATER, MIN. TERR., }
July 6, 1853. }

Gov. W. A. GORMAN,
St. Paul,

SIR:—In accordance with the law, and by order of the Board of Inspectors, I send you a transcript of their doings up to this date.

Respectfully yours,
F. R. DELANO,
Warden, T. P.

INSPECTORS OFFICE, TERRITORIAL PRISON, }
MINNESOTA TERRITORY, Monday, Oct. 3, 1853. }

Board met pursuant to adjournment.

Present, Messrs. Lyman and Stearns.

Mr. Lyman in the Chair.

After some time being spent in the examination of work now in progress, the Board,

On motion of Mr. Stearns,

Proceeded to the examination of accounts for allowance and payment, and the following accounts were allowed, and the Warden ordered to pay the same :

To C. Carli	\$1,579 34
“ Curtis and Sullivan.....	1,326 00
“ Parker and Thompson.....	12 50
“ R. B. Johnson.....	530 00
“ F. R. Delano.....	347 00
“ C. Lyman.....	72 00
“ C. T. Stearns.....	9 00
“ Peter Flinn.....	85 50
	<hr/>
	\$3,961 34

On motion of Mr. Stearns,

The following resolution was adopted, viz :

Resolved, That we, the Board of Inspectors, are of the opinion, that Peter Flinn has not done his work upon the buttress wall in accordance with his bond for doing the same, and that his account, not allowed, be laid over until the next meeting of this Board, for further action.

On motion, the Board adjourned to meet to-morrow morning, at 8 o'clock.

TUESDAY, OCTOBER 4, 1853.

Board met. Present, Messrs. Lyman and Stearns.

On motion of Mr. Stearns,

Mr. Lyman was appointed to visit the Prison monthly, until the next meeting of the Board.

On motion of Mr. Stearns,

The Board adjourned to meet at this place, on Monday, the 2d day of January, 1854.

CORNELIUS LYMAN,

Chairman.

ATTEST:

F. R. DELANO,
Clerk.

I hereby certify that the foregoing is a correct transcript of the doings of the Board of Inspectors, at their meeting, October 3d and 4th, 1853.

F. R. DELANO,
Warden.

TRANSCRIPT OF THE BOARD OF INSPECTORS, TERRITORIAL PRISON,
JANUARY SECOND AND THIRD, 1854.

INSPECTORS OFFICE,)
Territorial Prison, Jan. 2, 1854. }

Board met pursuant to adjournment.

Present, Mr. Lyman.

Adjourned to meet to-morrow, at 9 o'clock.

THURSDAY, JANUARY 3, 1854.

Board met.

Proceeded to examine the report of the Warden to the Legislature; and, finding the same to be correct, it was approved by the Board.

Report of the Inspectors to the Governor adopted; ordered to be signed by the Chairman and forwarded to the Governor.

The following accounts were presented, examined, allowed, and the Warden ordered to pay the same:

To Thompson and Parker	\$12 50
" C. Lyman	30 00
" F. R. Delano	\$942 52
" R. B. Johnson	5 00
" C. Carli	200 00

\$1,190 02

Mr. Lyman was appointed to visit the Prison monthly, until the next regular stated meeting of the Board.

Board adjourned to meet at this place the first Monday in April next.

CORNELIUS LYMAN,
Chairman.

Attest:

F. R. DELANO,
Clerk.

The above is a correct transcript of the doings of the Board of Inspectors, at their meeting, held January 2d and 3d, 1854.

F. R. DELANO,
Warden.

(A)

RULES AND REGULATIONS,

For the direction of the Warden and his officers, in the discharge of their duties in the government of the Territorial Prison of Minnesota Territory.

The following books shall be kept, in which all matters connected with the prison shall be recorded, viz:

1st. The Register, in which shall be entered upon the reception of a convict into the prison; the name, from what county sent; for what crime; term of imprisonment; age; height; color of hair; general complexion and features; native of what State or country; any peculiar mark or scar upon the body.

2d. A Prison Journal, in which shall be entered all cases of punishments; for what inflicted; the manner and extent. The sickness, escape, death or discharge of convicts as well as all other matters of importance connected with the prison.

3d. A Cash Book, in which shall be entered the amount of cash received; from whom, and on what account. The amount of cash paid out, to whom, and on what account; all of which shall be written up, balanced and certified to by the Warden, or his deputy, as correct, and laid before the Board of Inspectors, at their regular stated meetings, for examination, or approval.

4th. Convicts, upon their reception into the prison, shall be registered; the hair cropped upon one side of the head; the face shaved smoothly, and furnished with a suit of clothing suitable to the season, and of uniform kind, and having some peculiar mark or stripe, which may be easily recognized; and shall thus remain until within one month of the time of discharge, when the hair and beard shall be allowed to grow out.

5th. All convicts may be worked from sunrise to sundown, allowing them thirty minutes for eating each meal, of which they shall have three per day, of good, wholesome food, suitable for working men.

6th. No conversation shall be allowed between convicts, except such as is absolutely necessary in regard to their work, and while employed thereat, and no person not connected with the prison, shall be allowed communication with a convict, unless in presence of an officer of the prison.

7th. No letter, or article of any kind or description, shall be sent to or from a convict, until the same shall have been carefully examined, and found to contain nothing which will lead to an escape, or the violation of the rules of the prison.

8th. Convicts may be employed at labor outside the prison yard; *Provided*, that convicts so employed shall be attended by a sufficient and well armed guard.

9th. For unruly conduct, or disobedience of orders, a convict shall be punished; first, by solitary imprisonment, and fed on bread and water only. If, at the end of three days, said confinement fails to produce the desired effect, then, as a last resort, corporeal punishment may be added to the solitary confinement, at the rate of thirty lashes per day, for five days; if this fail to produce obedience, the case shall be reported to the Inspectors, for their especial attention. Nothing in this rule shall be construed to release a convict

from solitary confinement, until he shall be willing to obey orders. The time, course, and manner of punishment, shall be entered, in full, upon the Journal of the prison.

10th. All county prisoners, sent to the prison, shall be registered in a separate book, to be called the County Prison Register, which shall show the name, age, height, color of hair; from what county sent; by whom sent; what for; what time to stay. They shall be comfortably fed and lodged, carefully watched, and confined separate from the convicts as much as possible.

11th. All attempts to escape, by digging down walls or floors, cutting bars or doors, breaking or picking locks, or by assaulting guards, may be punished by solitary confinement, or corporeal punishment, according to the magnitude of the case.

CORNELIUS LYMAN,
Chairman.

The foregoing Rules and Regulations are a correct copy of those on file in the Inspectors' office.

F R. DELANO,
Warden and Clerk.

ANNUAL REPORT
OF THE
TERRITORIAL AUDITOR,

OFFICE OF THE TERRITORIAL AUDITOR, }
St Paul, January 30, 1854 }

To the Honorable the Legislature of the Territory of Minnesota:

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 detail of which you are referred to schedules A, B, and C, hereto annexed.

The amount of Territorial tax assessed, for the year ending Dec. 31, 1853, is two thousand four hundred and forty five dollars and forty three cents, for the details of which, see schedule marked A.

The salaries of the officers of the Territory, for the year 1853, amounts to twelve hundred dollars. This amount includes the sum of four hundred and fifty dollars, or three quarters salary of the Warden of the Penitentiary, which office was created since the making of the last annual report.

The amount of drafts drawn on the Treasury, during said year, is one thousand eight

hundred forty three dollars and sixty five cents, for a detail of which see schedule marked B.

The amount of taxes assessed for the year 1852, and applicable to the above liabilities, was one thousand six hundred seventy nine dollars and eighty two cents; to this sum might be added, as assets, the delinquent taxes, amounting, on the first day of January, 1852, to the sum of seven hundred eleven dollars and eighty seven cents.

Only five counties, to wit:

Ramsey, Washington, Benton, Chisago, and Hennepin, have made returns to this office of the taxable property of their respective counties, as required by law, and the last received was on the 28th of this instant. Whether further legislation is necessary to secure a more prompt discharge of duty, is respectfully submitted to the wisdom of the Legislature.

The taxable property of the above counties, for the year 1853, amounts, in aggregate to \$2,445,437, showing an increase over the preceding year of \$850,311.

An estimate of the ordinary expenses, for the present year, will be found in schedule marked C.

All of which is most respectfully submitted.

A. VAN NORNES,
Territorial Auditor.

SCHEDULE A.

Amount of Territorial Tax for the year ending December 31st, 1853.

Counties.	Amount of Taxable Property.	Tax.
Ramsey	\$1,783,375	\$1,783 37
Washington	438,723	438 72
Benton	97,565	97 56
Chisago	66,412	66 41
Hennepin	50,363	50 36
Wabasha	no returns.	
Dakota	"	
Itasca	"	
Pembina	"	
Cass	"	
Scott	"	
La Sueur	"	
Blue Earth	"	
Nicollet	"	
Fillmore	"	
Sibley	"	
Pierce	"	
Rice	"	
Goodhue	"	
	\$2,445,437	\$2,445 43

SCHEDULE B.

Amount of drafts drawn on the Treasury, during the year ending December 31, 1853.

Attorney General, one quarter salary.....	\$ 62 50	
“ “ Exp. suit U. S. vs. Hatch.....	150 00	
“ “ “ U. S. vs. Fales.....	50 00	262 50
Superintendent of Common Schools, salary in part.....	50 00	
“ “ “ “ publishing school laws.....	52 15	102 15
W. G. LeDuc, Commissioner World's Fair.....	300 00	
“ “ Supreme C. Docket.....	4 50	
“ “ Stationery for Auditor's Office.....	9 50	314 00
Expenses Lake Pepin and St. Peter's road.....	626 00	
“ other roads.....	12 00	638 00
Warden Penitentiary, three quarters' salary.....	450 00	
Inspectors of “.....	27 00	477 00
Salary of Auditor, in part.....		50 00
		\$1,843 65

SCHEDULE C.

Drafts on the Treasury, for the year ending December 31, 1854.

1st. Salaries of officers.		
Territorial Treasurer.....	\$100 00	
“ Auditor.....	100 00	
Attorney General.....	250 00	
Adjutant General.....	150 00	
Warden of the Penitentiary.....	600 00	
Superintendent of Common Schools.....	100 00	\$1,300 00
2d. Miscellaneous.		
Inspectors of Prison, estimated.....	75 00	
Salary of Treasurer for 1853.....	100 00	
“ Auditor, in part, for 1853-4.....	75 00	
Attorney General for 1853, three quarters.....	187 00	
Adjutant General for 1853.....	150 00	
Superintendent of Common Schools, 1853.....	50 00	637 00
		\$1,937 00

REVENUE FOR 1854.

Estimated value of taxable property.....	\$3,000,000
Tax, one mill on the dollar.....	3,000

REPORT OF THE BOARD OF REGENTS

OF THE

UNIVERSITY OF MINNESOTA.

To the Legislative Assembly of the Territory of Minnesota:

I have the honor to transmit herewith, to the Council and House of Representatives, the third Annual Report of the Board of Regents of the University of Minnesota.

The rapid progress of the Territory, in population and wealth, furnishes the most satisfactory evidence of the wisdom and propriety of the action of the Legislative Assembly, in providing for the establishment of an institution of learning, such as was incorporated by the act of February 25th, 1851. The necessity for a collegiate school, of a high order, is already felt by our citizens. Students are even now demanding better facilities for prosecuting their studies, in the higher branches of learning, than are afforded by common and select schools. Were the erection of a building for the University immediately commenced, and prosecuted with reasonable diligence, and the organization of the department effected without unnecessary delay, it is believed a considerable number of students, residing within the Territory, would be ready, at once, to avail themselves of its advantages. Were such an institution, as that contemplated by the act above referred to, in successful operation, it is reasonable to suppose, that it would not only receive the patronage and support of our own citizens, but, also, that of those from the States. The delightful location of the University, its convenience of access, and the unequalled salubrity of this climate, offer peculiar inducements to the student, and those engaged in literary pursuits.

The Preparatory Department continues under the Superintendence of Prof. Merrill, and is in a flourishing condition. Ninety four students have been in attendance during the past year. Classes in penmanship, and all the common English branches, have been taught. There have, also, been classes every quarter in the higher branches usually taught in Academies, including, Algebra, Astronomy, Latin, French, Physiology, Natural Philosophy, Chemistry, Analysis, and Book keeping. The mild, yet firm and decided system of government adopted by Prof. Merrill, evinces his thorough knowledge of the art of teaching, and has been productive of the most beneficial results. Good order

and harmony have prevailed in the school, and satisfactory progress has generally been made by the pupils in the different branches of study pursued. It is a subject of regret, however, that no adequate provision of apparatus has yet been made, for illustrating the natural sciences. Could this want be supplied, greatly increased advantages would be afforded to the student, and the usefulness of the school be much enhanced.

Several students, who have received instructions in this department of the University, have been engaged in teaching, and others are preparing for the work. As an institution eminently adapted to fit and prepare teachers to supply our rapidly increasing common schools, its importance cannot be over estimated.

Through the liberality of a few active friends of the University, the nucleus of a valuable library has been formed. Its increase must depend upon the generosity of those disposed to aid in providing this indispensable requisite to the proper endowment of the institution.

I beg leave to suggest to your Honorable body, the propriety of passing an act, donating to the library one or more copies of the Revised Statutes, Supreme Court Reports, Session Laws, and such public documents as may be deemed worthy of preservation. A complete collection of these works, commenced thus early, and carefully continued from year to year, would eventually constitute a most valuable and indispensable addition to the library of the University.

Your Honorable body is aware that an act of Congress was passed and approved Feb. 19, 1851, by which two townships of land, in Minnesota Territory, were granted to the use of the University of Minnesota.

At a meeting of the Board of Regents, held in 1852, a committee was appointed to obtain from the proper Department, authority to select and locate said land, or such amount of the same, as the Board of Regents might deem advisable. The Hon. H. H. Sibley, as Chairman of that Committee, accordingly, addressed a letter to the Secretary of the Interior on the subject. A letter was received by him in reply, and, also, one from the Commissioner of the General Land Office; copies of which, marked A and B, are hereto annexed, and respectfully submitted as a part of this report.

In accordance with the instructions of the Commissioner of the General Land Office, a committee was appointed, at a meeting of the Board held in St. Paul, January 27th, 1854, to select and locate lands for the use of the University. They will proceed immediately to the discharge of this duty, and such lands as shall be found valuable and available, will be located the present winter and the coming spring. It is proposed to locate a part in such situations as can be made presently available, should there be found a necessity for the disposal of any part of the same.

The Treasurer's Report shows an indebtedness of seventy dollars still existing against the Board. This is the balance still due on the erection of the building for the Preparatory Department, and completion of the same, so far as it has progressed. As stated in a former report, this work has been carried on entirely by private subscription, the University fund remaining as yet entirely intact.

It may be proper to state, in this connection, that the school has thus far received no assistance from the Board; the teachers receiving no other compensation than tuition fees from the pupils; nor do any of the officers of the Board receive any remuneration for their services.

It was stated, in my last Annual Report, that a proposition had been entertained by the Board of Regents, for selecting a more eligible location, as the permanent site for the University. The subject is still held under advisement, no definite action having yet been had upon it. No urgent necessity existing for immediate action in the premises, it was thought advisable that mature consideration, and full examination, should be had, before acting on a measure of such considerable importance. The committee to whom the subject was referred, has entered into negotiations, having in view the accomplishment of the object, and some decisive action will probably be had during the present winter, or ensuing spring.

Such, in brief, are the present condition and prospects of this infant Institution. The Board of Regents, believing that it is destined, at no distant day, to exert an important influence upon the educational interests of the Territory and future State of Minnesota, respectfully commend it to your favorable consideration, and would solicit, in its behalf the adoption of such measures for its aid and encouragement as your wisdom may suggest.

I. ATWATER,
Secretary of the Board of Regents.

(Copies of Correspondence.)

[A.]

DEPARTMENT OF THE INTERIOR, {
August 26th, 1853. }

SIR:—Yours of the 15th inst., in relation to the selection of two townships of land for the use and support of a University in Minnesota Territory, under act of Feb. 19, 1851, has been received, and referred to the Commissioner of the General Land Office for appropriate action under the act referred to.

Very respectfully,

Your obedient servant,

R. McCLELLAND,

Secretary.

HON. H. H. SIBLEY,
Mendota, Min. Territory.

B.

GENERAL LAND OFFICE, }
 September 2, 1853. }

SIR:—The Secretary of the Interior having referred to this office, your letter to him of the 15th ult., asking that authority may be given the Board of Regents of the University of Minnesota, to make selections for that Institution, under act of Congress, approved 19th of February, 1851; I have the honor to inform you, that, under his authority, instructions have been this day issued to the District Officers in Minnesota, at Stillwater and Sauk Rapids, to respect and report any selections, in accordance with said act, which may be made known to them, by the said Board of Regents.

The 2d Section of the Act referred to, authorizes and directs the Secretary of the Interior, "to set apart and reserve from sale, out of any of the public lands, within the Territory of Minnesota, to which the Indian title has been, or may be, extinguished, and not otherwise appropriated, a quantity of land, not exceeding two entire townships, for the use and support of a University in said Territory, and for no other use or purpose whatever, to be located by legal subdivisions of not less than one entire section."

In making these selections in bodies of land other than technical sections, no less a quantity than 640 acres, can be embraced in a section, and it would be advisable to make every such section, in the quantity of a section, by technical sections or subdivisions of four quarters, eight eighties, or sixteen forty acre tracts.

If otherwise, and a large body of land be taken and reported in one selection, it may result as we are about closing the grant, that a quantity less than a section, may then be due the Territory, which, under the terms of the Act, she could not obtain.

Upon the receipt of the reports from the District Offices, the selections therein will be submitted to the Secretary of the Interior for his action, under the said second section.

Very respectfully,

Your obedient servant,

JOHN WILSON,

Commissioner.

HON. H. H. SIBLEY,

Mendota, Min. Territory.

A N U A L R E P O R T
 OF THE
T E R R I T O R I A L T R E A S U R E R .

TREASURER'S OFFICE, }
 St. Paul, Feb. 1, 1854. }

To the Legislative Assembly of the Territory of Minnesota :

In compliance with the provisions of law, the Territorial Treasurer makes to your honorable body the following report for the fiscal year ending January 31, 1854.

Since the last report, there has been paid into the Treasury—

In Territorial Orders, (Auditor's Warrants)	\$116 81
In cash	00 00
There has been paid out of the Treasury during the same period	00 00
The cash balance in the Treasury is	00 00

The Auditor's Warrants above named were received of C. A. Tuttle, Esq., the former Treasurer, to balance the sum appearing by the books to be in his hands.

On my coming into office in August last, the former Treasurer turned over to me paid drafts on the County Treasurers of the several Counties, as follows:

On the Treasurer of Benton county, for the taxes of 1851	\$64 78
“ “ “ 1852	103 17
“ Ramsey county, “ 1852	256 85
“ Chisago county, “ 1852	46 89
“ Washington county, “ 1852	343 76
“ “ “ 1850	33 17

Total amount unpaid for the years 1850, 1851 and 1852..... \$848 62

There is charged on the Treasury books for Territorial taxes for the year 1852—

Against the county of Itasca	\$8 62
“ “ Hennepin	43 52
“ “ Dakota	36 53
“ “ Wabasha	9 50

Making a total of..... \$98 17

Adding the sum due on drafts..... 848 62

The total is..... \$946 79

The tax appearing to be due from Washington county for the year 1850, was assessed against the Territory without, but for certain purposes attached to, that county, and could not be collected.

Deducting that amount..... \$33 17

The balance due the Treasury is..... \$913 62

To what extent any of the taxes assessed against the counties of Itasca, Hennepin, Dakota, and Wabasha for 1852, can be reckoned as available funds, is left for the Auditor to estimate. The officers of that year were appointed by the Governor under a special provision of statute. The collector of each county, except Wabashaw, has filed his bond in this office, as required by law; but from Wabashaw only has any taxes ever been received. A bond is on file for Cass county, but no tax is charged against the county on the books.

The total amount of Auditor's Warrants now outstanding against the Treasury amounts to..... \$1,754 88

Deduct the amount due from the several counties..... 913 62

And there is a balance of liabilities over assets of..... \$841 26

The foregoing estimates, it will be observed, do not include the taxes assessed for the past year, 1853. The statute requires the Clerk of the Board of Commissioners for each county to transmit the amount of assessment for his county to the Auditor instead of to the Treasurer, and it is made the duty of the former, instead of the latter, to keep an account current with the several organized counties.

The former practice has been for the Auditor to transmit to the Territorial Treasurer drafts upon each County Treasurer for the Territorial tax assessed against his county.— No such drafts for 1853 have, as yet, been received, nor has any statement of last year's tax been furnished from any source. The Auditor has informed me, as a reason, that the proper reports have not been made to him.

There is no provision of statute requiring the Treasurer to be informed of the Territorial tax assessed.

The law, as amended, does not make a draft from the Territorial upon the County Treasurer necessary. It says, "that the first moneys which may be returned by the collector from the duplicate of any year, shall be appropriated to the payment of the amount due the Territory for that year from the county, which amount shall be paid to the Territorial Treasurer on or before the first Monday of February, in each year, in gold and silver coin or Territorial Auditor's Warrants.

The only duties now required of the Treasurer are, to receive money as it shall be paid in to him, to pay it out upon the Auditor's Warrants, and to make a yearly report of the balance in the Treasury, with a summary of the receipts and payments. No way is provided by which he may know when the several counties have paid in the full amount due from them, and no provision is made for informing the Auditor, who is made the prosecutor of any delinquencies.

Most of the duties usually devolving upon a Treasurer are assigned to the Auditor, and I can therefore, with propriety, only suggest, generally, that there should be a revision of the whole system by which the financial affairs of the Territory are managed. I have ventured to lay before you a fuller statement than is prescribed by law, in order to show that unless *somebody* is clothed with more specific powers, and burthened with more arduous duties, the Treasury Department of Minnesota will yet be regarded with even less confidence than is now felt towards it.

All of which is respectfully submitted.

GEORGE W. PRESCOTT,
Territorial Treasurer.

SECRETARY'S OFFICE, ST. PAUL, MIN. TER.,
February 2, 1854. }

SIR:—In accordance with a resolution of the Council, I have the honor of enclosing to you the official vote for Delegate to Congress, at an election held in the Territory of Minnesota, October 11, 1853.

I am, sir, very respectfully,

Your obedient servant,

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

HON. S. B. OLNSTEAD,
President of the Council, present.

DELEGATE ELECTION.

OFFICIAL VOTE FOR DELEGATE TO CONGRESS, AT AN ELECTION,
HELD IN THE TERRITORY OF MINNESOTA, OCTOBER 11, 1853.

RAMSEY COUNTY.

	H. M. RICE.	A. WILKIN
St. Paul, 1st Precinct	309	173
" 2d " 	205	73
Little Canada	46	14
St. Anthony	275	32
Manomin	24	00
Rum River	21	00
	880	292

Rice's majority, 588.

BENTON COUNTY.

Sauk Rapids Precinct	36	10
Swan River	41	4
Crow Wing	25	00
Itasca	25	9
Big Lake	24	9

CASS COUNTY.

Long Prairie	20	4
Chippewa Agency	62	2
	293	28

Rice's majority, 195.

A. 6.

HENNEPIN COUNTY.

	H. M. RICE.	A. WILKIN.
Different Precincts	160	30
Rice's majority, 130.		

SIBLEY COUNTY.

Henderson Precinct	13	2
Rice's majority, 11.		

WABASHAW COUNTY.

Wabashaw Precinct	10	24
Wilkin's majority, 14.		

DAKOTA COUNTY.

Mendota Precinct	66	11
Town of Hastings	13	17
Kaposia Precinct	35	18
	<hr/>	<hr/>
	114	46
Rice's majority, 68.		

SCOTT COUNTY.

Shakapee Precinct	51	9
Rice's majority, 42.		

BLUE EARTH COUNTY.

Mankato Precinct	7	11
Babcock's Mill Precinct	9	1
	<hr/>	<hr/>
	16	12
Rice's majority, 4.		

LE SUEUR COUNTY.

Le Sueur Precinct	23	8
Rice's majority, 15.		

FILLMORE COUNTY.

Different Precincts	161	12
Rice's majority, 149.		

NICOLLET COUNTY.

	H. M. RICE.	A. WILKIN.
Traverse des Sioux	81	60
Rice's majority, 81.		

CHISAGO COUNTY.

	41	8
Rice's majority, 33.		

WASHINGTON COUNTY.

Point Douglas Precinct.....	39	13
Cottage Grove.....	64	14
Stillwater.....	166	98
Marine.....	19	22
	<hr/>	<hr/>
	288	147

Rice's majority, 141.

ITASCA COUNTY.

Sandy Lake Precinct.....	No returns.	
Fond du Lac.....	18	00
Rice's majority, 18.		

PEMBINA COUNTY.

St. Joseph Precinct.....	55	38
Pembina.....	5	30
	<hr/>	<hr/>
	60	68

Wilkin's majority, 8.

No official returns from Goodhue, Rice and Pierce counties.

Mr. Murray moved that the Council do now adjourn;

Which was decided in the affirmative.

So the Council adjourned until to-morrow at 10 o'clock, A. M.

S. B. OLMSTEAD,
President of the Council.

Attest:

J. B. DIXON,
Secretary.

CORRESPONDENCE RELATIVE TO THE WINNEBAGO TREATY.

St. PAUL, M. T., January 19, 1854.

His Excellency, Gov. W. A. Gorham:

SIR:—We, the Representatives from the Sixth Council District, would respectfully call your attention to a conference we had with yourself a few days since, in which you expressed your willingness to join with us in any measures necessary to prevent the ratification of the treaty concluded with the Winnebago Indians, at Watab, on the 8th day of August, 1853, if the provisions of said treaty would materially conflict with the prosperity of our Territory, or a large portion of its population.

We would again respectfully assure you that the ratification of the treaty referred to, would lead to consequences most ruinous to the interests of the inhabitants of the Sixth Council District, and at the last election that question was considered paramount to all others by a large portion of the electors. The fact that the treaty was made within the Winnebago country, and attended by but few whose interests would be effected by it, will readily suggest a reason why it did not call forth a remonstrance against it during the negotiations. Since the negotiation, however, it has been objected to by most, if not all of those whose interests are directly compromised by its provisions.

1st. Because it places Indians sustaining the worst character for drunkenness and other evil and disorderly propensities of any in our Territory, upon lands already partially settled by whites, adjoining some of the most flourishing settlements within our Territory, within some twenty-five miles of St. Anthony, a flourishing town of fifteen or eighteen hundred inhabitants, the same distance from the county seat of Hennepin county, and not forty miles from St. Paul, the capital of the Territory.

2d. Because the location would be such as would of necessity become surrounded by white settlements, on every side, a situation that in the natural course of events would lead to disagreements and probably to bloodshed, and could only result in a necessity for another treaty, and another removal within a few years.

3d. Most of the settlements on Lake Minnetonka, and at other points, by colonists from the east were made in good faith, and under the belief that the surrounding country of which the Indian title had been recently extinguished, would be relieved from its Indian population. Instead of which, they find that by this treaty, other and more objectionable Indians are to be located in their vicinity, which if consummated, would cause an abandonment to a great extent of those flourishing settlements by that virtuous and enterprising class of persons which have recently made homes in those beautiful portions of our Territory.

Actuated by these views, and confident that your desire to promote the interests and prosperity of the Territory and its inhabitants will prompt you to join with us in asking the Department to allow the treaty to be withdrawn—that it may not reach the Senate for its action.

We remain respectfully, your obedient servants,

JOSEPH R. BROWN, Member of Council.

H. FLETCHER, Member of House.

Wm. H. NOBLES, Member of House.

We, the undersigned members of the Legislature from the Fifth Council District, fully concur in the foregoing statement and recommendation.

C. T. STEARNS, Member of Council.

CEPHAS GARDNER,

HENRY S. PLUMMER, Members House

We, the undersigned members of the Legislature from the Fifth Council District, fully concur in the foregoing statement and recommendation.

S. B. OLMSTEAD, Member of Council.

We, the members from the Second Council District, fully concur in the foregoing statement and recommendation.

WILLIAM NOOT,

WILLIAM A. DAVIS,

LOUIS BARTLETT.

EXECUTIVE OFFICE,

St. Paul, Jan. 19, 1854. }

GENTLEMEN:—I have received your note of this date, representing the wishes and feelings of a large body of the people of Hennepin county, and of the Sixth Council District, in regard to the late treaty with the Winnebagoes.

You "assure me respectfully that the ratification of that treaty would lead to consequences most ruinous to the interest of the inhabitants of the Sixth Council District. That the settlements on Lake Minnetonka were made with a firm belief and understanding that the Indian tribes were no longer to be kept in proximity to them, and if they could not rid themselves of these disagreeable neighbors, would tend to embarrass and retard the growth of that interesting region."

The kind terms in which you are pleased to make this evidence of public opinion known to me, commands my respect and requires me to act.

When I was waited upon by the Chiefs of the Winnebago tribe, I had been in official position but six days. I was then shown the memorial of the preceding Legislature; the letter of my predecessor to the Indian Department, and the report of the late Agent, all favoring an exchange of country as a matter of policy, for the good of this tribe and the quiet of the Territory.

I wrote on the 20th May, asking that action might be taken in the matter. The Government acceded to one of the propositions of the Chiefs to have a new home assigned to them on Crow river.

My duties, as a special commissioner in another matter, took my whole time, and left me but little leisure to inquire into the practical results. Consequently, I had necessarily to be counseled and advised by others. It is therefore, enough for me to say, that since I made that treaty and since I wrote my report in September last, only a few weeks there after, I have been informed from time to time of the dissatisfaction growing out of the proximity of the new location of the Indians to the growing settlements. Had I known this before, through any official channel, or derived it in any other way than from street rumor, I should not have felt at liberty to have recommended its ratification by the Senate.

I have no pride of opinion in the matter other than a sincere desire to consult the permanent welfare and prosperity of the people and the Territory.

I would be doing myself injustice if I did not say that I distinctly objected to the Indians coming to the Mississippi river, and yielded to it only because of our treaty obligations found in the 3d article of the treaty of 1846, and because the Indians, seemed unwilling to give up all their interest on that river. I know that Gen. Fletcher, my co-Commissioner, was actuated by the purest and most honorable motives in all his conduct in consummating the late arrangements, and it is by no means strange that public opinion should change the views of public men in a country like ours, where population is pouring in upon us and peopling the country with strangers, who have to inform themselves before they can act advisedly on such subjects, which is peculiarly exemplified in the change which has taken place on this subject since the session of the Legislature before the last, when an exchange with these Indians for a new home on Crow river seemed to have met public approbation.

I shall, therefore, not feel at liberty longer to insist upon the ratification of said Winnebago treaty in its present shape, and shall request the Indian Department to withhold the same, and not submit it for the action of the Senate.

With great respect, I am your obedient servant,

W. A. GORMAN.

THIRD ANNUAL REPORT.
OF THE
SUPERINTENDENT OF COMMON SCHOOLS.

To the Legislative Assembly of the Territory of Minnesota:

The Statutes enjoin upon the Superintendent of Common Schools "to prepare and submit an annual report to the Legislature." In compliance with that act, I forward to you this, my first report, being the third from this department.

During the past year, there has been much in educational movements and progress to encourage and rejoice the heart of the philanthropist. Although no one great measure has been adopted, calculated to effect any material change; yet there has been a gradual improvement in educational interests and facilities. It is a matter of high gratification to all classes, that our common schools have not been neglected, but on the contrary, have shared liberally in the growth and general prosperity of the Territory.

The inhabitants of Minnesota have not been less sagacious than those of the States they represent, in detecting the sources of prosperity, and adopting the means and necessary appliances to secure it. Like their progenitors, they have wisely laid hold of the Free School System, as the lever that is to move the present for the good and the glory of the future. From an able report of the Commissioner of Common Schools of New Hampshire, I quote the following well-timed remarks on the subject:

"In no way can we exert such controlling power over coming generations, and send forward so wide a wave of elevating influence to break on the shores of the distant future, as by improving the character of the Free School—as by decreeing in advance, and through all time, the thorough education of its youth. Whoever aids in this enterprize, is pre-eminently a benefactor of his race, and posterity, in whatever form it shall utter itself, will do justice to his memory. The Common School contains within its borders the germs of all the intellect which shall control the moral, social and physical conditions of the future. In it may be found those whose history shall awaken increasing congratulations of proud delight, or sweep the most delicate chords of human affection with strains of wild despair. The statesmen, divines and orators of the next age are under the moulding influence of the present. The laborers, the thinkers, and the artists of that dawning period are there; its ethics, its philosophy, and its statesmanship are being elaborated there; not in the gossamer theories of the old schools and of former centuries, garnered in books and buried away as abstractions void of vitality, and useless for any good mark; but in strong vulcanian armaments forged out with hammer and anvil, powerful, terribly powerful, terribly powerful, for weal or woe, as an active and ever operating engine; and above all its people, thinking or unthinking, free or enslaved, wise or ignorant, happy or unhappy, they are there, all there, immersed in an atmosphere of influence thrown around them by our decrees, and which if salutary, is an element of life-giving efficiency; but if pernicious, is as fatal and as unescapable, as the unseen infection of a most deadly plague. There in our schools are these workshops, and our teachers are the unwearied artisans engaged in fitting to the links of these cohorts of the future, the armor with which they shall battle through life."

The perpetuity of our free institutions is based on the intelligence and virtue of the people, and without the former, the latter will either sicken and die, or linger only as the faint twilight when the sun of its glory has set. "Knowledge is power," not only moral and social, but political. And no where else is this power generated to such an extent and caused to exert so potent and extensive influence—though less obvious to the superficial observer—as in the common schools of our country. Herein is seen the wisdom of the nation in thus fostering and maintaining these little colleges of the people, which are so efficient in moulding the character and educating the future citizens. Let the schools of this Territory ever hold the rank and receive the attention their importance demands. Scattered over the hills and prairies of this land, they will exert, in their quiet and unobtrusive way, a powerful influence for the welfare of this growing country. Hence the strongest motives are not wanting to induce the citizens of Minnesota to exert their united efforts and employ their best skill for the improvement and highest elevation of the common schools.

The price of good schools must ever be untiring vigilance and labor, not simply on the part of teachers—they should be held accountable and responsible only for the operation of the machinery, not for its construction—but of officers and patrons. Money alone will not create and sustain a good school; there must be suitable laws, regulations and appliances, with a judicious appropriation of the money. Moreover, many things should be observed and attended to, which cannot conveniently be embodied in the laws—that would by such details, be rendered cumbersome and perplexing. For example, parents should frequently visit the school, and examine their scholars at home on the various branches pursued; and exhibit to both teacher and pupils, in these and various ways, that they are really and zealously engaged for the welfare of their children, and the general prosperity of the school. If any one has a young and valuable horse to be trained for the harness or saddle, he would be unwilling to trust it to an unskilful and inexperienced person; and even when one qualified for the task is found, a general supervision is maintained by the owner lest something should be left undone or carelessly performed. Now, shall parents feel less interested in the education of their children, than of their domestic animals—have less solicitude in the development of immortal minds than in the training of their brutes?

This will serve to illustrate what is meant in saying, all cannot be embodied in the laws that should be done for the success and continued prosperity of the common schools.—Every parent ought to feel that the school in his neighborhood is a subject of personal concern, and one in which his interests are intimately blended, and the promotion of which depends, in a measure, upon his *own vigilance and activity*. No parent or guardian should trust his child, where he will not, at least occasionally, go himself. Even if they are not competent judges of the excellencies or deficiencies of the school, the effect of occasionally visiting it, is salutary and encouraging to both the teachers and pupils. It bespeaks an interest in the school's prosperity, and an evidence of its importance.

A man who is having a house built, although himself neither mason nor carpenter, will still exercise a general superintendency over the work. Children learn to attach importance to those things in which their parents are interested. Knowing by experience and observation the beneficial results of parents frequently visiting their schools, and holding the most friendly relations with their teachers, and from the fact that there is so great deficiency in these respects, I deem it of sufficient consequence to urge upon all interested the importance of what is here recommended.

Amidst the diversified classes of our fellow beings, who need sympathy and encourage-

ment, few, perhaps, have stronger claims upon these cheering influences, than those who are engaged in the avocation of teaching. Confined in the narrow space of the school-room, the teacher must write ideas upon the destitute mind; tax his ingenuity to the highest limit for illustrations; meet perverseness and stupidity; combat dullness; arouse the careless; and interest the indolent; meet with ingratitude for a faithful discharge of duty; and often be censured for that which merits commendation. He must act as council, jury, and judge in all cases of discipline; he must not only act, but act promptly and judiciously. Hence, the teacher is entitled to the most charitable forbearance, and favorable construction, that can be put upon his administration.

This suggests some more definite remarks concerning the sphere and qualifications of

TEACHERS.

Few individuals in community hold more responsible positions, than the man or woman to whom is entrusted the mental training of its youth; and the person who assumes this task without feeling and realizing its responsibilities, is proportionably unqualified for the discharge of its duties, and in a measure recreant to the highest interests of those under his tuition. "The teacher should be a gentleman; and by that name I mean nothing artificial, beyond the universal customs of society; nothing which fashion can guide; nothing to which the gaudy glare of wealth is necessary; nothing which rank or power can give or take away. It is simply that character which christianity carried into action must inevitably produce—a man of gentleness and good will; qualities which were esteemed as necessary to the character of a true Knight in the days of chivalry, as was that of his renown in arms."

The moral character of the teacher should be a model for imitation. So powerful is his example on the minds of the young, and so prone are they to imitate and copy every defect and moral deformity—sanctioned by so high authority—he is under the most imperative obligation to teach properly by example, as well as by precept.

Again appropriating the language of the author just quoted: "*Who* is the teacher said to be *abroad* upon the earth—once the subject of inspiration—now of legislation—seeking to mingle with Statesmen in the government of men? What are his limits? In vain I seek to confine him. It seems to me that earth has no prison-house for him. His limits are the boundaries of mind itself. For into what circle of the arts does he not enter? Over what secret emotions of the soul has he not control? What field in the wide domain of knowledge does he not penetrate? In what lonely nook of society does he send no influence?"

Teachers should be educated, or rather they should educate themselves, especially for their profession. No one is properly prepared to enter upon the responsible duties of training other minds, before his own has been disciplined for that particular branch.

The mechanic and the artist are required to spend much time in preparation for the practice of their trades, before they are considered worthy the confidence of employers. Shall one who is to develop and mould the powers and features of immortal mind, undertake that delicate task—one that requires so great amount of skill—with a hasty or superficial preparation? This interrogation is rendered doubly significant by the consideration that it is easier to make right impressions at first, than afterwards to erase and correct errors.

COMPENSATION OF TEACHERS.

It is a matter of just pride in behalf of our Common School System, that the salary paid teachers in this Territory, generally exceeds that in many of the older States. This is not only liberal, but wise; for competent teachers can be secured only by a competent remuneration. And those who are well qualified for the arduous duties of teaching, will turn their attention to other branches of industry, if in those they are better rewarded for their labor. It is more *profitable* for a district to pay liberal wages to a well qualified teacher, (even if the school is not taught so many months in the year,) than to protract it by employing a *cheap* teacher.

TEXT BOOKS.

It is enjoined by the Statutes, that, "It shall be the duty of the Superintendent of Common Schools to introduce and recommend to the schools such text books as he shall deem best adapted to their wants." It seems to this department that there is a *misapprehension* on the part of some of the friends of education, concerning this requirement, who would make it obligatory upon him to introduce a certain set of books into the schools in such a way as to cause them to be used; making the clause "Introduce and recommend," imply that the Superintendent has the authority, and is under obligation, to cause such books as he may recommend, to be adopted. I do not so understand the law; but merely being under obligation and having the power to introduce the books, to which he may give the preference, as a legislator would "introduce and recommend" any bill he and his constituents may desire to be passed by the legislature: or as one man may introduce and recommend another for any purpose. With this interpretation the word "introduce" seems nearly and quite superfluous, with the other it certainly seems that it should certainly come after the head "recommended."

I do not therefore consider it imperative upon the Superintendent to enforce the use of the books he may recommend, nor upon the district to adopt them. Still I deem the design of the requirements an importance. It is necessary that by some authority, after due examination, a set or sets of books, should be brought before the community for further examination and experiment; and then let them be adopted—if approved according to merit, in the same way that a superior machine, or implement of husbandry is brought into use. Was there any certainty that the best books published would be obtained, then the best reason would exist in favor of a uniformity throughout the country.

But as to the adaptation and comparative merits of school books, there is a diversity of opinion, and ever will be. I am therefore disposed to endorse the sentiments of a "Superintendent of public Instruction" in Michigan, who had filled that office with great ability, and from long experience was well prepared to judge. He says: "It is *not* in my opinion, of the utmost importance that the same series of books should be used throughout the State. It is, however, very desirable, that there be uniformity in every district and, if practicable, in adjacent districts and towns." There are different text books upon every branch of education, taught in the Common Schools, in which there is not sufficient difference, to justify the consigning one to oblivion, and bestowing all favor upon the other. There may be, in the main, about an equal number in favor of each. Why not then have both or different ones in use, preserving uniformity to the extent above named? To retain *inferior* books in use, for the sake of having a uniformity (or to expect that teachers will, or can, be as successful in their use, as with better ones,) is as unwise and unreasonable, as it would be for the farmer to cling to an inferior plow

when great gain might be experienced in a single season by an exchange. In the recommendation of books, no consideration should outweigh real merit, and to be a competent judge, it is necessary that the individual have experience as a practical educator. A man may be learned and well skilled in theology and metaphysics, and yet be a poor judge of school books.

It is by years of toil, application and experience, that the teacher is properly qualified for his profession, and he can best judge of the adaptation of the implements suitable to be used. Rightly, therefore, has the duty been called a "delicate and a difficult one."

It would be gratifying to the Superintendent, and perhaps more satisfactory to others to give a review of the books recommended, setting forth the points of difference, and the grounds for preference, but that would extend this report beyond proper limits; moreover it can hardly be necessary here, after the extensive introduction and use, as well as the high commendations, they have received from other sources. By the Revised Statutes, Sec. 18th, of the School Law, it is provided that, "The trustees of any two or more school districts may, by a concurrent vote, agree to establish a grammar school for the older and more advanced children of such districts." A grammar school, says Dr. Webster, "is a school in which the learned languages are taught. By *learned languages* we usually mean the Latin and Greek; but others may be included." In accordance with the above provision, corresponding text books are "introduced and recommended."

The following are the Text Books, recommended to be used in the Schools of this Territory. Those previously recommended are here inserted for the sake of a complete list:

Mitchel's School Geographies, and
 Pelton's Outline Maps and Key,
 Sanders' Series of Readers and Spelling Book,
 Wells' English Grammar,
 Davies' Series of Arithmetics, and Higher Mathematics,
 Parker's Natural Philosophy,
 " First Lessons in Philosophy,
 Mayhew's Book-Keeping,
 Cutter's Physiology,
 " First Book in Physiology,
 Mrs. Willard's Histories,
 McElligatt's Analyzers,
 McClintock & Crook's Greek and Latin Books,
 Woodbury's German Works,
 Fasquelle's French Series.

Davies' Mathematics are very generally used throughout the Territory, but should any town or districts be disposed to make a change in Arithmetics, I can with great confidence recommend to them Thompson's Series, not inferior, in my opinion, to those now in use. As works of superior merit on the general subject of education, and of teaching; I would recommend for the careful study and improvement of teachers, "Page's Theory and Practice of Teaching," "Mayhew on Popular Education," and, "American Education," by Mansfield.

MORAL INSTRUCTION.

The statutes of New Hampshire require that moral instruction be given in the common schools of that State, a provision that might well be incorporated into the laws of every State and Territory in the Union. "Morals," says an author, "are more needed than advanced science. Rogues, swindlers and defaulters are adepts in mathematics, and are conversant with the laws of physical science; but alas for those untutored novices in morality. If therefore, we would purify these corrupt waters at the fountain head, if we would rather place them beyond the influence of future corruption, the school must become a successful instrumentality in our hands. It is the fountain of influence, the great lever whose fulcrum is the human heart, and whose effective arm acts, upon the car of destiny." The education of youth properly implies not only intellectual culture, but moral and physical. Without the second and third, the first cannot fulfil its legitimate purpose. To make a perfect man or woman, there must be this triune development, or the proportions and symmetry of character are not preserved. Educate the intellects of the youth of this land to the exclusion or neglect of moral culture, and you may raise an army of intellectual giants, but they will be powerful only for evil; they may pile Ossa upon Pelion only to exhibit the greater grandeur in ruins. Without moral principles to govern and guide the actions of men, an intellectual education may become but an engine to accomplish the most ambitious and unholy purposes. So important a part therefore, in the education of the young, should not be overlooked or neglected.

A teacher that is not capable, or is unwilling to impart moral instruction, to those under his tuition, lacks an essential qualification for his profession. By Sec. 12th, Art. 5th of the School Law of this Territory, it is enjoined: "That no teacher shall be employed, who shall not be first examined and found qualified, in moral character and ability to teach a district school." Now, to be "qualified in *moral character*," does or should imply something more than the mere abstinence from immoral acts. It seems to me that it should be construed to include not only the ability to impart moral instruction, but the exercise of that ability. It is a notorious truth, and one much to be deplored, that in some of the schools of this Territory, profanity pollutes the mantles and corrupts the morals of the youth. Is it requiring too much, for the teacher to make an unceasing effort to counteract this and every other vice? To inculcate the sense of right and wrong and moral obligation? To enjoin obedience to the Decalogue, the "Golden Rule," &c "As a text book of morals, the Bible is pre-eminent, and should have a prominent place in our schools, either as a reading book or as a source of appeal and instruction. Sec. tarianism, indeed, should not be countenanced in the schools; but the Bible is not sectarian. Political partyism should not be tolerated; but the Bible is not partizan. The book of God is replete with the spirit of freedom, and for this reason, if for no other, should be familiar to every American child."

I would not have sectarianism inculcated in any way upon any subject, but what valid objection can there be to a teacher's daily reading a portion of scripture and offering supplication for the blessings of our common Father? Why shall the salutary influence of these exercises be denied our youth, while our legislature, and those of the whole nation from the highest to the lowest enjoy their immunities? Chaplains are provided at a great expense for our forts and navies, and shall not these little garrisons, stationed all over the Territory, to build up the ramparts of moral and political power and excellence, and to beat back the forces of superstition and ignorance, be provided with the hallowing influence of the reading of the Scriptures and prayer? If those of age, experience and

wisdom, need guidance and protection from the high and mighty One, surely do those who are just preparing to act; and must by and by assume their responsibilities.

From the great importance of this subject, allow me to add in conclusion an extract from the admirable lecture of Dr. Humplry, before the American Institute of Instruction, on the Moral and Religious Training of children:

"The parent who says, 'I do not send my child to school to learn religion, but to be taught reading, and writing, and grammar, knows not what manner of spirit he is of.' It is very certain that such a father will teach his children anything but religion at home; and is it right that they should be left, to grow up as heathen in a Christian land? If he says to the schoolmaster, I do not wish you to make my son an Episcopalian, a Baptist, a Presbyterian or a Methodist, very well. That is not the schoolmaster's business. He was not hired to teach sectarianism. But if the parent means to say, 'I do not send my child to school to have you teach him to fear God and keep his commandments, to be temperate, honest and true, to be a good son and a good man,' then the child is to be pitied for having such a father; and with good reason might he tremble for all that he held most dear, if such remonstrances were to be multiplied and to prevail."

SCHOOL LAW.

The Superintendent would most respectfully recommend to your Honorable Body, That the School Law be carefully revised, and some additions made. He would suggest, that a School Inspector for each town, whose duty it shall be to examine teachers as to their qualifications, visit the Schools, and make an annual report—be chosen by the people. That the chairman of the trustees of each district be required to make a full report—to be specified in the law—which should embrace the information asked in a circular found in this report, under the head of "School Statistics," to the town inspector; and that the inspector make a summary annual report to the Superintendent. As the law now reads, none but teachers are required to make any report to the Superintendent, and that deficient in the opinion of this department, in several essential points. Moreover, teachers frequently receive their dues before the required report is made, and then, having no further interest particularly in the matter, sometimes neglect even their report. It requires more permanent citizens than the teachers generally are, to make such reports, certainly those more interested. Let any district that may neglect to make or furnish the proper report to the inspector, forfeit its claim on the school fund.

Unless some system, similar to the one here recommended, be adopted, the Superintendent cannot even fulfil the requirements of the law, (which are already too limited,) in this report to the legislature, and will be unable to place before the people such statistics and information, as ought to be known, and are necessary for a correct appreciation, and proper improvement of our common school facilities. Other suggestions might be made in connection with the above, but they will doubtless occur to the proper committee by a careful review of the School Law,

REMARKS.

Two circulars have been issued from this department to obtain information, especially statistics of the Common Schools; and to make the information wanted definite, the following circular was issued in December:

CIRCULAR.

To the County Commissioners and Trustees of Common Schools:

The Superintendent in making out his report to the Legislative Assembly must rely chiefly upon the Commissioners and Trustees, for such statistics as are necessary to enter into his report, and without which it must necessarily be defective.

Will the County Commissioners, therefore, through their clerks, or otherwise, please inform me immediately of the number of school districts in their several counties at the present time; the aggregate amount of money appropriated by each county, and the amount due to each school from the county treasury, since January first, 1853, and any other information concerning the schools and school fund, in their possession?

Will the Trustees, also, of each district in the Territory, please favor me without delay with the name of their town and number of district; number of male and female scholars between the ages of four and twenty-one years; number of months the school has been taught in 1853 by a male teacher, and by a female teacher; the average salary paid each per month, exclusive of board; the average attendance of scholars in the winter school, and in the summer school; the condition of the school-house, and other conveniences for the school, and how long the school house has been built? Have you any school library, and how many volumes? Any additional information will be thankfully received.

It is expected this circular will reach all the districts in the Territory, and it is earnestly requested that it may receive prompt attention.

E. W. MERRILL,

Superintendent Common Schools.

St. Anthony, December 1853.

If the information solicited in the above Circular had been received, it would enable me to set before you, as the law requires, "A statement of the condition of the Common Schools of the Territory; and Estimates and accounts of expenditures of the School Moneys." But a few districts, however, have been heard from, and there have been so many failures on the part of teachers to make their reports, that I am unable to meet these requirements with satisfactory information. And so will it ever be, until some more perfect system than now exists is adopted to furnish the Superintendent with the requisite data. Here you cannot fail to discover the deficiency in the law that requires the Superintendent to make a financial report, but makes no provision by which it is enabled to do it. It cannot reasonably be expected that he will gain information, by visiting the districts of the Territory, or acting the part of an inspector.

By consulting the friends of education, it was thought advisable to call an educational convention, which was done accordingly on the 29th of October, at St. Paul. It was hoped that great good would result from the meeting, but unfortunately personal hostilities and groundless criminations destroyed the harmony of feeling that might have otherwise existed, and but little was accomplished.

CONCLUDING OBSERVATIONS.

Among the States of the West, Minnesota Territory has already assumed a position of influence and importance. By the salubrity of its climate, the fertility of its soil, and every natural advantage, it is destined to become a rich and populous State, possessing its own thinkers, laborers, artists, orators and statesmen. These are all to be formed and fashioned from its own materials for future use.

On the present mental and moral training of its youth will depend in an eminent de-

gree the future weal of our Territory. It is from them, forces must be marshaled to win victories on our future intellectual and moral battle grounds. It is from the youth an influence must emanate to carry forward the great enterprizes of the future.

It then devolves upon the present age to educate laborers and actors for the next; and the care bestowed and the faithfulness with which that is done, are a pretty sure index to the rank the State will hold in years to come. Let not the people of Minnesota, then, prove recreant to the sacred trust committed to their charge, but may they attend faithfully to this responsible duty. Let the schools be well sustained, not only in the thronged villages, but in the sparsely settled townships, and over the prairies of our Territory, and the light they will shed and the influence they will exert will tell powerfully and yet favorably on our future destiny. For future ages alone can more fully reveal the grand and glorious influence of our Common School System. Let the Free School then continue as a perpetual and untarnished memorial of the intelligence and liberality of a free people.

All of which is respectfully submitted,

E. W. MERRILL,

Superintendent of Common Schools.

St. Anthony, January 21, 1854.

ANNUAL REPORT

OF THE

TERRITORIAL LIBRARIAN.

TERRITORIAL LIBRARY,
St. Paul, January 23, 1854.

In obedience to law, the Territorial Librarian begs leave to submit the following report. The accession during the last year to the Territorial Library, will be found in the accompanying list:

The donations of the past year, are those usually received from the States and Congress. Yet a few have been made by individual donors, and these few deserve a brief notice—J. W. Bond, for his valuable work on Minnesota; Captain Simpson, for his interesting journal of a Military Reconnoissance in Santa Fe, New Mexico and the Navajo country; and also to the Hon. H. H. Sibley, for valuable Public Documents. A number of works that appear in the printed Catalogue are missing. This fact was noticed by my predecessor in his report to the Legislature of January 26th, 1852.

The Books generally are in a good condition, with the exception of a few miscellaneous works, which are mutilated in such a manner as to be wholly unfit for use. Several very valuable books, in pamphlet form, are being destroyed for want of binding.

The attention of the Legislature is called particularly to the Law portion of the Library. Though in its present condition it is of very great use to the legal profession, yet the course of practice adopted in our Courts makes it necessary that we should have the New York Code of Practice and the Decisions of the Supreme Court since the adoption of that Code. It is also highly important to have duplicate copies of the United States Supreme Court Reports and the sets complete of the Pennsylvania, Massachusetts and

Ohio Reports, and in fact, it is desirable to have the Reports of all the States. I therefore submit to the Legislature the propriety of making an appropriation exclusively for the increase of the Law branch of the Library.

A file of each of the Newspapers published in the Territory has been preserved since the 17th of May, (the date of my appointment.) I have been unable to find complete files of the Newspapers of previous years.

No fines have been assessed or collected, and no books lost during the past eight months. Insurance has been obtained for \$5,000, on the Library—policy expiring in July, 1854.

A new Catalogue of the Books in the Library is very much needed, as the old one does not contain the additions since 1850, which amount to several hundred volumes. If the Legislature authorize the publication of a new Catalogue, I recommend that it be so arranged that it can be ascertained readily from the Catalogue where each Book in the Library may be found.

ROBERT A. SMITH,
Territorial Librarian.

CATALOGUE OF BOOKS, MAPS, &c.,
WHICH HAVE BEEN RECEIVED AT THE TERRITORIAL LIBRARY
SINCE FEBRUARY, 1853.

REPORTS:

Texas Reports, vols. 5 and 7;
Carter's Indiana Reports, vol. 2;
Tennessee Reports, (Swan's) vol. 1;
North Carolina Reports, (Equity) vol. 8;
Vermont Reports, vol. 8;
New Jersey Reports, (Chancery) vol. 2;
Michigan Reports, vol. 1;
Maryland Reports, vol. 2;
South Carolina Reports, vol. 4, (Equity.)

PUBLIC DOCUMENTS:

U. S. Statutes at Large, 1851-2; 25 copies.
U. S. Statutes at Large, 1852-3; 25 copies.
Laws of Arkansas.
Laws of Texas, 4th Legislature.
Laws of New Hampshire.
Estatutos de California.
Acts of Florida, 1852-3; 2 copies.
Journal of the Assembly of California, 3d Session; 2 copies.
Journal of the Senate of California, 3d Session; 2 copies.
Laws of Rhode Island, 1851-2; 4 copies.
Acts of Iowa, 5th General Assembly, 2 copies.

Reports of Committees, House, 1851-52, 3 copies.
 Executive Doc., 1st Session, 32 Congress, 56 copies.
 Annals Minnesota Historical Society, for 1853, 75 copies.
 History of Indian Tribes, (Schoolcraft,) 2 copies.

MISCELLANEOUS.

Santa Fe, New Mexico and the Navajo Country.
 Minnesota and its Resources.
 War of the American Revolution, 1 vol.
 Life and Works of John Adams, vol. 7.

EXPENDITURES ON AC'T OF TERRITORIAL LIBRARY, SINCE MAY 17TH, 1853.

J. E. Whitney, rent of Library room, up to Jan 1st, 1854,	\$200 00
Geo. W. Farrington, 1 box candles,	20 75
W. G. Le Duc, stationery,	7 55
N. W. Express, freight and charges on books,	5 50
Wm. S. Combs, stationery,	1 60
Dan. Green, hauling books to the Capitol,	12 00
L. R. Comstock, stove and fixtures for Library,	104 00
Elfelt & Bro., carpeting for Library	68 70
Heenan, 17 2-3 yards oil-cloth, at \$1,50 per yard,	26 50
Jackson, for making and putting down carpet,	10 00
W. P. Murry, insurance on Library,	75 00
Total,	<u>\$531 60</u>

ESTIMATED EXPENDITURES OF THE TERRITORIAL LIBRARY FOR 1854.

For stationery, freights, &c., on books,	\$20 00
Cleaning Library room during the session of the Legislature and Supreme Court,	24 00
16 cords of wood, and sawing the same,	72 00
Total,	<u>\$116 00</u>

R E P O R T .

The undersigned, a special Committee appointed by the House of Representatives, to which was referred the petition of G. W. Campbell, of Point Douglass precinct, in Washington county, contesting the right of Robert Watson to a seat in said House, respectfully submit the following report :

Immediately after our appointment, your Committee met in the committee-room of the House, and G. W. Campbell and R. Watson, the parties contesting and defending, appeared before them ; when, finding that the case involved the examination of numerous witnesses at distant points, a labor which would render attention at the same time to our duties as members of the House impossible, your committee availed themselves of the discretionary power conferred upon them by the resolution of the House, and designated Dr. Thomas Foster, of Hastings, Dakota county, and A. L. Williams, Esq., of St. Paul, Commissioners, with full powers to take testimony, and investigate the whole case.

These commissioners, after a laborious investigation of some twelve or thirteen days, and the examination of a great many witnesses, have made to us their report, which is herewith submitted below, for the inspection and action of the House, to whose judgment we deemed it best at once to refer the whole matter, as the course likely to cause least delay, and give more general satisfaction, than if the committee attempted to hear the counsel of the parties respectively themselves ; and make up a judgment in the case, when, of course, precisely the same ground would have to be traveled over again before the House, ere it could vote understandingly upon the merits of the case.

Your committee also, in connection with the report of the principal commissioners aforesaid, submit the report of P. P. Furber, Esq., of Cottage Grove, Washington Co., who, at the request of the contestant, was designated by us a special commissioner to take the testimony of two or three witnesses whom the contestant desired examined at Shakopee, Scott county.

To complete the records and history of the case, the petition of George W. Campbell, upon which the contest and investigation was based, is herewith immediately attached, first in order after this report.

All of which is respectfully submitted.

JOS. ROLETTE,
WM. A. DAVIS,
CEPHAS GARDNER,
Select Committee.

St. Paul, Jan. 31, 1854.

To the Hon. House of Representatives of the Territory of Minnesota, in General Assembly met :

The undersigned, a citizen of the county of Washington, in said Territory, respectfully represents to your honorable body, that he claims to have been lawfully elected by the legal voters of the legislative district, composed of the precincts of Cottage Grove and Point Douglass, in said county of Washington, to be a member of your honorable body, he having received, at the late election, held on the 11th day of October last past, for the purpose of electing representatives to the legislature of said territory, and for other purposes, of the votes cast by the legal and qualified electors, the number of forty-three (43) votes at the precinct of Point Douglass, and the number of fifteen (15) of the votes cast by the legal voters of the precinct of Cottage Grove—making the number fifty-eight votes, which this memorialist verily believes to have been a majority of all the votes lawfully cast in the said district, for the election of a representative therefrom.

Your memorialist further states that a certificate of a majority of votes has been obtained by one Robert Watson, who now holds a seat in said legislature, which certificate sets forth, as this memorialist believes, that the said Watson received, at the election aforesaid, the number of eight (8) votes in the precinct of Point Douglass, and the number of sixty-three (63) votes in the precinct of Cottage Grove making a whole of seventy-one (71) votes.

Your memorialist challenges and contests the validity of said certificate of election so given to the said Robert Watson, and his right to occupy a seat in your honorable body, upon the following several grounds :

1st.

The said Robert Watson is not as this memorialist believes, a citizen of the United States, and is therefore ineligible to the office.

2nd.

There were ten votes polled in the precinct of Cottage Grove, all of which this petitioner believes to have been cast for the said Watson, by persons who were not citizens of said district, and who were not otherwise legal voters.

3rd.

There were also two votes cast for the said Watson, by persons who were minors, and not of the legal ages of voters.

4th.

That there were one or more votes cast for the said Watson, by a person or persons

who did not reside in the territory for six months prior and before the day of holding said election.

5th.

That there was one person voted in same precinct, for the said Watson, who is a citizen of Point Douglass, who has been convicted of felony, and who is therefore not qualified to vote.

6th.

There were also nine votes cast for the said Watson, in same precinct by aliens to the laws of the United States and of this territory--all of which ballots were therefore illegal.

Your memorialist and contestant therefore states that, of the seventy-one votes so certified to have been cast for the said Robert Watson, twenty-three are believed to have been illegally received, which would leave the number of legal votes given for him at forty-eight—and which make a majority of ten qualified votes in favor of this memorialist, and therefore entitle him to admission as a member of the House of Representatives of this Territory.

Your memorialist therefore asks your honorable body to take such measures as your wisdom may deem proper, as will enable him to assume those rights and duties, of which he should legally be possessed.

Aud he will ever pray.

Respectfully Submitted,

G. W. CAMPBELL.

Territory of Minnesota, }
County of Ramsey, } S. S.

Personally appeared before me the above named G. W. Campbell, who being sworn according to law, doth depose and say that the facts set forth in the above memorial are true to the best of his knowledge and belief.

Sworn and subscribed,

This twelfth day of January, A. D., 1854.

W. P. MURRAY,
Notary Public.

ST. PAUL, Jan. 19, 1854.

The Special committee of the House of Representatives of the Legislative Assembly of Minnesota, charged with the petition of G. W. Campbell, contesting the seat of Robert Watson as a member of the House from the Cottage Grove and Point Douglass precincts, have this day communicated to the undersigned the following paper, to wit:

The undersigned committee to whom was referred the petition of G. W. Campbell, contesting the seat of Robert Watson as a member of the House of Representatives from the Cottage Grove and Point Douglass precincts, by virtue of the annexed resolution adopted Jan. 16, 1854.

Mr. McKusick offered the following resolution:

Resolved, That the select Committee to which was referred the memorial of George W. Campbell, claiming a seat in this House, be authorized and empowered to send for

persons and papers, and to administer oaths, and if in the opinion of said committee, the rights of the parties can best be established by such a course, the committee is hereby authorized to appoint three persons to take the testimony in the case, with full powers to examine witnesses, and to report the testimony so obtained to this House.

On motion of Mr. Plummer,

The resolution was adopted.

We do hereby appoint Doct. T. Foster and A. L. Williams said commissioners.

JOS. ROLETTE,
WM. A. DAVIS,
CEPHAS GARDNER.

ST. PAUL, 19th, January, 1854.

Having accepted of said appointment, the commissioners were notified by G. W. Campbell that he was ready to produce witnesses in the case, within the bounds of the precincts of Cottage Grove and Point Douglass, and requested us to proceed thither, with which request we forthwith complied.

RED ROCK, Jan. 19, 1854.

The contestant having requested us to examine some witnesses at this point the commissioners met at the house of John A. Ford, but the witnesses not appearing, at the request of the contestant the commissioners adjourned to the house of P. P. Furber, Esq., at Cottage Grove. Prior to adjourning, on application of contestant, a subpoena was granted for Mrs. Watson.

COTTAGE GROVE, Jan. 19, 1854.

The commissioners having met at the house of P. P. Furber Esq., Cottage Grove, on application of the contestant subpoenas were issued for John Anderson, Wm. Watson, Alexander McHattie, Henry Greenhagen, Wm. Anderson, Wm. Jackson, Jesse Jackson, George Briden, John Robinson.

COTTAGE GROVE, Jan. 20, 1854.

The commissioners met at 9 o'clock, A. M.

At the instance of G. W. Campbell, contestant, Gen. Joseph W. Furber appeared, and was duly sworn to the following statement :

I, J. W. Furber, of the county of Washington and Territory of Minnesota, being of lawful age, do depose and say, that during the A. D. 1847, I was one of the Board of County Commissioners, in and for the County of St. Croix, and Territory of Wisconsin; that at a meeting of said Board of County Commissioners, sometime during the aforesaid A. D. 1847, the aforesaid county of St. Croix was divided into election precincts by the order of said Commissioners; that the most southern precinct was called and known

by the name of Lake St. Croix Election precinct, the northern boundary of which was as follows,—commencing at a point on the east line of the county of St. Croix, due east from the mouth of the creek known as Haskel's or Spring Creek, thence running due west to the mouth of said Spring Creek, thence following up said creek to a spring, the source of the south branch of Spring Creek, thence running due west to a point from which a due south line will intersect the mouth of Holton's Slough, at Red Rock ; and I further say, that to the best of my knowledge the aforesaid boundary has not been altered, by order of any board of County Commissioners, up to the time of the passage of the Apportionment Bill, of 1851; and I further say, that at the time the order was made for the establishment and boundary of the Lake St. Croix election precinct, I was residing and have ever since resided, within the limits of said election precinct, and that I was perfectly familiar with all the land marks mentioned in the boundary of said precinct.

Sworn and subscribed, January 20, 1854.

JOSEPH W. FURBER.

[Questions to J. W. Furber by contestant.]

Ques—Did you vote at the last election for representative in the Cottage Grove precinct, and whom did you vote for?

Ans—I did vote at the last election for Representative I voted for G. W. Campbell.

At the instance of the contestant, P. P. Furber, Esq., appeared, and was duly sworn to the following statement:

January 21st, 1854.

I, Pierce P. Furber, testify and say that I took the affidavits of Joseph Gredridge, Daniel D. Wadsworth, Ebenezer More, J. H. Henneberg, J. Bruce and Ulysses Tanner on the twenty-sixth and twenty-seventh days of December last, in relation to the election of Representative to the Territorial Legislature of Minnesota in October, 1853, and that the aforesaid deponents and those named by them in said affidavits as having voted at said election, reside north of a line drawn due west from the source of Spring Creek, the northern boundary of Cottage Grove precinct.

P. P. FURBER.

The contestant then offered in evidence the following papers, to wit :

WASHINGTON COUNTY, Dec. 27, 1853.

I, Henry Henneberg of Township twenty-eight north, range twenty-one west, and living on Section seven in said Township, testify and say that I voted for Robert Watson for representative of the Territorial Legislature of Minnesota, at the election held at Cottage Grove in October last, and I further say that Frederick Frieghbaught and Simon Strangden, living on the north part of section seventeen in said township, voted at the same election for said Robert Watson. I gave them the ballots and saw them vote the same ballots which I gave them, said Freighbaught and Strangden can neither speak English, nor read. I further say that the ballot heteunto annexed is the same as the

one I voted and the same as the ballots which I gave said Frieghbaught and Strangden and which I saw them put into the ballot-box.

J. H. HENNEBERG.

DEMOCRATIC TICKET.

For Delegate to Congress,
HENRY M. RICE.

For Councillors First District,
ALBERT STIMSON.
JOHN E. MOWER.

For Councillor, 4th District,
WILLIAM FREEBORN.

For Representative.
ROBERT WATSON.

For Justice of the Peace.

For Constables.

For Washington County,
For County Commissioner,
JAMES SHEARER

For Sheriff,
ASA B. GREEN.

For Register of Deeds,
HARLEY CURTISS.

For County Treasurer,
WILLIAM WILLIM,

For District Attorney,
GOLD T. CURTISS.

For Surveyor,
MAHLON BLACK.

For Assessors,
A. D. GREELY,
W. C. JOHNSON,
JACOB MOSHER.

For Supervisors of Roads,

GEORGE KERN,

BENJ. T. OTIS,

SAMUEL MIDDLETON.

Territory of Minnesota, }
Washington County, } S.S.

On the day and year above written, the above named J. H. Henneberg, personally appeared before me and made oath that the foregoing affidavit by him signed, was true.

P. P. FURBER,

Notary Public.

WASHINGTON COUNTY, Dec. 3, 1853.

I, Ulysses Tanner, of Township twenty-eight, north of range twenty-one west and section six, say that I attended the election at Cottage Grove precinct, in said county, in October last, and that I voted for Robert Watson, for Representative for the Territorial Legislature at that election. My father, John Tanner, who is now in New York, voted at the same time, and as he told me, for said Watson.

ULYSSES TANNER.

Territory of Minnesota, }
Washington County, } S.S.

On the day and year above written, the above named Ulysses Tanner, personally appeared before me and made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,

Notary Public.

WASHINGTON COUNTY, Dec. 26, 1853.

I, Daniel D. Wadsworth testify and say, that I came into the Territory of Minnesota,

May twenty-fifth (25) A. D. 1853—that I voted at the election at Cottage Grove, in Cottage Grove precinct in said county in October last, and that I voted for Robert Watson for Representative to the Legislature of Minnesota.

DANIEL D. WADSWORTH.

Territory of Minnesota, }
Washington County. } S S.

On the day and year above written, personally appeared before me the above named Daniel D. Wadsworth, and made oath that the affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 26, 1853.

I, Joseph Gridridge testify, and say, that I voted at the election at Cottage Grove in October last, and that Alexander McHattie gave me the vote I put into the box at that election—I cannot read and don't know the names of the persons I voted for. I further say that Joseph Gobar, voted at the same time, and that Joseph Gobar was at that time living with me in my house.—I further say that Alexander McHattie, gave Joseph Gobar the vote which he put into the ballot box.

his
JOSEPH X GRIDRIDGE.
mark.

Attest, P. P. FURBER.

Territory of Minnesota, }
Washington County. } S S.

On the day and year above written, personally came before me the above named Joseph Gridridge and made oath that the above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 26, 1853.

I, Ebenezer Moore, testify and say that I voted at the election at Cottage Grove precinct in said county, in October last, and that I voted for Robert Watson for Representative to the Territorial Legislature at said election.

his
EBENEZER ✕ MOORE.
mark.

Attest, P. P. FURBER.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written personally appeared the above named Ebenezer Moore, and made oath that above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

WASHINGTON COUNTY, Dec. 27, 1853.

I, J. Bruce, of town twenty-eight north, range twenty-one west, and section five, in said township, testify and say, that I voted at the election at Cottage Grove precinct, in said county, in October last, and that I voted for Robert Watson, for Representative to the Territorial Legislature, at said election.

J. BRUCE.

Territory of Minnesota, }
Washington County, } S S.

On the day and year above written, the above named J. Bruce personally appeared before me and made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,
Notary Public.

Register of Deeds Office,
Washington County, Minnesota Territory,

I, John S. Proctor, Register of the county aforesaid, do certify, that at a general election held in Minnesota Territory on the 11th day of October, A. D. 1853, the following vote for member of the House of Representatives in the next Legislative Assembly, in the district composed of Cottage Grove and Point Douglass precincts in the county of Washington, was polled, as appears from the returns made from said precincts and the official canvass of same made on the 31st day of October, A. D. 1853.

Robert Watson received in Pt. Douglas precinct	eight votes,	-	8
" " " Cottage Grove	sixty-three votes,	-	63
Total votes,			71

George W. Campbell received in Pt. Douglas precinct	forty-three votes,		43
" " " Cottage Grove	fifteen		15
Total votes,			58

RECAPITULATION.

Robert Watson received 71 votes.
Geo. W. Campbell " 58 "

Watson's majority 13

Witness my hand and the seal of said county this second day of January, A. D. 1854.

JOHN S. PROCTOR,
Register, &c.

- 1 A. L. Holman
- 2 John Anderson
- 3 B. F. Gates
- 4 J. Bruce
- 5 C. H. Akinson
- 6 J. Benson
- 7 Henry Henneberg
- 8 Moses Cross
- 9 L. C. Everett
- 10 S. Greenleaf
- 11 John Foss

- 12 R. F. Randolph
- 13 E. B. Scofield
- 14 Chas. P. Andros
- 15 Wm. Watson
- 16 Wm. R. Brown
- 17 Alex. McHattie
- 18 Ebenezer Moore
- 19 Joseph Gredrige
- 20 Joseph Gobar
- 21 Chas. W. Pierce
- 22 John Tannev

- | | |
|----------------------|---------------------------|
| 23 Jas. Parker | 53 Jesse Jackson |
| 24 Henry Gruenbager | 54 Geo. Vanslyke |
| 25 T. J. B. Heath | 55 John Colby |
| 26 Ulysses Ranner | 56 Daniel D. Wadsworth |
| 27 James Foss | 57 Jas. S. Norris |
| 28 Wm. Anderson | 58 Lewis Hill |
| 29 John McHattie | 59 W. H. Parker |
| 30 Jas. S. Davis | 60 Wm. R. Monger |
| 31 Wm. H. Dressor | 61 F. S. Odell |
| 32 Joseph W. Furber | 62 Lucius Beldin |
| 33 Joseph Bear | 63 Samuel Middleton |
| 34 P. P. Furber | 64 John A. Ford |
| 35 Asahel Stevens | 65 Robert Wilkins |
| 36 Henry House | 66 Wm. H. Johnson |
| 37 Frederic Leyda | 67 James Newton |
| 38 Samuel Leyda | 68 Geo. Briden |
| 39 Jas. R. Lyford | 69 John Bailly |
| 40 Waterman Buck | 70 John Robinson |
| 41 Jacob Mosher | 71 Luther Parmenter |
| 42 E. M. Cox | 72 Robert Jackson |
| 43 Newington Gilbert | 73 Wm. H. Andros |
| 44 Wm. H. Guernsey | 74 Jas. Ford |
| 45 Jas. Middleton | 75 E. H. Whittaker |
| 46 Andrew Mackey | 76 David Holton |
| 47 Francis Oldham | 77 Jos. Irish |
| 48 Hiram F Dayton | 78 John Lanphear |
| 49 Wm. Jackson | 79 John Holton |
| 50 Jas. Jackson | 80 Simon Straugden |
| 51 Wm. F. Gilbert | 81 Frederic Freighbeaught |
| 52 Warren Atkinson | 82 John Atkinson |

I, John S. Proctor Clerk of the Board of Commissioners in and for the county of Washington, Minnesota Territory, do certify the within to be a correct list of the names of those persons who voted in Cottage Grove Precinct at the last general election, held on the 11th day of October, 1853, as appears from the poll books returned to this office.

JOHN S. PROCTOR, Clerk

County Commissioners Office
Washington County, January 2, 1854. }

[Questions by Mr. Campbell to P. P. Furber Esq.]

Do you know George Briden, John Robinson, John Anderson, Henry Greenhagen James Middleton and Jesse Jackson?—and do you know whether or not they are foreigners?

Ans.—I am acquainted with them all, and know from their own declarations to me that they are foreigners by birth.

2d ques.—By Mr. Campbell. Did you vote at the last election for Representative, and for whom?

Ans.—I did vote, and for G. W. Campbell.

Ques. By Mr. Watson. Do you mean by the words in your statement “north of a line drawn due west from the source of Spring Creek, the northern boundary of Cottage Grove precinct,” to say that the “line drawn due west” is the northern boundary, or that the “source of Spring Creek” is the northern boundary?

Ans.—By Mr. P. P. Furber. I mean that the source of Spring Creek is the northern boundary.

[Mr. Robert Watson was sworn on behalf of the contestant.]

Ques.—By Mr. Campbell. Mr. Watson, what is your age?

Ans.—I was 28 years of age on the 8th day of September last.

Ques.—Did you ever declare your intention to become a citizen of the United States?

Ans.—I did not make any declaration of intention, because on my wishing to do so before a court of record at Cleveland in Ohio, while I was yet a minor, I was informed by the clerk of the court that it was unnecessary, as by law minors of foreign birth, when they became of age, obtained their naturalization papers without making a previous declaration of intention.

Ques.—How long was your father a resident of the United States?

Ans.—About two years.

Ques.—Of what country was he a native?

Ans.—He was a native of Scotland.

Ques.—Did you vote at the last election for Representative?

Ans.—I did.

Ques.—In what precinct did you vote? and whom did you vote for?

Ans.—I voted at Point Douglas precinct, and for R. Watson.

[Wm. Watson sworn on behalf of Contestant.]

Ques.—By Mr. Campbell. Did you vote at the last election in this district for Representative ?

Ans.—I voted at the last election for Representative in this district—in Cottage Grove precinct, and for Robert Watson, for Representative.

Ques.—What is your age ?

Ans.—I was 26 years of age on the twenty-fifth day of last March.

Ques.—Of what country are you a native ?

Ans.—I was born in Scotland.

Ques.—Have you ever declared your intention to become a citizen of the United States ?

Ans.—I availed myself of my privilege of a minor; and on becoming of age, obtained my papers of naturalization, without previously declaring my intention to become a citizen.

[James Lyford, sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at the Cottage Grove precinct, at the last election for Representative ? and who did you vote for ?

Ans.—I did; and voted for G. W. Campbell, for Representative.

[Robert Wilkin sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at Cottage Grove precinct last fall ? did you vote for Representative ? and for whom ?

Ans.—I did vote at Cottage Grove Precinct last fall, for Representative; and I voted for Mr. Robert Watson.

[John Lamphear sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote at Cottage Grove precinct last fall ? and

did you vote for Representative?

Ans.—I voted at Cottage Grove precinct, last fall, but did not cast any vote for Representative.

[Alexander McHattie sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Have you ever declared your intention to become a citizen of the United States?

Ans.—I have. [Hereupon Mr. McHattie produced a paper, as his declaration of which the following is a copy to wit.]

Territory of Wisconsin, }
St. Croix County. } S S.

I, Alexander McHattie, an alien by birth, and aged thirty-five years, do hereby upon my oath make known and declare that I was born in Scotland, and in the Kingdom of Great Britain, on the 23d day of May, 1813; that I emigrated from the Kingdom aforesaid, and landed at Derby, State of Vermont, in the U. S. of America, on or about the 23d of May, A. D. 1834, and that I have ever since that time, continued to reside within the said U. S., and that it is bona fide my intention to become a citizen of the U. S. of America, and to sever forever all allegiance and fidelity which I in any way owe to any prince, potentate, State or sovereignty whatever, and more particularly all allegiance to Queen Victoria, of whom I have heretofore been a subject, and further that I do not possess any hereditary title, or belong to any of the nobility in the Kingdom from which I came, so help me God.

ALEXANDER MCHATTIE.

Sworn and subscribed before me, at St Paul, this 29th day of July, 1848,
AARON FOSTER,
Justice of the Peace.

United States Dist. Court, }
St. Croix County, Wis. Ter. } S S.

I, Joseph R. Brown, Clerk of the said Court, do hereby certify that the foregoing is a true transcript of the declaration of Alexander McHattie to become a citizen of the United States of America, as this day filed and now remains on record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the United

States Dist. Court, for St. Croix County, W. T., at Stillwater, Wis.
 [L. s.] 10th day of August, A. D. 1848.

JOSEPH R. BROWN,
 Clk D. C. St. C. W. T.

Ques.—Have you ever taken an oath to support the organic act of Minnesota?

Ans.—The paper or declaration I have just submitted, shows all I have ever done in the matter.

Did you ever give Gridridge and Gobar, (as stated in the Affidavit of Joseph Gridridge,) tickets for Representative, at the election at Cottage Grove precinct last fall?

Ans.—I don't recollect; I gave out a number of tickets that day; I might have given them tickets, and I might not.

Ques.—Did you vote at the last election, and whom did you vote for?

Ans.—I voted for Robert Watson as Representative.

[John Anderson sworn, on behalf of the Contestant.]

Questions by Mr. Campbell.—Have you ever declared your intention to become a citizen of the United States.

Ans.—I have.

[Hereupon Mr. Anderson submitted as a further answer, a paper, being a declaration of intention in the usual form, under seal of the U. S. District Court for the County of St. Croix, Wisconsin Territory, dated December 23, 1848, and certified to by Joseph R. Brown, Clerk of the Court.]

Ques.—Have you ever taken the oath to support the organic act of Minnesota?

Ans.—I have taken no other oath than that taken in my declaration of intention, before submitted.

Ques.—Did you vote for Representative last October, in Cottage Grove precinct, and for whom?

Ans.—I did vote, and for Robert Watson.

[George Briden sworn, on behalf of Contestant.]

Question by Mr. Campbell.—Have you ever declared your intention to become a citi-

zen of the United States ?

Ans.—I have.

Ques.—Have you the paper with you ?

Ans.—I have not; I made my declaration of intention before the Court at Janesville, in Wisconsin, on the 4th of May, 1848; but I afterwards lost it.

Ques.—Have you ever taken an oath to support the organic act of Minnesota ?

Ans.—I have never taken any oath about it, other than at the time of my declaration of intention.

Ques.—Did you vote at the last election for Representative, in this district and for whom did you vote ?

Ans.—I voted for Robert Watson for Representative.

COTTAGE GROVE, JAN. 10, 1854.

The Commissioners met at 10 o'clock A. M.

[A. L. Holman sworn, on behalf of the Contestant.]

Question by Mr. Campbell.—If you voted for Representative in Cottage Grove precinct, at the last election, state for whom you voted.

Ans.—I voted for G. W. Campbell.

[Asael Stevens sworn, in behalf of Mr. Watson.]

Question by Mr. Watson.—Have you made a declaration of intention to become a citizen of the United States ?

Ans.—I have; and submit the following paper, as my further answer.

[Hereupon the witness submitted a declaration of intention in the usual form, made before, and certified to by Joseph Bowron, Clerk of Circuit Court, St. Croix Co., Wis., under seal of the Court, and dated Sept. 16, 1851.]

Ques.—Have you ever taken an oath to support the organic act of Minnesota ?

Ans.—No oath, other than in my declaration.

Ques.—Did you vote at the election for Representative last fall, in Cottage Grove precinct; and for whom ?

Ans.—I did vote, and for G. W. Campbell.

Question by Mr. Campbell.—Were not your parents natives of the United States?

Ans.—They were; born in Connecticut; they emigrated to Canada in 1800 where I was born.

Question by Mr. Watson.—What did your parents go to Canada for?

Ans.—They went to make a home—a residence. My father became a citizen of Canada, and took the oath of allegiance to the government there.

[James S. Davis sworn on behalf of Contestant.]

Question by Mr. Campbell.—Did you vote for Representative in Cottage Grove precinct, at the last election, and if so, state for whom you voted?

Ans.—I did; for G. W. Campbell.

[EDWARD M. COX SWORN, for Watson.]

Question by Mr. Watson.—Do you live in the vicinity of the spring known as the source of Spring Creek?

Ans.—I do.

Ques.—Do you live so near as to get water from it for domestic purposes?

Ans.—I have hauled water from it for that purpose—did so entirely before this winter.

Ques.—Do any persons live nearer the spring than you do?

Ans.—Mr. Gridridge and Mr. Moore live nearer to it than I do.

Ques.—In what direction is the spring from the residence of Gridridge?

Ans.—It is north of his residence.

Ques.—Is the spring north of Gridridge's generally considered by the people of your neighborhood as the source of Spring Creek?

Ans.—It has always been so considered in the neighborhood ever since I have lived there.

Questions by Mr. Campbell.—How long, Mr. Cox, have you resided in that neighborhood?

Ans.—It will be three years next May.

Ques.—Is there any other spring which any body considers the head of this Spring Creek?

Ans.—There is not, that I know of.

Ques.—Is there any other spring in that neighborhood which flows into Spring Creek?

Ans.—there is a spring more to the South, about half a mile distant from the one I have already named as the source, the waters of which also flow into Spring Creek. Where the runs from these springs unite, they are about equal in size, but at the sources of each, the one I first named, is almost three times the largest.

Ques.—Which do you consider the longest stream?

Ans.—I consider the last named, or the South Spring, the longest.

[James S. Davis re-examined on behalf of Watson.]

Questions by Mr. Watson.—How long have you lived in this vicinity?

Ans.—I came here in 1838.

Ques.—Which of the two springs, the north or the south spring before spoken of do you consider the source of Spring Creek, if either?

Ans.—I consider the north spring as the source.

Ques.—Were you not a judge of the election last year in Cottage Grove precinct?

Ans.—I was.

Ques.—Did you not consider and recognize Mr. Gridridge as a voter in this precinct, from his residing south of the north spring?

Ans.—I did.

Question by Mr. Campbell.—Was not Mr. Gridridge's vote objected to a year ago, and was it not sworn in?

Ans.—It was; but I think as near as I can recollect, that the ground of objection was his being an alien.

Ques.—Have you ever followed up the spring referred to as the South Spring?

Ans.—I never have.

(P. P. Furber, re-examined for Watson.)

Questions by Mr. Watson.—Were you not a Judge of the Election in Cottage Grove precinct a year ago, at the time of Mr. Gridridge's vote was challenged?

Ans.—I was.

Ques.—On what ground was the vote objected to?

Ans.—Simply on the ground of his being an alien.

Question by Mr. Campbell.—Have you ever examined the neighborhood of the two springs and their branches, which have been spoken of as the sources of Spring Creek; and if so, state what you know in regard to them?

Ans. (The Commissioners, by consent of parties, allowed Mr. Furber to write his answer, and accompany it by a diagram of the springs in question, and subsequently hand it in, to be attached to the record in this place. It is hereunto attached.)

} DIAGRAM. }

“The spring called the south, or west branch, is 44 rods from the quarter stake on the south line of section 17; the distance from the south or west spring to the junction of the creek flowing from the north spring, I judge to be from a fourth to a third of a mile; I did not measure the distance. From the north spring to its junction with the south spring, I judge to be from twenty to twenty-five rods; I did not measure the distance. There is no water flowing into either of the creeks between their sources and their junction. I think that the amount of water flowing from each spring is nearly equal; the creek from the south spring is quite as large as the one from the north spring.

It was surveyed and examined by me at the request of G. W. Campbell.”

P. P. FURBER.

(Wm. H. Gurnsey, sworn on behalf of Watson.)

Questions by Mr. Watson.—Which of the two springs, the north or south spring, do you consider the source of Spring Creek?

Ans.—I consider the north spring as the source.

Ques.—How near do you reside to the north spring?

Ans.—About two miles.

[The Commissioners here adjourned to meet again the same day at 4 o'clock, P. M., at the house of H. D. White, in the village of Point Douglas.

POINT DOUGLAS, Jan. 21, 1854.

The Commissioners having met at the time and place appointed, and the witnesses not being ready, adjourned over until 10 o'clock on Monday morning, at the same place.

POINT DOUGLAS, Jan. 23, 1854.

The Commissioners met at the hour of appointment, and proceeded with the examination of witnesses:

(James Shearer sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you a native of Canada, or either of the North American British Possessions?

Ans.—I am not. I am a native of the State of Massachusetts.

(Caleb Truax, Sr., sworn on behalf of Watson.)

Questions by Mr. Watson.—Are you a native born citizen of the United States?

Ans.—I am. I was born in Schenectady, New York. I have lived in Canada.

Ques.—Have you ever exercised the privileges of a citizen in Canada?

Ans.—I have, while there. I resided in Canada about seven years, excepting two winters that I resided in Ogdensburgh, New York. Three of my children were born in Canada. Caleb, my son, was born in Canada. I voted for Representative in the Point Douglas Precinct at the last election, for G. W. Campbell. I have not taken out any naturalization papers since my return from Canada.

Question by Mr. Campbell.—Have you ever taken any oath renouncing your allegiance to the United States?

Ans.—I have not; I considered while I was in Canada, I had the rights of a citizen there, and no longer.

(Jeremiah Van Duser sworn, on behalf of Watson.)

Questions by Watson.—Are you a natural born citizen of the United States?

Ans.—Yes; I was born in Dutchess county, N. Y.—Dover Plains.

Ques.—Have you ever lived in Canada?

Ans.—I have; but never there renounced by oath my allegiance to the United States. I voted while I was in Canada, and sold my property which I had there as soon as possible. I became of age while I was in Canada; I lived in Canada some thirty or forty years.

I voted for Representrtive in Point Douglas Precinct at the last election, for G. W. Campbell. I have not taken out naturalization papers since I returned from Canada, as I did not deem it necessary.

(Thomas Wright sworn, on behalf of Watson.)

Questions by Mr. Watson.—Are you a foreigner by birth?

Ans.—I am.

Ques.—Have you made a declaration of intention to become a citizen of the United States?

Ans.—I have, at Stillwater, in this Territory, on the 18th day of April, 1850; I have my paper of declaration at home; I voted at the last election for G. W. Campbell, for Representative.

(Joseph Brunwell sworn, on behalf of Watson.)

Questions by Mr. Watson.—Where were you born?

Ans.—I was born in the United States; at Saut Ste. Marie, on the American side; so my father told me.

Ques.—Did you ever declare your intention to become a citizen of the United States?

Ans.—I never did.

Ques.—Did you vote in Point Douglas Precinct, at the last election, and for whom, as Representative?

Ans.—I voted there, and for G. W. Campbell.

(Antoine McCoy sworn, on behalf of Watson.)

Questions by Mr. Watson.—Of what country was your father a native?

Ans.—I don't know; can't tell.

Ques.—Do you know whether your father had any papers from the Court, giving him a right to vote?

Ans.—Yes; he had.

Ques.—Did you ever make a declaration of intention to become a citizen?

Ans.—[The witness here submitted, as his answer, a declaration of intention, made in due form, before the U. S. District Court, at St. Paul, August 29, 1850, before J. K. Humphrey, Clerk, sealed with the seal of said Court.]

Ques.—What is your age?

Ans.—I am about 25 years of age.

(Joseph McCoy sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you a foreigner by birth?

Ans.—I was born at St. Peters, in this Territory.

Ques.—What is your age?

Ans.—I am about 24 years of age.

(Francis McCoy sworn, on behalf of Watson.)

Question by Mr. Watson.—Where were you born?

Ans.—I was born at Salt Lake, near the Red River of the North, within the American Territory.

(Martin Leavitt sworn, on behalf of Watson.)

Question by Mr. Watson.—Were you Supervisor of Roads, for this Road District for the past season?

Ans.—I was.

Ques.—Did you call on a person by the name of David Moss, to work on the roads?

[Question objected to, and objection sustained by the Commissioners.]

(David Moss sworn, on behalf of Watson.)

Question by Mr. Watson.—Did you leave this Territory at any time six months prior to the last election?

A 11

Ans.—I left this Territory, in June last.

Ques.—Did you, when you left, still consider this your residence, and did you intend to return and make your home in this Territory?

Ans.—Yes; I so considered it, and such was my intention when I left.

Ques.—Were you a citizen of the United States, when you left the Territory in June last?

Ans.—I was not, at that time.

Question by Mr. Campbell.—How long have you been a resident of this Territory?

Ans.—It is now over two years.

Ques.—Have you declared your intention to become a citizen?

Ans.—I have. I did so before the election—at Stillwater, in this Territory.

Ques.—Did you vote at the last election in Point Douglas Precinct; and for whom did you vote for Representative?

Ans.—I voted in that Precinct, and for G. W. Campbell.

(David Hone sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Were you a Judge of the Election in Point Douglas Precinct at the last election; and did you vote at that election for Representative?

Ans.—I was Judge at that election and voted for Representative.

Ques.—For whom did you vote for Representative?

Ans.—I think I voted for Mr. Watson; and it was in this way,—It was a printed ticket, which did not have Mr. Campbell's name on it, but had Mr. Watson's. I intended to vote for Mr. Campbell, and intended to strike out the name of R. Watson, and insert that of G. W. Campbell. Instead of which, when I came to count the votes, I saw from the ballot, I had put in, which I knew by my own hand writing, that I had, by mistake, struck out Mr. Moore's name, who was running for Council, in place of Mr. Watson; and voted therefor, for Mr. Campbell for Council, instead of Representative, and I have no recollection of filling up, or voting any other ticket but that one.

Question by Mr. Watson.—How long, after you voted, did you discover you had voted as you did?

Ans.—It was my opinion, when I canvassed the votes, though there was nothing said about it.

Ques.—When did you first mention it to any one else, that you thought you had so voted?

Ans.—About three weeks ago.

Ques.—Have you got the ticket which you think you voted?

Ans.—I have.
Ques.—How did you obtain possession of it?

Ans.—I have the box, containing the tickets cast at that election, in my possession, and the key to it. The box, and the key to it, was handed to me by the board of election, to keep in my custody.

Ques.—Have you taken the ticket you think was yours, as you have stated, from the box in which it was placed by the officers of the election?

Ans.—Yes; I took it out.

Ques.—Was any other person present at the time?

Ans.—There was not.

Question by Mr. Campbell.—Have the tickets cast at that election remained in the box, constantly under lock and key, ever since the box was placed in your custody, (excepting your own ticket, as you before stated?)

Ans.—They have, except about three weeks ago, when it was opened by myself and Mr. Shearer, another of the judges, to take a copy of the poll list, for the use of the County Commissioners—at which time, the tickets were not altered, or changed in any manner whatever.

[Henry Hetherington was here sworn, on behalf of Contestant—that he had duly served a subpoena on Ephriam H. Whittaker. Mr. Whittaker not appearing, Mr. Campbell asked that an attachment might issue, to bring Whittaker forthwith before the Commissioners. The Commissioners decided to grant Mr. Whittaker further time, in which to appear, before issuing an attachment. After a short interval the witness appeared.]

(Ephriam H. Whittaker sworn, on behalf of contestant.)

Question by Mr. Campbell.—In what precinct do you reside?

Ans.—I live in Point Douglas Precinct.

Ques.—Where did you vote at the last election; and for whom did you vote for Representative?

Ans.—I voted at Cottage Grove Precinct, and for R. Watson for Representative.

Ques.—Do you know any reason why you are not a legal voter?

[Question objected to by Mr. Watson, and objection sustained by Commissioners.]

Ques.—Have you ever been convicted of any crime which disqualifies you from being a voter?

Ans.—I decline answering that question.

[The Commissioners here adjourned, to meet at 2 o'clock, P. M., the same day, at the house of P. P. Furber, Esq., Cottage Grove.]

COTTAGE GROVE, Jan. 21, 1854.

The Commissioners met at this point, as per adjournment:

(William H. Parker sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at Cottage Grove Precinct at the last election; and for whom did you vote for Representative?

Ans.—I voted at the last election in this Precinct; but to the best of my knowledge I did not vote for any person for Representative.

(Mr. Andrews sworn, on behalf of Contestant.)

Question by Mr. Campbell.—If you voted at the last election in Cottage Grove Precinct for Representative, state for whom you voted.

Ans. I voted for G. W. Campbell.

(Moses Cross sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote in this Precinct at the last election; and if so, state for whom you voted for Representative?

Ans.—I voted in Cottage Grove Precinct at the last election; but did not vote for any person for Representative.

(Luther Parmenter sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in this Precinct, and for whom for Representative?

Ans.—I did vote at the last election in this Precinct, and for G. W. Campbell.

(Henry Hetherington sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Have you ever examined the two spring branches of Spring Creek, known as the north and south spring branches; and if so, which has the most water at the junction; and which is the longest branch?

Ans.—I have examined them; and to the best of my knowledge south spring branch is the largest at their junction, and is undoubtedly the longest.

Questions by Mr. Watson.—When did you make this examination?

Ans.—In the latter part of December I went to look at them at the request of Mr Campbell.

Ques.—Which branch contains the most water at their head springs?

Ans.—The south spring branch, to the best of my knowledge.

Question by Mr. Campbell.—How much longer do you consider the south spring branch, than the north spring branch?

Ans.—I think it is about as long again as the other.

[The Commissioners then adjourned to meet at the house of John A. Ford, Red Rock, to-morrow, Jan. 24, 1854, at ten o'clock.]

Red Rock, Cottage Grove Precinct, }
January 24, 1854. }

The Commissioners met at this point, pursuant to adjournment.

(James A. Ford sworn, on behalf of Contestant.)

Questions by Mr. Campbell.—How long have you been a resident of Cottage Grove Precinct?

Ans.—Some eight or ten years.

Ques.—Were you not formerly a member of the Legislature from this district?

Ans.—I was a member of the second Legislature of this Territory.

Ques.—What have you always understood the north boundary of Cottage Grove Precinct to be? -

Ans.—I have always understood the north boundary to commence at the head of the south branch of Spring Creek, and run west from thence to strike the Mississippi at Holton's lough, near Red Rock.

Ques.—Did you vote for Representative at the last election, and if so, for whom did you vote?

Ans.—I did vote, and for R. Watson,

Ques.—Do you consider John Colby a resident of Cottage Grove Precinct?

Ans.—I cannot say positively; it was always a matter of doubt—he living so very near the line.

Question by Mr. Watson.—What do you mean by the term "south branch," in your answer?

Ans.—I mean the main branch running by the "McKnight House."

(Wm. R. Brown sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and for whom did you vote?

Ans.—I did, and for G. W. Campbell.

(Joseph Irish sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and if so, state for whom you voted for Representative?

Ans.—I did, and for G. W. Campbell.

(John Holton sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct, and for whom did you vote as Representative?

Ans.—I did, and voted for G. W. Campbell.

By consent of parties, the testimony of L. C. Everett, of Cottage Grove Precinct, was permitted to be taken *ex parte*, by common affidavit, and to be appended to the record in its place. It is here appended, as follows:

JANUARY 24, 1854.

I, L. C. Everett, of lawful age, testify and say that I voted in the Cottage Grove Precinct in October last, and that I voted for G. W. Campbell for Representative to the Territorial Legislature of Minnesota.

L. C. EVERETT.

TERRITORY OF MINNESOTA, }
Washington County, } S. S.

JANUARY 24, 1854.

Personally appeared before me, the above named L. C. Everett, and made oath that the above affidavit, by him signed, was true.

P. P. FURBER,
Notary Public.

The Commissioners adjourned to meet at St. Paul, at 2 o'clock, P. M., January 25, 1854, at the office of Murray & Williams.

ST. PAUL, Jan. 25, 1854.

The Commissioners met pursuant to adjournment.

(Joseph Ford sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at the last election in Cottage Grove Precinct for Representative, and for whom?

Ans.—I did vote, and for G. W. Campbell.

(Samuel Watson sworn, on behalf of Watson.)

Questions by Mr. Watson.—Are you acquainted with the stream usually called Haskell's or Spring Creek.

Ans.—I am.

Ques.—Do you live in its vicinity?

Ans.—I do.

Ques.—How long have you lived there?

Ans.—Between five and six years.

Ques.—Have you ever been at the source of Spring Creek?

Ans.—I have; and I have hauled water from thence, for several years, for domestic purposes.

Ques.—In what direction do you think the spring is, from the house occupied by Joseph Gridridge?

Ans.—It is north from that house.

Ques.—Have you ever heard any other spring spoken of, as the source of Spring Creek?

Ans.—I have never heard of any other spring as the source of Spring Creek, and I was two years in that neighborhood before I ever knew there was another spring and branch.

Question by Mr. Campbell.—How many miles do you reside from the spring you have spoken of?

Ans.—I call it a mile and a half.

Ques.—Is there another spring and branch running from it and flowing into Spring Creek in that vicinity, which is south of Gridridge's house?

Ans.—There is.

Ques.—Which of the two spring branches has the most water in it at the junction?

Ans.—I think the most water runs out of the north branch, to the best of my knowledge.

Ques.—Which is the longest stream above their junction, and what is the difference?

Ans.—I cannot tell; for the south branch from where the first spring appears, runs partly above and partly under ground, and shows itself in occasional pools. I don't know the distance, for I never measured it.

Ques.—Do you mean to say, that the south branch is not a running stream from its head to its junction?

Ans.—It is just as I have described it before.

(Alexander McHattie sworn, on behalf of Watson.)

Questions by Mr. Watson.—Are you acquainted with the stream known as Haskel's, or Spring Creek?

Ans.—I am.

Ques.—Have you ever lived in the vicinity of the creek?

Ans.—I have lived twelve years in that vicinity, and have been acquainted with the creek that length of time.

Ques.—Have you ever been at the head of the creek?

Ans.—I have been at it often, and hauled water from it.

Ques.—In what direction is the head from Gridridge's house?

Ans.—I cannot exactly say, but I think it is about north.

Ques.—What is the general opinion of the people residing in the neighborhood of the creek, as to, what constitutes its head spring?

Ans.—The spring I have mentioned is the one generally held by the neighborhood, to be the source of Spring Creek.

Questions by Mr. Campbell.—Do you know of a spring and branch, south of Gridridge's house?

Ans.—I do.

Ques.—Which of the spring branches north and south, has the most water at their junction?

Ans.—I cannot tell.

Ques.—Do you know the length of these spring branches?

Ans.—I do not know the exact length, never having measured them.

Ques.—Did you convey Joseph Gridridge and Joseph Gobar to the polls at Cottage Grove, in your team, on the day of election?

Ans.—They did ride with me in my wagon to the polls.

Ques.—Did you offer them, or either of them, any pay or money to induce them, or either of them, to go with you to the polls?

Ans.—I told Mr. Gridridge, through an interpreter, (they being Germans,) that I would pay him a dollar for his day if he would go.

Ques.—Did you offer either Gridridge or Gobar any pay or money to induce them or either of them to vote for any person?

Ans.—No, I did not.

Ques.—Did you give them any tickets to vote?

Ans.—I don't recollect.

(John McHattie sworn, on behalf of Watson.)

Question by Mr. Watson.—Are you acquainted with the spring known as Haskel's, or Spring Creek?

Ans.—I am acquainted with it from residing in its vicinity for about eleven years.

Ques.—Have you ever been at the source or head of the creek?

Ans.—I have been at the spring we call the head of the creek.

Ques.—In what direction is the spring, you consider the head, from Gridridge's house?

Ans.—North of it.

Ques.—Have you ever heard in the neighborhood any other spring called the head of the creek?

Ans.—I have not.

Question by Mr. Campbell.—Do you know of another spring and branch south of Gridridge's house?

Ans.—I do.

Ques.—At the junction of the two spring branches, which has the most water?

Ans.—I think the north spring branch has the most water.

Ques.—Which of the two spring branches is the longest?

Ans.—To take the south branch, from the junction up to the farthest spring, I suppose it is the longest.

Question by Mr. Watson.—Have you known either of the streams larger at one time than another?

Ans.—Yes; I have known the south spring branch to have a greater quantity of water at some times than at others, especially in the spring when the snows are melting.

(Alexander McHattie re-examined, on behalf of Contestant.)

Question by Mr. Watson.—Did you pay Mr. Gridridge the dollar you promised him?

Ans.—I did.

(Jesse Jackson sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Have you declared your intention to become a citizen of the United States?

Ans.—I have; before the Clerk of the United States District Court at Stillwater, in 1856.

Ques.—Have you any other paper except the declaration of intention you speak of?

Ans.—I have no other.

Ques.—Of what country is your son William a native; and what is his age?

Ans.—He is a native of England, and is in his 22d year.

Ques.—Did your son William vote at Cottage Grove Precinct at the last election; and do you know for whom he voted, for Representative?

Ans.—He did vote at that Precinct, at the last election; and I know that he voted for Robert Watson.

Ques.—Has he ever declared his intention to become a citizen of the United States?

Ans.—He never has, because he was told he need not.

(James Middleton, Jr., sworn, on behalf of Contestant.)

Question by Mr. Campbell.—Did you vote at Cottage Grove Precinct, at the last election; and for whom did you vote, for Representative?

Ans.—I did vote, and for R. Watson for Representative.

Question by Mr. Campbell.—Of what country are you a native?

Ans.—Of Ireland.

Ques.—Have you ever declared your intention to become a citizen of the United States?

Ans.—I have not; and I did not, because I was told that as my father had declared his intention, I need not do so.

St. PAUL, January 26, 1854.

(R. Watson re-examined, on behalf of Campbell.)

Questions by Mr. Campbell.—Do you know that your brother, William Watson, took out his naturalization papers, and if so, when and where?

Ans.—I know that he did so, at Cleveland, Ohio; I think in 1848, or about two years after I took out mine.

Mr. Watson here put in his paper of naturalization, of which the following is a copy

THE STATE OF OHIO, }
Cuyahoga County. } S. S.

Be it remembered, that at a term of the Court of Common Pleas, begun and held at the City of Cleveland, within and for said County, on the 3d day of November, A. D. 1846, personally came Robert Watson, an alien and subject of the Queen of Great Britain, and made application to be naturalized under the laws of the United States, and it appearing to the satisfaction of the Court, by sufficient testimony, that the said Robert Watson had made his declaration of intention to become a citizen of the United States, according to law, at least two years before this application; that he has been a resident of the United States for at least five years last past, and of this State for at least one year last past, and also that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; thereupon the said Robert Watson made oath in open Court, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly to Victoria, Queen of Great Britain.

Therefore, the said Robert Watson is hereby declared a citizen of the United States, and entitled to enjoy all privileges and immunities as such.

In testimony whereof, I, F. Whittlesey, Clerk of said Court, do hereunto subscribe my name, and affix the seal of said Court, at the City of Cleveland, this
[SEAL] sixth day of November, A. D. 1846.

F. WHITTLESEY, Clerk.

By ASA CLARK, Deputy.

Question by Commissioner.—In what year did you and your brother William first settle in the United States?

Ans.—My parents, brothers and myself, settled in the United States in the year 1838. I was then twelve years of age.

ST. PAUL, Jan. 27, 1854.

(R. Watson re-examined, on behalf of R. Watson.)

Question by Commissioner.—What do you know in regard to the residence of Daniel D. Wadsworth?

Ans.—I was teaching school in Stillwater in December, 1852, and boarding at Mr. McKinstry's, when Wadsworth came and engaged to work by the month for McKinstry; he worked accordingly in Stillwater for some time, and then Mr. McKinstry sent him over to work on his farm on Rush River, in Wisconsin.

Question by Mr. Campbell.—Has Mr. Wadsworth a family?

Ans.—Not to my knowledge.

(G. W. Campbell sworn, on behalf of Contestant.)

Questions by Contestant's Council.—What do you know in regard to the residence of Daniel D. Wadsworth?

Ans.—He worked for me a few days at Point Douglas, in November, 1852; and said he was dissatisfied with the country, and was going to leave it.

Ques.—What do you know about his having a family?

Ans.—He said he was a single man.

Ques.—What do you know about his age?

Ans.—He told me he was about twenty years at that time.

St. PAUL, Jan. 28, 1854.

(William Altenburg sworn, on behalf of Watson.)

Questions by Mr. Watson.—Do you know Joseph Brunell?

Ans.—I do.

Ques.—Do you know where he was born?

Ans.—I do not; never heard him say,

Ques.—Did you vote for a member of the House of Representatives of the Legislature of the Territory of Minnesota, at the Point Douglas Precinct, at the last election?

Ans.—I did vote, and for G. W. Campbell.

Ques.—Are you a native of the United States?

Ans.—I am; was born on the Mohawk River, I think at the town of Chingham. I have lived in Canada, and returned again to the United States before I was of age; do not recollect how many years I was in Canada; never lived there but once.

St. PAUL, Jan. 30, 1850.

The Commissioners met at 11 o'clock, at the office of Williams & Murray, St. Paul. Mr. Brisbin, Counsel for Mr. Watson, presented as evidence, and for record, two papers, as copies of the minutes of the Board of County Commissioners of Washington, certified to by the Clerk of said County Commissioners, as follows:

At a regular meeting held this first Monday, 6th day in July, A. D. 1846, at Stillwater: Present, Joseph W. Furber, Philip Aldrich and William R. Brown, Commissioners;

On motion of J. W. Furber, it was unanimously

Resolved, That there be established in this county five election precincts, viz:

1st.—Falls of St. Croix.

2d.—Marine Mills.

3d.—Stillwater.

4th.—Lake St. Croix.

5th.—St. Paul.

And that the Falls of St. Croix Precinct include all the north part of the County as far south as head of Cedar bend, on the River St. Croix.

The Marine Mills Precinct, bounded on the north by the Falls of St. Croix precinct, on the south by a line from the mouth of Rum River on the Mississippi River running eastwardly to the mouth of Apple River, on the St. Croix River, and continuing due east to the line of this County.

The Stillwater Precinct is bounded by a line running from the mouth of Spring Creek due east to the county line, along said county line northward until it intersects the south line of Marine Mills Precinct, then westwardly along said south line until it arrives at a point due north of White Bear Lake, thence south through the centre of said lake, and thence on a straight line to a spring which is the source of the west branch of Spring Creek, thence down said west branch to the place of beginning.

Lake St. Croix Precinct is bounded by a line commencing at the mouth of the Slough, commonly called Holton's Slough, (and the same that divides the Red Stone and Pig's Eye Settlement,) and running on a direct line to the angle in the line at White Bear Lake, and running from said angle along said line to the spring—the source of Spring Creek, and following down said creek to its mouth and continuing a due east course to the county line, thence to the Mississippi River, thence up said river to the place of beginning.

Saint Paul Precinct is bounded by the west line of the Lake Precinct, the west line of the Stillwater Precinct, the west part of the south line of the Marine Precinct from Stillwater Precinct to Rum River, mouth, thence down the Mississippi River to the place of beginning.

The place for holding the elections in each of the aforesaid districts, are as follows, viz:

Falls St. Croix.—At the Store of the Mill Company.

Marine Mills.—At the Store of the Marine Mill Company.

Stillwater.—At the House of Robert Kennedy.

Lake St. Croix.—At the House of Joseph W. Furber.

St. Paul.—At the House of Henry Jackson.

The following persons were then appointed Judges of the foregoing elections, viz:

At Falls St. Croix.—Joseph Brown, Benjamin F. Otis, Sylvander Patridge.

At Marine Mills.—Orange Walker, Samuel Burkleo, Charles Caldwell.

At Stillwater.—John McKusick, C. Lyman, C. Carl.

At Lake St. Croix.—Joseph Haskel, James S. Norris, Theodore Furber.

At St. Paul.—John R. Irvine, James W. Simpson, A. H. McLeod.

Robert Kennedy, being personally present, applied for a license to keep a tavern in

Stillwater, from June first last, for one year; which was granted him, he having paid five dollars, and given satisfactory bonds, which are on file in this office.

On motion of J. W. Furber,

Ordered, That the Clerk give notice that at the general elections to be held on the first Monday of September next, there will be elected the following Territorial and County Officers, viz:

One Member of the Council.
 One Delegate to House of Representatives.
 One Delegate to Territorial Convention.
 Three County Commissioners.
 One Judge of Probate.
 One Sheriff.
 One Clerk of the Board of County Commissioners.
 One Register of Deeds.
 One County Surveyor.
 Three Assessors.
 Three Supervisors of Roads.
 One Collector of Taxes.
 One Coroner.
 Five Justices of the Peace, one in each Precinct.
 Five Constables, one in each Precinct.
 One Treasurer.

On motion of P. Aldrich, the Clerk be ordered to post legal notices of the establishment of the aforesaid five election precincts.

On motion of J. W. Furber, we do now adjourn *sine die*.

JOSEPH W. FURBER,
 PHILIP ALDRICH,
 WILLIAM R. BROWN,

Committee.

Attest:

WILLIAM HOLCOMBE, Clerk.

CLERK COUNTY COMMISSIONERS OFFICE, }
 Washington Co., Jan. 28, 1854. }

I hereby certify that the above is a true copy of the proceedings of the Board of County Commissioners of Washington County, at a meeting held July 6th, 1846, according to the records in this office.

H. CURTIS,
 Clerk of the Board of County Com's.

April 2d, 1850.

Board met pursuant to adjournment. All present.

The following Precincts were established, and Judges of Elections appointed for the same, as follows:

Prairie Precinct, (formerly Lake St. Croix,) to be bounded by the former lines, with the exception that the division line between Ramsey and Washington Counties shall hereafter constitute a part of the northern and western boundary; elections to be held

at the house of J. W. Furber; Judges of Election, William Middleton, Wm. B. Brown, Theodore Furber.

Stillwater Precinct to be bounded by the former lines with the exception that the line between Ramsey and Washington Counties shall hereafter constitute the western boundary of said Precinct; election to be held at the Court House; Judges appointed Wm. Holcombe, Noah McKusick and Calvin F. Leach.

Marine Precinct to be bounded by its former lines with the exception of the western one which shall hereafter be the division line between Ramsey and Washington Counties.

Falls St. Croix Precinct to include all of Washington County North of Marine Precinct boundary lines; election to be held at the house of Lewis Barlow. Judges appointed for Marine Precinct, Harvey Walker, Orange Walker, Hiram Berkly. Judges appointed for Falls St. Croix Precinct, N. C. D. Taylor, William Colby, Lewis Barlow.

CLERK COUNTY COMMISSIONERS OFFICE, }
Washington Co., Jan. 28, 1854. }

I certify that the above is a true copy of the proceedings of the Board of County Commissioners for this County, relating to the establishment of Precincts, at a meeting held April 2d, 1850, according to the records in this office,

H. CURTIS,
Clerk of Board of County Com's.

[Mr. Ames, Counsel for the Contestant, objected to the reception of the above papers, on the ground that they were not authenticated records, nor properly certified copies, authenticated by the seal of the County Commissioners, and not admissible in evidence for other reasons.]

Mr. Brisbin, Counsel for Mr. Watson, then offered the evidence of Mr. R. Watson, in relation to the papers aforesaid.

(Mr. R. Watson, re-examined.)

Ques.—What do you know in regard to the papers just presented?

Ans.—I obtained those papers from the Clerk of the Board of County Commissioners at Stillwater, on Saturday last; and I compared them with the original record of the proceedings of the Board of County Commissioners.

Questions by Mr. Ames.—Do you know who copied these papers?

Ans.—I do not know exactly, except that I saw Mr. Curtis place the records into the hands of a gentleman in his office, and saw him commence copying them.

Ques.—What do you mean by saying you compared them with the original record?

Ans.—I took the copies, and first read them over separately, and then read over the record, to see if they were correctly copied, which I found was the case; but I did not compare them word for word with the record.

Questions by Mr. Brisbin.—When you went to the Clerk's office at Stillwater, did you desire the Clerk to give you all upon the record, from 1846 up to the year 1851, which at all related to the boundaries of Cottage Grove Precinct?

Ans.—I did.

Ques.—Did he give you these papers in pursuance of that request?

Ans.—He did.

[Mr. Ames, Counsel for Contestant, here desired that the Commissioners would place it upon record, that Mr. Watson's testimony in regard to the papers in question, is objected to.]

Question by Mr. Brisbin.—Do all these men named by Mr. Campbell, as residing out of the boundaries of the precinct, reside within its boundaries, as they are prescribed in the foregoing extracts from the records of the County Commissioners?

Ans.—They do.

Questions by Mr. Ames.—Who are the persons named by Mr. Campbell as residing out of the precinct? Name them.

Ans.—Mr. Gridridge is one, but I don't remember hearing Mr. Campbell name others.

Ques.—Do you know in what section or township, Daniel D. Wadsworth resided, at the time of the last election?

Ans.—I do not know what section or township.

Ques.—Do you know in what section or township, J. H. Hennerberg, resided at the last election?

Ans.—I do not know, of my own knowledge.

Ques.—Do you know, of your own knowledge, in what section or township, J. Bruce lived, at the last election?

Ans.—I do not know Mr. Bruce at all.

Ques.—Do you know where Ulysses Tanner lives?

Ans.—I know where Mr. Tanner lives—do not know whether his name is Ulysses or not. Mr. Tanner lives in township twenty-eight, north range, twenty-one west.

Ques.—Do you know on what section he lives?

Ans.—I believe he lives on section six—I never examined the section posts.

Ques.—Do you know where Frederick Freighbaught lives?

Ans.—I don't know him.

Ques.—Do you know where Simeon Strangden lives?

Ans.—I don't know him.

Ques.—Do you know in what section or township Gobar lives?

Ans.—He lives in township twenty-eight.

Ques.—Do you know whether Mr. Gridridge is a foreigner by birth?

Ans.—I believe he is, but do not know of my own knowledge.

Ques.—Do you know of your own knowledge, where the County line, between Ramsey and Washington Counties is?

Ans.—I only know it, as others know it, from the general understanding and report.

(Jacob Mosher sworn, on behalf of Contestant.)

Question by Ames, Council for Contestant.—Where do you reside?

Ans.—I reside in Cottage Grove Precinct.

Ques.—What is your place of nativity?

Ans.—Nova Scotia.

Ques.—Have you ever been naturalized under the laws of the United States?

Ans.—I was a minor when I came to the United States, and have never been naturalized?

Ques.—Have you ever made any declaration to become a citizen of the United States?

Ans.—I have not; I came in with my father, and he was a voter.

Ques.—Did you vote at the last election, in Cottage Grove Precinct, and for whom did you vote, for Representative?

Ans.—I did vote, and for Robert Watson.

(Joseph Haskell sworn, on behalf of Contestant.)

Question by Mr. Ames, Council for Campbell.—In what Precinct do you reside, and how long have you resided in it.

Ans.—I live in Cottage Grove Precinct, and have resided there since 1840.

Ques.—Are you acquainted with the different branches of Spring or Haskell's Creek?

Ans.—I am.

Ques.—Describe the location of Spring Creek, from the south spring, and its branches above the McKnight place?

Ans.—The south branch is about 80 rods long from its spring to its junction, and it is my impression, at the junction contains the most water.

Ques.—How much greater is the length of the south spring branch above the junction, than the north spring branch above the junction?

Ans.—More than twice as long.

Ques.—Do you know where the northern boundary of Cottage Grove Precinct is?

Ans.—I don't know, only from common report.

Ques.—Does the northern boundary line of that Precinct commence at the south branch spring?

[Question objected to by Mr. Watson's Counsel.]

Ans.—I have always understood that the line commenced at that spring, and such is the common understanding of the neighborhood.

Ques.—Is the south spring near your farm?

Ans.—It is on the adjoining section to mine.

Ques.—Did you formerly get your water from that spring?

Ans.—I did formerly, during two years, but not now, having a well at present.

Ques.—Are you well acquainted with both these springs, and the branches running from them?

Ans.—I am.

Ques.—Does the creek from the south spring run altogether above ground in a continuous volume or not?

Ans.—I do not know; but wherever I have seen it, it is on the surface.

Ques.—Have you been judge of election in Cottage Grove precinct, if so, state how often?

Ans.—I have been; at several elections.

Ques.—Do you know Gridridge, Bruce, and Moore; and in what precinct they reside?

Ans.—I do; and always supposed them to reside in Stillwater precinct.

[Question and answer objected to by Brisbin, for Watson.]

Ques.—What have you always understood to be the northern boundary of that precinct?

Ans.—I have always understood it to commence at the south spring, and running west

Questions by Mr. Brisbin.—When were you judge of election in Cottage Grove precinct?

Ans.—I don't remember having been in 1851, and was not judge in 1852 or 1853.

Ques.—Have you been judge of election since Gridridge and Moore resided where they now do?

Ans.—I think I have not.

Ques.—Have you, as judge of the election ever received the votes of Gridridge and Moore, since they have resided where they now do?

Ans.—I do not know.

Ques.—Do you pretend to say that Gridridge, Bruce, and Moore live North of Cottage Grove precinct line?

Ans.—I live north of what I have always understood or supposed to be the line of the precinct.

[Joel Barnett sworn, on behalf of Watson.]

Questions by Mr. Brisbin, counsel for Watson.—Do you know what time Daniel G. Wadsworth came into the Territory?

Ans.—I know about the time; it was a year ago, last October.

Question by Mr. Ames, counsel for contestant.—Do you know where Wadsworth has lived all the time since you say he came into the territory?

Ans.—I do, nearly all.

Ques.—Didn't he reside at Stillwater, with Mr. M'Kinstry, last winter?

Ans.—I don't know what time he stopped with Mr. M'Kinstry; but he worked for him awhile.

Ques.—Did he go from Stillwater to Rush river, in the State of Wisconsin?

Ans.—He did.

Ques.—At what time do you know of his returning from Wisconsin?

Ans.—I first knew of his returning from Wisconsin early last spring.

Ques.—Do you know where he has been since that time?

Ans.—He has been working for various persons in the Territory, part of the time for me; and at the time of the election, he was working either for Mr. Kingsley or Mr. Dayton, I don't know which. Mr. Dayton lives in Cottage Grove precinct.

Ques.—Have you no recollection which of them he worked for at the time of the election? Which of them did he work for first?

Ans.—I think he worked for Kingsley first.

Ques.—In what precinct does Kingsley live?

Ans.—I don't know exactly; he lives near the line, I always supposed in the Cottage Grove precinct.

[G. W. Campbell re-examined, for contestant.]

Ques.—Are you acquainted with Ephraim Whittaker of the Precinct of Point Douglas?

Ans.—I am.

Ques.—Do you know Gridridge, Gobar and Moore who have been mentioned in the testimony; and if so, state whether they live north of the boundary line of the precinct

Ans.—I know them, and have been where they reside, and according to the generally understood boundary, they live north of it. They live north of the south spring.

St. Paul, Jan. 30, 1854.

The undersigned commissioners, duly appointed to take testimony in the matter of the contested election of R. Watson by G. W. Campbell, hereby certify that the testimony herewith presented was taken under oath; and that the record above taken, with the papers attached, is a true record of the proceedings in the case, as had before us.

THOMAS FOSTER,

A. L. WILLIAMS,

Commissioners.

The following is the report of P. P. Furber, Esq., special commissioner appointed in behalf of the contestant, to take the testimony of certain persons at Shakopee, in Scott County:

January 26, 1854.

I, Simon Greenleaf, of lawful age, testify and say, that I voted at Cottage Grove precinct in October last, and, that I there voted for G. W. Campbell for representative to the Territorial Legislature of Minnesota.

SIMON GREENLEAF.

January 26, 1854.

TERRITORY OF MINNESOTA, } S. S.
Hennepin County.

Personally appeared before me, the above named Simon Greenleaf, and made oath that the above affidavit by him signed was true.

P. P. FURBER,
Notary Public.

January 26, 1854.

I, John Foss, of lawful age, testify and say, that I voted at the election at Cottage Grove precinct, in October last, and that I voted for George W. Campbell for Representative to the Territorial Legislature of Minnesota at said election.

JOHN FOSS.

TERRITORY OF MINNESOTA, } S. S.
Scott County.

Personally appeared before me, on the day and year above written, the above named John Foss, who made oath that the foregoing affidavit by him signed was true.

P. P. FURBER,
Notary Public.

CHAPTER 88,

(REVISED STATUTES.)

Of Actions by Persons holding Claims on United States Lands.

SEC. 1. Any person settled upon any of the public lands belonging to the United States, on which settlement is not expressly prohibited by Congress or some department of the General Government, may maintain an action for injuries done to the possession thereof, or to recover the possession thereof.

SEC. 2. On the trial of any such cause, the possession, or possessory right of the plaintiff, shall be considered as extending to the boundaries embraced by the claim of such plaintiff, so as to enable him to have and maintain either of the aforesaid actions, without being compelled to prove a natural inclosure: *Provided*, That such claim shall not exceed in any case, one hundred and sixty acres; and the same may be located in two different parcels, to suit the convenience of the holder.

SEC. 3. Every such claim, to entitle the holder to maintain either of the aforesaid actions, shall be marked out so that the boundaries thereof may be easily traced, and the extent of such claim easily known; and no person shall be entitled to maintain either of said actions for possession of, or any injury done to any claim unless he be an actual settler, or cause the land to be constantly occupied, and improvement made thereon, to the amount of fifty dollars.

SEC. 4. A neglect to occupy or cultivate such claim for the period of six months, shall be considered such an abandonment as to preclude the claimant from maintaining either of the aforesaid actions.

OPINION OF JUDGE CHATFIELD.

MENDOTA, Feb. 6, 1854.

To the Honorable, the Speaker of the House of Representatives:

SIR—I have received an authenticated copy of a Resolution adopted by the House of Representatives in the following language :

Resolved, That the Judges of the Supreme Court of the Territory are hereby requested to inform this House whether, in their opinion, the provisions of Chap. 88, page 444, of the Revised Statutes, entitled, "Of actions by persons holding claims on United States Lands," are consistent with the Constitution and laws of the United States, and an act entitled "An act to establish the Territorial Government of Minnesota," and whether the same is binding in its provisions upon the Courts and inhabitants of this Territory.

I do not suppose or believe that the House of Representatives entertain the slightest design or desire to ask the Justices of the Supreme Court to do any act of questionable propriety; yet a few words will plainly show, that an answer by them, to the inquiry contained in the said Resolution, must, of necessity, be of that character.

Every party litigant in the Courts, is entitled to have his case heard upon the proofs and allegations, without any pre-judgment of the law thereof by the Court in which it is to be adjudicated. I know of some cases, (and there may be many) now pending in the District Courts, involving the question of the validity of the Statute referred to in the said Resolution. Should any of these cases come to trial, (as they probably will,) this question must necessarily be submitted to the District Judge holding the Court, for his decision, and he will then be obliged to pass upon it in the only proper way. Should either party be dissatisfied with the decision there made, he could take his appeal to the Supreme Court of the territory, where all the Justices of that Court, in the proper exercise of their appellate jurisdiction, would, *in banc*, review and determine the question.

The House of Representatives will, therefore, perceive that it is impossible for the Justices of the Supreme Court to answer the inquiry contained in the said Resolution without passing an opinion upon an important question of law, upon the determination

of which depend valuable rights and interests of parties litigant in the Courts over which they preside; and I must be permitted to say that I deem the expression and promulgation of such opinion by the Justices of the Supreme Court at this time and in this manner, of very questionable propriety.

Were it not for the provisions of section 19, of chapter 3, of the Revised Statutes, (page 38) I should deem it incumbent upon me as a high and imperative duty to decline and withhold any expression of opinion upon the subject of inquiry contained in the said Resolution. That section in direct terms authorizes the House of Representatives to make this request of the Justices, and doubtless it has been made in view of that authority, for justifiable purposes and without any design to involve the Justices in any improper expression or refusal of opinion. The same section imposes it upon the Justices as an absolute duty, to comply with any such request, when made by either House of the Legislative Assembly—a duty which in this case, as it would in many others, places the Justices in a very unpleasant dilemma. They cannot answer without committing a breach of judicial propriety—they cannot refuse to answer without subjecting themselves to the liability of being deemed contumelious. I hope I may not be deemed impertinent in saying that in my judgment, the duty imposed by that section of the Statutes, upon the Justices of the Supreme Court, properly appertains to the office of Attorney General of the Territory.

I am, and at all times shall be, willing and even anxious to assist the Legislature, to the extent in my limited capacity and knowledge in their efforts to perfect any salutary measure of public policy, whenever I can do so consistently with the judicial duties imposed upon me; and I assure the House of Representatives that the only restraint which I feel in this case, is the effect of a deep, and I hope, a proper sense of the responsibilities and proprieties of the delicate trust reposed in the incumbent of a judicial station.

Notwithstanding my serious doubts of the propriety of answering the inquiry made by the said Resolution, I shall not refuse to do it; but in doing so, I shall rest for my justification, upon the Statute which imposes the duty upon me, and requires the House of Representatives, which adopted the Resolution, to bear all the responsibility or impropriety involved in my compliance.

Before giving my answer, I must insist that it shall be received with this qualification: That it be applied only to the state of facts described in, and contemplated by, the terms of the chapter of the Revised Statutes referred to in the said Resolution. What I shall say must necessarily be based upon general legal principles applied to such state of facts, and must be said without the benefit of any of the suggestions that might, and probably would be adduced upon an argument in Court. Legal opinions thus formed are not all ways correct or mature. Therefore, the opinion which I shall give in answer to this inquiry of the House must not be regarded as rendering the subjects involved in the question *res adjudicata*, even with myself, nor must there be applied to it, in any future adjudication of the subjects, before me or elsewhere, the rigid rule of *stare decisis*.

With these views and qualifications, I will submit to the House of Representatives my present opinion upon the question contained in the said Resolution.

The terms of the first section of chapter 88 of the Revised Statutes are, in my opinion, such as to avoid any conflict between that act and any express law of Congress, or any order or rule of any Department of the Government of the United States, nor do I now perceive that it is in any manner inconsistent with any provision of the Constitution of the United States, or of the Organic Act of this Territory.

It is a general principle or rule of the common law, that the *actual* occupant of land, though he be a trespasser in acquiring and continuing such occupancy, may maintain a proper action at law against any person other than the rightful owner or those claiming under him, for any violation of or trespass upon the land so actually occupied. The fact that the plaintiff in such a case is not the owner does not defeat the action against a stranger to the title, though it may perhaps affect the amount of the recovery.

It is not always easy to determine whether the facts in a case constitute an actual occupancy of land, and in some cases in which an actual occupancy is clearly established, it is extremely difficult to determine the extent or limits of it. These difficulties are felt with peculiar force in cases of occupancy without color of title. Occupancy, especially in such cases, is composed of overt acts and intent, and cannot exist at common law without an actual user in some form.

Whenever the question of actual occupation is involved in a legal controversy it has to be settled, as a question of fact, by the evidence in the case, applied (in the absence of any statutory regulations upon the subject) by the rules of the common law—rules founded upon general customs and experience, and defined and established by the adjudications of competent legal tribunals.

The rules which have been established by the operations of the common law, are held to be within the control of the Legislative power of the country where they exist. The Legislature may modify any mere rule of the common law—may extend or restrict in its operations, or abolish it altogether. The Legislature also possesses the like power over the rules or law of evidence. What is by the general rules of evidence deemed competent, may be declared incompetent, and *vice versa*. What is by the same general rules merely evidence may be declared to be conclusive proof. In these days of codification and legal reform, these Legislative powers are brought into frequent, active, and sometimes almost violent exercise. Whenever the Legislature become satisfied that the modification or abolition of any rule of the common law or of evidence will be the most conducive to the advancement, prosperity and best interests of the Territory, they should not hesitate or fail to act accordingly, nor suffer themselves to be paralyzed by the magic influence of the "wizard wand of hoary error."

A "person settled upon any of the public lands belonging to the United States," is an actual occupant of the land upon which he is settled—an occupant without color of title so long as he, from necessity of choice, fails to take any step authorized by Congress to secure to himself the title. Though he makes his claim and becomes such actual occupant in the entire good faith and for the laudable and valuable purpose of making for himself a farm and a home for life, and with the firm intention of acquiring the title by purchase at the earliest possible opportunity, still the rules of the common law applied by the usual rules of evidence in such cases, would afford him but a slender protection against intruders, and that protection would be confined to a very limited quantity—to only so much as he in the usual straitened circumstances of a pioneer, could bring into actual use and occupation.

It seems to me that the object or purpose of Chapter 88 of the Revised Statutes was to afford thereby a better and more effective protection to the actual, *bona fide* settler upon the public lands, than he had under the rules of the common law. It modifies and extends the rules of the common law defining actual occupancy, and very materially changes the rule of evidence by which such occupancy may be proved. It makes an actual settlement upon a parcel of land within the limited quantity of one hundred and

sixty acres, accompanied with the *intent* to appropriate the whole of such parcel to his own use, and the expenditure of fifty dollars in improvements thereon, tantamount to an actual occupation of the whole, and substitutes such marked boundaries thereof as may be easily traced, for evidence of actual *user* of the whole. Such it appears to me was the intent of that chapter of the statutes, and such must be the effect of it, provided its enactment was within the power conferred upon the Legislative Assembly of the Territory by the Organic Act.

It is an act peculiarly applicable to the circumstances and condition of this Territory so long as the public lands therein shall remain unsurveyed, or otherwise outside of the pre-emption laws of the United States, and of great value in the preservation of peace among the inhabitants settled on such lands. As such it may be appropriately deemed to belong to the internal police of the Territory. As a mere change of the rules of the common law and evidence, as a means of determining conflicts between possessory claims to lands, and as a conservatory measure of peace, I feel great confidence in my present opinion that it was, within the terms of the sixth section of the organic act, a "rightful subject of legislation" to which "the Legislative power of the Territory" was by that section extended. The only restraint imposed by that act upon the Legislative power of the Territory over the lands therein is this:—that "no law shall be passed interfering with the primary disposal of the soil."—The statute in question does not, that I can perceive, in any manner "interfere with the primary disposal of the soil"—the disposition of the title by the Government of the United States—but leaves all the laws of Congress providing for surveys, pre-emptions and sales, a free and unobstructed application.

If I am right in this opinion, it follows that the said Chapter 88, of the Revised Statutes is, to the extent above indicated, and as a modification and extension of the rules of the common law defining actual occupancy without color of title, and as a change of the rules of evidence by which such occupancy is to be proved, of binding force upon the courts and upon all persons who may litigate upon the subject in the courts of this Territory.

Be pleased to communicate this, my answer, to the said resolution to the House over which you preside, and believe me, very Respectfully,

Your obedient servant,

A. G. CHATFIELD.

OPINION OF JUDGE CHATFIELD.

On the Power of the Legislature to Dispose of the School Lands.

MENDOTA, Feb. 3, 1854.

To the Honorable, the Speaker of the House of Representatives:

SIR—I have received an authenticated copy of a Resolution adopted by the House of Representatives in the following language :

“Resolved, That the Supreme Judges of this Territory be requested to give their opinion as to the authority of the Legislative Assembly to sell or lease the School lands.”

Waiving all exceptions to the language of the Resolution, I, as one of the Justices of the Supreme Court of this Territory, will proceed to comply with the request therein made.

By the term “the school lands,” used in the said resolution, I understand the House of Representatives to refer to the lands, which, by the eighteenth section of the act of Congress entitled “an act to establish the Territorial Government of Minnesota,” are “reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereinafter to be erected out of the same.”

That act of Congress does not convey the title to the said lands to the Territory. They are only reserved “for the purpose of being applied to Schools.” The title still remains in the United States, and some further legislation by Congress must be had before the application of said lands to schools, can be actually made. The effect of the said eighteenth section of the said act of Congress seems to me to be this: It operates as a pledge given by the United States, that the lands mentioned in and reserved by that section, shall be applied to schools in the county in which they are situate, and as a solemn declaration of trust on the part of the United States by which they acknowledge that they hold the same sacred to that purpose.

If I am right in this view of the position of the title to said lands, it follows as a direct and inevitable result, that the Legislative Assembly of the Territory does not possess the power or authority to sell or convey the same. The United States cannot be divested of the title thereto, except by the action of Congress in some form.

It is a general legal principle that the right to lease lands depends upon the right to possess or occupy the same. As to these school lands, that right rests with the title, in the United States. Consequently, I am of the opinion that the Legislative Assembly of the Territory does not possess the power to grant to any person the privilege of occupying any of the said lands, unless such power can be derived from some law of Congress other than the organic act of the Territory.

By Section 1, of Chapter 10, of the Laws passed at the Second Session of the Thirty-First Congress, approved February 19, 1851, (9 Stat. at large 568,) it is enacted "that the Governors and Legislative Assemblies of the Territories of Oregon and Minnesota be and they are hereby authorized to make such laws and needful regulations as they shall deem most expedient to protect from injury and waste, sections numbered sixteen and thirty-six in said Territories, reserved in each township for the support of schools therein."

The power over these lands, conferred upon the Governor and Legislative Assembly by that section is very broad and extensive for the purposes of protection—much more so than that given by the general grant of Executive and Legislative powers contained in the Organic Act of the Territory.

I have no doubt but that the Legislative Assembly of the Territory possesses ample authority, under the grant of powers contained in the Organic Act, to protect, by penal or criminal laws, the School Lands against injury and waste.—That would be in common with the protection of all property in the Territory, a "rightful subject of legislation, consistent with the Constitution" and the Organic Act. That power, however, would not, in my judgment, include the authority to possess or occupy the said lands, or to create a leasehold estate therein, even for the purposes of protection.

I think that the powers of protection over the said lands, conferred upon the Legislative Assembly by the Organic Act, are very much enlarged by the terms of the said act of February 19th, 1851.

The power "to make *such laws and needful regulations*" as may be deemed "*most expedient to protect from injury and waste*" would appear to cover any and every measure of protection which the Governor and Legislative Assembly may, in the exercise of their discretion and judgment, within constitutional limits, believe to be effectual for that purpose. In case the Governor and Legislative Assembly shall deem the occupation of the said lands or any portion of them by tenants, under proper terms, safe restrictions, and the control of Territorial authority, to be an effectual measure "to protect" the same "from injury and waste," I am unable to perceive any good reason why they are not fully authorized by the said act of February 19th, 1851, "to make such laws and needful regulations" as may be necessary to provide for and regulate such occupation. The power is one purely of protection, and any and every measure taken or adopted under the said act of February 19th, 1851, must have that end in view. Every other benefit to be derived therefrom must be incidental. Whether the leasing of the said lands and the use and occupation thereof by a tenant can be deemed and used as a means of protecting the same "from injury and waste," the members of the Legislative

Assembly are much more competent than I am to determine. Such of said lands as can be protected in that manner, may be.

I hope it will not be deemed improper or impertinent in me, if, in conclusion I submit a remark outside of the inquiry contained in the said resolution. I entertain a desire bordering upon a feeling, that every proper power possessed by the Territorial Government, and the exercise of which may be necessary to the full and complete protection and preservation of this foundation of a School Fund, ample for the education of all the generations that are to follow us in this Territory, should be brought into active requisition for that purpose. This fund, so important and essential to the intellectual culture and moral welfare of the people of this country for all future time, should, above all others, be preserved inviolate. I trust it will be.

With a request that you will communicate this answer to the said resolution to the House of Representatives over which you preside,

I have the honor to be,

Very Respectfully,

Your obedient servant,

A. G. CHATFIELD.

OPINION OF JUDGE SHERBURNE,

On Chapter 88, Revised Statutes.

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

The following resolution, adopted by your Honorable Body, has been received:

“Resolved, That the Judges of the Supreme Court of the Territory are hereby requested to inform this House whether, in their opinion, the provisions of Chapter 88, page 444, of the Revised Statutes, entitled ‘of actions by persons holding claims on United States lands,’ are consistent with the Constitution and Laws of the United States, and an act entitled ‘An act to establish the Territorial Government of Minnesota;’ and whether the same is binding in its provisions upon the Courts and inhabitants of this Territory.”

Having delayed an answer to the above resolution longer than may seem respectful to the Legislature, in the expectation of an opportunity to consult with the other members of the Court, I proceed at once, in reply, to state such conclusions as seem to me to be just, without elaborating the reasons which have led to them.

The Section of the Statute referred to is not inconsistent with the Constitution or any law of the United States, is apparent upon the face of it. It merely affirms a well known principle of common law, and neither enlarges nor abridges the common right to occupy public lands. It is a well established rule of law, that a party in actual possession of real estate may protect such possession against every one except the rightful owner, or some one claiming under such owner.

In Sections two, three, and four, the Legislature established certain rules of law and evidence by which parties shall be governed in determining the extent, boundaries, and character of their possessions or claims, and their right to retain and recover the same.

This, to the extent designed by the act in question, the Legislature had, in my opinion, a right to do. It is a power incident to all Legislative authority, and one frequently exercised. I am unable to perceive wherein these rules are inconsistent with the Consti-

tution and Laws of the United States, or "An act to establish the Territorial Government of Minnesota;" and if not, they are binding upon the Courts and inhabitants of this Territory.

In coming to the foregoing conclusions, I have considered the provisions of the Territorial Law as intended to apply only to those lands which are not subject to pre-emption, and to questions in respect to other lands in which the rights of the parties do not depend upon the United States pre-emption laws; for the Legislature does not need to be informed that a Territorial Law cannot be used to change or modify the rights of parties to the before mentioned lands, arising under a law of the United States.

M. SIERBURNE.

St. Paul, February 9, 1854.

OPINION OF JUDGE SHERBURNE,

On the Power of the Legislature to Dispose of the School Lands.

To the Hon. House of Representatives of the Territory of Minnesota:

The following resolution, adopted by your Honorable body, has been received:

Resolved, That the Supreme Judges of this Territory be requested to give their opinion as to the authority of the Legislative Assembly to sell or lease the School Lands."

Whatever authority the Legislature has over these "School Lands," is derived from Section 18, of the act organizing this Territory, approved March 3, 1849, and from the first section of an act of Congress, approved Feb. 19, 1851.

The section of the Organic Act referred to is as follows:

"Sec. 18. And be it further enacted, That when the lands in said Territory shall be surveyed under the direction of the Government of the United States preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to Schools in said Territory and in the States and Territories hereafter to be erected out of the same."

There are no words in this law importing a grant to the Territory, nor does it seem to me that any intention on the part of Congress to make a grant can be inferred or implied from the whole section, taken together. I think the substance of the provision is, according to its plain and palpable meaning, a promise on the part of the United States to hold these lands for the use of schools in this Territory and the Territories and States which may grow out of it, reserving to itself the fee of the soil and the right to determine the time and manner of the appropriation. That the Congress of 1851 considered the fee and control of these lands in the United States, is evident from the law passed that year and above cited, which reads as follows:

"Be it enacted, &c., That the Governors and legislative assemblies of the Territo-

ries of Oregon and Minnesota be, and they are hereby authorized to make such laws and needful regulations as they shall deem most expedient, to protect from injury and waste sections numbered sixteen and thirty-six in said Territories, reserved in each township, for the support of schools therein."

Now, if either house of Congress, or the President of the United States, had understood the reservation of these lands by the Organic Act, to have been a grant of the same lands to the Territory or its Legislature, they would not have assented to an act so useless and absurd as the one last quoted. If the "reservation is construed to imply a "grant," then the act of 1851 was passed for the purpose of conferring authority upon the legislature to protect lands, the absolute fee of which had been vested in the same legislature, or the inhabitants of the Territory, nearly two years before.

The last mentioned act cannot, of course, invalidate or modify any title which the people or the government of this Territory acquired by the Organic Act; but it does show the construction which was put upon the reservation in the Organic Act, by the authority which enacted it.

In a brief examination of the history of these reservations and grants, as applicable to the States and former Territorial governments, I have found no instance in which language similar to that of the 18th section of the Organic Act of this Territory, has been construed, by either party, to imply a grant; but in every such case which I have examined Congress has, by an act subsequent to the "reservation," couched in apt and appropriate language, made an absolute conveyance to the people or government for whose benefit it was originally reserved.

The reservation was made for the benefit of schools in this Territory, "and in *the States and Territories hereafter to be erected out of the same.*" It is very easy to see that an absolute grant of the fee of these lands to the government or the people of this Territory, at the time the reservation was made, might have been totally inconsistent with their reservation for States and Territories hereafter to be erected.

If the two acts referred to, confer no power upon the Governor and Legislature to "sell," and I have very little hesitation in saying they do not, it follows, as it seems to me, very clearly that they have no power to "lease."

An unlimited right to give a lease of lands, to stipulate as to its terms and determine as to its duration, is equivalent, in its effects, to the power to convey.

It may be contended that this power is implied, and results from the authority conferred by Congress upon the Governor and Legislature to protect the school lands from waste and injury. A rule, however, which will justify such a construction must be very different from any which courts of law have ever adopted in ascertaining and determining the rights and powers of individuals.

If the power to lease at all exists by virtue of the act under which it is claimed, it cannot be contended that there is any other limit to the power than that which lies within the discretion and consciences of the Governor and Legislature. They may lease them for such consideration as they choose, limited only by what the lands will command; and the lease may be for one, nine, or ninety-nine years, or any other term which they may "deem" best. They may also stipulate that the rents and profits for the entire term shall be paid by the lessee in advance. This is certainly in its effects an authority nearly if not quite equal to that of conveying an absolute fee. If the power exists at all, and there is a limitation to it, where is that limitation to be found? Certainly not in the language of the law.

It may indeed be said that the whole matter will be perfectly safe in the hands of the Governor and Legislature, and that they will limit their acts to what may be consistent with the best interests of the Territory. I do not doubt this; but the question is not what they *will* do, but what they have a lawful right to do.

The power to lease lands and the power to protect them from waste, are, to a certain extent, inconsistent with each other. In reference to the land in question, the inconsistency is more palpable than it would be in the case of worn-out lands, or lands the principal value of which consisted in the buildings upon them.

I can conceive of only two instances in which these school lands need be, or can be, protected from injury and waste. The one is in the case of excessive cropping, whereby the virgin richness of the soil is abstracted, and the other in the destruction of valuable timber standing upon them. To provide against these means by which the value of the lands might be reduced, must have been the only objects which Congress had in view in the passage of the law in question. But to lease them, if they are to be cultivated after the manner of cultivating a great majority of lands in all new territories, is, as it seems to me, the direct means to produce that deterioration in value which it was the object of Congress to provide against.

Whether it might or might not be good policy on the part of the Legislature to make an effort to realize something from them by way of rents and profits, if the right existed, is not for me to inquire. But I am clearly of the opinion that Congress has not yet conferred that right.

I cannot think that the simple and unimportant right to protect from "waste and injury," clothes an agent with the power to convey real estate in fee, nor for a term of years, unlimited or limited.

My answer must therefore be that the Legislative Assembly has no authority to either sell or lease the "School Lands" in this Territory.

M. SHERBURNE,

St. Paul, February 11, 1854.

REPORT

Of the Select Committee to whom was Referred the Memorial of Sundry Captains
and Owners of Steamboats in the Minnesota Trade.

The select committee to which was referred the petition of sundry owners and captains of steamboats in the Minnesota trade, asking that the Legislative Assembly take the necessary steps to secure the early removal of leaning trees in certain localities along the Mississippi River, would respectfully report that,

Your Committee have given to the petition that serious and careful examination which the great importance of the subject deserves. The petition reads as follows:

MEMORIAL OF THE UNDERSIGNED STEAMBOAT OWNERS AND CAPTAINS OF STEAMBOATS IN THE MINNESOTA TRADE.

*To the Hon. the Senate and House of Representatives of the Territory of Minnesota in
Legislature Assembled:—*

HUMBLY SHEWETH—

That the channel of the Mississippi River, within the jurisdiction of Minnesota, is, in many instances, seriously obstructed by trees overhanging the channel of said river, to the great detriment of the safe navigation thereof, particularly in low water, thereby increasing the perils of navigation, creating loss of time, and enhancing freight and passage in this great thoroughfare to your Territory.

That this is particularly the case in those localities known to boatmen as Beef Slough, Corn Slough, and Picayune Shoot.

That the obstacles complained of are equally injurious to raftsmen and others transporting the products of the Territory of Minnesota.

That the expense of removing these obstacles would not be very great, if undertaken while the river is frozen up, care being taken that the trees so cut down are cut into

such pieces, say, of 15 feet length or otherwise, so that the ice may carry off the fragments, and not leave them as snags in the channel of the river.

And your memorialists will ever pray, &c.

December 15, 1853.

Capt. SMITH, of s. b. Asia, LORRAIN & Co., Agents.
 Capt. LAVILLE, of s. b. Shenandoah, per LORRAIN & Co.,
 Capt. W. H. GABBERT,
 J. A. CARLER,
 Capt. HIRAM BERSIE,
 H. F. McCLOSKEY,
 Capt. JAMES WARD,
 EDWARD H. BEEBE,
 Capt. R. BLAKELEY,
 Capt. R. S. HARRIS,
 D. S. HARRIS,
 ORRIN SMITH,
 Capt. PRESTON LODWICK,
 B. H. CAMPBELL & Co.

That, upon an examination of the names attached to the petition, it will be observed that they are those of well known steamboat owners, captains and agents, most of whom have long been known to the people of the Territory, and are now, or contemplate becoming connected with the Minnesota Packet Company, an institution well known and long to be remembered by the business men of Minnesota, and whose extreme liberality has been so bountifully displayed in seasons of low water and difficult navigation in the Mississippi River, the past few years.

That your Committee can very clearly comprehend the extreme modesty of the petitioners, as shadowed forth by the wording of the petition.

That although the petitioners might, without in the slightest degree violating the strictest propriety, have assumed the responsibility and incurred all the expense of the work contemplated, without giving notice to the people of this territory of the fact; and in fact, as the improvements desired are more properly within the limits of a neighboring State, the whole improvements might have been completed before the people of Minnesota would, in all probability, have been aware of any intention to make this improvement; yet the petitioners have, with great magnanimity, laid at the feet of this legislative assembly, all the honor, all the renown, and "all the expenditure" which would result from the completion of so important a public improvement.

That the sacrifice of all personal pride and ambition, and the beautiful display of innate modesty by the members of the Minnesota Packet Company can be more clearly appreciated when we reflect upon the vast sums said Company have permitted the business men of this Territory to contribute to said company, to defray the expenses consequent upon their *low water* intercourse with our Territory, which gave the company more than an ordinary *right* to have commenced and completed the removal of all leaning trees, or even the snags and sand bars which may at any time interfere with the free and convenient navigation of the Mississippi river between Galena and St. Paul without any consultation on this important subject with, or notification to the people of this Territory through the Legislature.

That the self-sacrificing liberality with which the Packet Company has conferred upon

the Territory an opportunity of expending a few thousand dollars in this ennobling enterprise for the general welfare of the public, and the particular benefit of the Packet Company deserves the deepest expressions of gratitude on the part of this Legislature.

That your committee feels more particularly grateful for the calm and disinterested display of that personal liberality for which the members of the Packet Company stand so justly pre-eminent, by withholding the slightest intimation that the company are in the least desirous of a participation in either the honor or the *expenditure*, although they must be well aware that their future business relations with this Territory would virtually compel them to avail themselves in common with others, of the benefits resulting from the proposed improvement.

That although your committee can fully appreciate the favorable opportunity which the retiring diffidence and well-known modesty of the petitioners, has afforded this Legislative Assembly and the Territory at large, of earning and wearing immortal honors, they believe that a sense of justice, of honor, and of reciprocal liberality should withhold the Legislature from appropriating honors offered at so great a sacrifice of personal right.

Your committee feel that it would be unjust and ungenerous in the Legislative Assembly of the Territory of Minnesota to rob these meritorious individuals of the honor and renown which would unquestionably follow a display of disinterested patriotism as contemplated by the proposed improvements.

That your committee believe the proposition of the petitioners was made from a sense of that profound respect which the petitioners ought of right to entertain for the Legislature and people of this Territory, and not from any desire to be considered as opposed to becoming public benefactors.

That, had the petitioners, from a knowledge of the benefits which *might* have accrued to themselves displayed the slightest desire to participate in the honor or expense that would necessarily result from the very important improvement proposed in the petition, your committee would in all probability have been less inclined to sacrifice the favorable opportunity which now offers in so important a national improvement.

Your Committee feel that this Legislature should not be outdone in liberality, by the petitioners:—that the same liberality they offer, should be granted to them—and that in justice to this Legislative Assembly, to the people of the Territory, and to the petitioners, the offer made at so vast a sacrifice should not be accepted, but that all the honors, the renown and expenditures, should and does of right belong to the petitioners.

Your committee would therefore respectfully recommend that this Legislature in consequence of the proposition made by the petitioners, should relinquish to said petitioners all the right that this Legislature possesses of making expenditures for the purposes mentioned in the petition.

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THIRD ANNUAL REPORT
OF THE
BUILDING COMMISSIONERS.

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

The Board of Building Commissioners for the Territory of Minnesota transmit to the honorable, the Legislative Assembly of this Territory, their third annual report, together with a copy of the Journal of their Proceedings, and the report of the Treasurer of the Capitol Fund.

At the date of the last annual report of the Commissioners, the Superintendency of the Territorial Prison was included in the duties of the Building Commissioners. The last Legislative Assembly, however, passed an act, approved March 5th, 1853, transferring the superintending of the prison, and the improvements thereto being made, to the Warden of the Prison. The action of the Board, therefore, since the approval of said act, has been confined to the superintending and completion of the Capitol.

There was a balance of \$420 16 in the treasury of the building fund at the date of the last report, and by an act of Congress, passed at its last session, a further sum of \$12,500 was appropriated by the government for the completion of the Capitol, which sum of \$12,500 was received by the Treasurer of the Capitol Fund in August last.

There has been expended in and about the Capitol, in completing the same, and for an out house, and in levelling the Capitol grounds, draining the basement of the Capitol building, and furnishing the Legislative halls and rooms for the federal officers, since the last annual report, the sum of \$11,642 81, leaving a balance of \$1,277 35 now in the hands of the treasurer, as appears by his report, hereto annexed.

At the date of said last annual report, the contract, originally taken and entered into by J. Daniels, Esq., for constructing certain portions of the Capitol, as per specifications, was not completed. The cost of the work, included in his contract then remaining unperformed, was \$2,150 00, as estimated by C. P. V. Lull, the then superintendent of the Capitol. In order to complete said work, and also to complete the Capitol, at as early a day as possible, the Commissioners, at their meeting held March 11, 1853, instructed, by resolution, the superintendent to invite sealed proposals for the completion of the Capitol building, which proposals were to be received until May 2, 1853. For the advantage of

government, and an economical expenditure of the Capitol Fund, the board resolved to receive separate proposals for the different kinds of work to be performed. A number of proposals were received, and at a meeting of the board held May 10, 1853, the Commissioners proceeded to open the proposals and to award the contracts to the lowest responsible bidders. To Messrs. Downer & Mason they awarded the contract of completing the Capitol, excepting the lathing and plastering and the painting, at the price of \$4,454. The contract for lathing and plastering the Capitol, and furnishing the material therefor, was awarded to Messrs. Stephens & Wallace; and the painting, and furnishing material therefor, was given to J. P. Wright. All of whom immediately entered into bond for the completing of their several contracts, and have finished the same to the entire satisfaction of the Commissioners.

At a later period, proposals were issued for grading the grounds about the Capitol. Difficulties arising, however, in procuring Mr. Kneer to perform the work under a contract by the job, the board, by resolution, instructed the Superintendent to have the grading done by laborers employed by the day. Under said resolution, the work was done satisfactorily to the board, and at a pecuniary advantage to the government.

The Capitol building is now completed, with the exception of fitting up the Supreme Court room, which is being done. It is necessary for the protection of the Capitol grounds that they should be enclosed with a good and substantial fence, for which improvement a further appropriation will be required from Congress.

The Commissioners would, therefore, recommend that a memorial be addressed to Congress, asking an appropriation for constructing a fence, enclosing the Capitol grounds, and also for defraying the incidental expenses of the Capitol.

For further information concerning the transactions of the Board, the Commissioners would respectfully refer your honorable body to their Journal, a copy of which is hereto annexed.

By order of the Board,

I. VAN ETTEN,
Secretary.

JOURNAL OF PROCEEDINGS.

St. Paul, January 28th, 1853.

Board met.

Present—Alexander Ramsey and Alex. Wilkin.

A communication from Daniel F. Brawley, late Superintendent of the Capitol Building, was presented, and read, as follows, to-wit:

Report of the Building Commissioner to the Board of Building Commissioners of Territorial Buildings for Minnesota Territory.

GENTLEMEN:—As ex-Building Commissioner, I have the honor to submit the following report of my stewardship while in office:

On the 12th day of October, 1852, I endorsed the bill of J. Daniels, Esq., for \$7,000 for the payment of materials for the Capitol, as follows:

For brick from the commencement of the second story to the completion of the building, (231,120 brick) laid in the wall, -	\$2,311 20
The remainder of the bill was for 75,000 shingles, at \$3 per thousand, -	225 00
And putting on roof, partitions, flooring, cornice, window casings, doors, and frames, and columns for porticos, including the lumber therefor, -	4,440 00
	\$6,976 20

The above sums are according to my own estimates, in the making of which, I underestimated the carpenter's estimate thereof.

At this date, (October 12th, 1852,) Mr. Daniel's contract is completed, with the exception of about ten days' work for a carpenter, the lathing and plastering, and putting in the window glass and sash.

Respectfully submitted,

D. F. BRAWLEY,

Ex-Building Commissioner.

Oct. 12th, 1852.

Which report,

On motion of Alex. Wilkin,

Was endorsed and ordered to be filed.

The following resolution and preamble was then offered, to-wit:

Whereas, Joseph Daniels has given an order, dated November 2d, 1852, on this board for \$400, in favor of Haus & Lewry, sub-contractors for work done on the Capitol, under the contract of the said Daniels;

And whereas, said Haus & Lewry have presented a bill of \$400, properly certified to:

On motion of A. Wilkin,

A. 16.

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for \$400 in favor of said Haus & Lewry, upon said account and order.

Ayes—Ramsey and Wilkin.

On motion of A. Wilkin,

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for \$1,000, in favor of Joseph Daniels, upon account of bill for lumber presented this day by W. R. Marshall, to whom the same was assigned.

Dec. 1st, 1852.

On motion of Alex. Wilkin,

Ordered, That a warrant for \$79 be drawn on the Treasurer of Capitol Fund, in favor of J. P. Wright, on account of bill for painting, presented this day.

Ayes—Ramsey and Wilkin.

On motion of Alex. Wilkin,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. Paul, Feb. 2, 1853.

Board met.

Present—Alex. Ramsey and Alex. Wilkin.

A. Wilkin offered the following preamble and resolution, to-wit:

Whereas, M. Wise & Co. had contracted with J. Daniels, late contractor on Capitol buildings, to supply sash for said building, but had not delivered the same on account of non-payment, by said Daniels, for the same, until the indebtedness was assumed by this Board;

And whereas, the same have been delivered in consequence of such assumption, and such delivery has been properly certified to by the Superintendent, and said Daniels has authorized this Board to pay said bill to M. Wise & Co.;

On motion of Alex. Wilkin,

Resolved, That a warrant for \$141 02 be issued by the Secretary on the Treasurer of the Capitol Fund in favor of M. Wise & Co., in payment of their bill, dated November 15th, 1852.

Ayes—Ramsey and Wilkin.

There being no further business before the Board,

On motion of Alex. Wilkin,

The Board adjourned.
Ayes—Ramsey and Wilkin,

ALEX. RAMSEY,
President.

Attest:
L. VAN ETTEN,
Secretary.

St. PAUL, Feb. 5th, 1853.

Board of Building Commissioners met.
Present—Alex. Ramsey and Alex. Wilkin.
The report of the Superintendent of the Capitol Building was presented by Alex. Wilkin, and read, as follows:

To the Honorable Board of Building Commissioners for the Territory of Minnesota:

The undersigned, Superintendent of the Capitol, respectfully begs leave to report:
That he has examined said building, and estimated the cost of completing the same, and finds that there remains to complete said building, according to the plans and specifications, to the best of my knowledge—
Finishing dome and turning columns, and floor in front, casing windows, sash and glass, and setting same, setting partitions and base and doors, stairs, and filling front opening, and completing the plastering in the building. That the above work will cost, to the best of my knowledge, about \$2,150 00.

Most respectfully yours,

C. P. V. LULL,
Superintendent of Capitol Building.

Dated Feb. 2, 1853.

On motion of Alex. Wilkin,
Ordered, That said report of the Superintendent of the Capitol be recorded by the Secretary in the minutes of proceedings of the Board.
Ayes—Ramsey and Wilkin.
There being no further business before the Board,

A. Wilkin moved that the meeting do now adjourn.

Carried.

Ayes—Ramsey and Wilkin.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEK,
Secretary.

St. Paul, Feb. 14th, 1858.

Board met.

Present—Alex. Ramsey and Alex. Wilkin.

Messrs. Willoughby & Powers presented a bill for livery expense in going to Stillwater to visit Territorial Prison; and,

On motion of Alex. Wilkin,

Resolved, That said bill be allowed, and that a warrant be drawn by the Secretary on the Treasurer of the Prison Fund, in favor of Willoughby & Powers, for \$20, the amount of said bill mentioned.

Carried.

Ayes—Ramsey and Wilkin.

On motion of A. Wilkin,

Resolved, That a warrant be drawn by the Secretary on the Treasurer of the Prison Fund, in favor of Alden Bryant, Superintendent of Territorial Prison, for \$37 50, balance of salary for quarter ending this day, as appears by account rendered.

Carried.

Ayes—Ramsey and Wilkin.

On motion of A. Wilkin,

Resolved, That a warrant be drawn by the Secretary on the Treasurer of the Capitol Fund, in favor of C. P. V. Lull, Superintendent of Capital, for \$62 50, for one quarter salary ending this day, as appears by account rendered and dated this day.

Carried.

Ayes—Ramsey and Wilkin.

On motion of Alex. Wilkin,

Resolved, That this meeting do now adjourn.

Carried.

Ayes—Ramsey and Wilkin.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. Paul, March 8th, 1853.

Board met.

Present—Alex. Ramsey and Alex. Wilkin.

On motion of A. Wilkin,

Ordered, That a warrant be drawn on Treasurer of the Prison Fund, in favor of Jesse Taylor & Co, for \$400, on account of their contract.

Carried.

Ayes—Ramsey and Wilkin.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. Paul, March 14th, 1853.

Board met.

Present—Alex. Ramsey and B. W. Brunson.

On motion of B. W. Brunson,

Resolved, That this Board proceed to invite proposals for the completion of the Capitol building; proposals to be received until May 2d, 1853.

Carried.

Ayes—Ramsey and Brunson.

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There being no further business,
The Board adjourned.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, April 11th, 1853.

Board met.

Present—Alex. Ramsey and B. W. Brunson.

Plan for an out building to the Capitol, presented by the Superintendent, and,

On motion,

Resolved, That said plan for said building be accepted by the Board.

Carried.

Ayes—Ramsey and Brunson.

The Superintendent then presented the following report, to-wit:

The undersigned would respectfully report, that on the 29th day of March, he caused the following advertisement to be published in the "Minnesota Pioneer" and "Minnesotaian," for four weeks, to-wit:

CAPITOL BUILDINGS.

Sealed proposals will be received by the Board of Building Commissioners of the Territory of Minnesota, until Monday, the 2d day of May next, at 12 o'clock, M., for the full completion of the Capitol Buildings, at St. Paul, according to the plan and specifications on file in the office of the Secretary of the Board.

Separate proposals will be considered for the completion of the whole, or in part, as follows, to-wit:

1st. For furnishing material and doing the carpenter's and joiner's work, laying balance of flooring, putting up partitions, casing doors and windows, fitting sash, setting glass, hanging the windows with weights and pulleys, erecting columns in front, and finishing portico, making and hanging doors, running stairs with walnut hand rail and turned banisters, putting down base boards, finishing the dome, and erecting steps, and the end and back doors, and every thing necessary to a complete finish of the building; also, for erecting out houses.

2d. For furnishing material, lathing, plastering the whole, to be three coats with white finish.

3d. For furnishing material and painting the interior of the building, doors, windows, &c., with pure white lead and linseed oil, three coats.

4th. For furnishing material and erecting steps, and flagging the portico in front of building, and erecting nine brick piers in the basement, to support the floor timbers; the steps and flagging to be of cut stone.

5th. For furnishing material and covering the dome with tin.

All bids must specify for what price per square yard the plastering and painting will be done.

All materials to be of the best quality, and work done in the best manner.

Contractors will be required to give security for the completion of their contract. To be completed on or before the first of September, 1853.

BENJ. W. BRUNSON,
Building Commissioner.

St. Paul, March 20th, 1853.

On motion,

The report was accepted.

The Building Commissioner then presented his specifications of work to be done in the Capitol, which,

On motion,

Was ordered to be filed by the Secretary.

On motion of B. W. Brunson,

Resolved, That this Board do now adjourn.

Carried.

Ayes—Ramsey and Brunson.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. Paul, April 12, 1853.

Board met.

Present—Alex. Ramsey and B. W. Brunson.

B. W. Brunson presented the following resolutions, to-wit:

Resolved, That the original plan of the Capitol Building be so changed that the upper

room in the wing be finished for the use of the Supreme Court, and that the office in plan be finished on ground floor, the same as appears in the plans.

Carried.

Ayes—Ramsey and Brunson.

The Board then took up the account of Messrs. Haus & Lewry, and,

On motion of B. W. Brunson,

Resolved, That said account of Haus & Lewry be suspended for the present.

Carried.

Ayes—Ramsey and Brunson.

The bill of Alden Bryant for services as Superintendent of Territorial Prison, up to April 4th, inst., was then presented to the Board.

On motion of B. W. Brunson,

Resolved, That said account be allowed, and that a warrant be drawn on the Treasurer of the Prison Fund, by the Secretary, for \$36 45.

Carried.

Ayes—Ramsey and Brunson.

B. W. Brunson then presented the account of I. Van Etten, for services as Secretary to the Board from Nov. 12th, 1852, up to April 12th, inst., inclusive, and for extra services in copying journal and preparing report of Board of Commissioners for the Legislature.

On motion of B. W. Brunson,

Resolved, That an order in favor of I. Van Etten, for \$204 15, be drawn by the Secretary on the Treasurer of the Capitol Fund.

Carried.

Ayes—Ramsey and Brunson.

On motion,

The Board adjourned.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. Paul, April 15th, 1853.

Board met.

Present—Alex. Ramsey and B. W. Brunson.

Bill of Haus & Lewry for \$489 was presented to the Board, and was duly certified by the Building Commissioner.

On motion of B. W. Brunson,

Ordered, That an order be drawn, in favor of Haus & Lewry, for \$489, by the Secretary, on the Treasurer of the Capitol Fund.

Ayes—Ramsey and Brunson.

The bill of Ard. Godfrey, for lumber furnished to the Capitol, duly certified, for \$72 59, was presented.

On motion of B. W. Brunson,

Ordered, That a warrant be drawn by the Secretary on the Treasurer of the Capitol Fund for \$72 59, in favor of Ard. Godfrey.

Ayes—Ramsey and Brunson.

Bills of Hyland for \$81 61, and of Ard. Godfrey for \$72 59, and of Haus & Lewry for \$100, for materials furnished for the Capitol, were then presented.

On motion of B. W. Brunson,

Resolved, That said bills of Hyland, Ard. Godfrey, and Haus & Lewry, be suspended for the present.

Carried.

Ayes—Ramsey and Brunson.

On motion,

The Board then adjourned.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, May 3d, 1853.

Board met.

Present—Ramsey, Wilkin, and Brunson.

The bids for the completion of the Capitol building were opened.

On motion of A. Wilkin,

Ordered, That the Building Commissioner, B. W. Brunson, examine the various bids, and report to the Board which he deems the lowest.

Ayes—Ramsey and Wilkin.

On motion,

Ordered, That a warrant be drawn on the Treasurer of Capitol Fund, in favor of Owens & Moore, for \$19 00, for bill of printing blanks.

Carried.

A. 17.

Ayes—Ramsey and Wilkin.

On motion,

Adjourned.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, May 10th, 1853.

Board met.

Present—Ramsey and Wilkin.

A communication from the Building Commissioner, B. W. Brunson, was received in reference to bids for completion of Capitol; which,

On motion of A. Wilkin,

Was ordered to be filed.

Ayes—Ramsey and Wilkin.

On motion of Alex. Wilkin,

Ordered, That the contract for the completion of the Capitol, excepting the lathing, plastering and materials therefor, and the painting and materials therefor, be given to Downer & Mason, on complying with terms required, and giving security. at price of \$4,454.

Ayes—Ramsey and Wilkin.

On like motion,

Ordered, That the lathing and plastering and furnishing materials therefor, be given to Stephens & Wallace, and contract entered into with them.

Ayes—Ramsey and Wilkin.

On motion of Alex. Ramsey,

Ordered, That a warrant for \$154 46, be drawn on Treasurer of Prison Fund, for services as Treasurer of Prison and Capitol Fund, from Oct. 13th, 1852, to May 13th, 1853, being two per cent. on \$7,728 26, received by him from late Treasurer.

Carried.

Ayes—Ramsey and Wilkin.

ALEX. RAMSEY,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, May 13th, 1853.

Board met.

Present—Alex. Ramsey and Alex. Wilkin.

On motion of A. Wilkin,

Ordered, That the contract for painting the interior of Capitol, out buildings, &c., be given to _____ upon his giving security.

Carried.

Ayes—Ramsey and Wilkin.

ALEX. RAMSEY,
President.

Attest:

L VAN ETEN,

Secretary.

SECRETARY'S OFFICE, St. PAUL, July 18, 1853.

Board met pursuant to call.

Present—Gov. Gorman, Secretary Rosser, and B. W. Brunson.

Memorials of Downer & Mason, and of the Stone Cutters, were presented, and,

On motion,

Were suspended for the present.

The bill of Joseph Daniels, assigned to W. R. Marshall, was then taken up, and,

On motion of B. W. Brunson,

Was suspended for the present.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

The Board then adjourned until July 19th, 1853.

Ayes—Gorman, Rosser, and Brunson.

W. A. GORMAN,
President.

Attest:

L. VAN ETEN,

Secretary.

SECRETARY'S OFFICE, July 19th, 1855.

Board met pursuant to adjournment.

Present—Gorman, Rosser, and B. W. Brunson.

On motion of B. W. Brunson,

The Board proceeded to the consideration of the memorial of Downer & Mason.

B. W. Brunson moved that the memorial be indefinitely postponed.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of Mr. Brunson,

The following resolution was adopted:

Ayes—Rosser and Brunson.

Nays—Gorman.

Resolved, That the Board of Commissioners of the Capitol Buildings will hereafter pay to the contractors seventy-five per cent. on the amount of labor performed and material furnished on said buildings, upon the estimate of the acting Building Commissioner, provided their securities assent in writing to such payment and to the above variance of the original contract.

On motion of B. W. Brunson,

The following resolution was adopted:

Resolved, That the Building Commissioner be, and he is hereby, authorized to have eave troughs, or conductors and spouts, placed upon the Capitol; also, to have zinc placed in the valleys or gutters upon the roof and next the chimneys.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

The following resolution was adopted:

Resolved, That the Building Commissioner be, and he is hereby, authorized to have erected two columns in the main hall, and two in the hall of the wing of the Capitol, to support the floor above.

Ayes—Gorman, Rosser, and Brunson.

On motion,

The memorial of the Stone Cutter was taken up and indefinitely postponed.

Ayes—Gorman, Rosser, and Brunson.

On motion of Mr. Rosser,

The bill of B. W. Brunson was passed, and warrant for the amount of \$168 00 was ordered to be drawn on the Treasurer for the amount.

Carried.

Ayes—Gorman and Rosser.

On motion of B. W. Brunson,

The bill of Byres & Comstock was then taken up, and warrant ordered to be drawn by the Secretary on the Treasurer for the amount of \$348.

Ayes—Gorman, Rosser, and Brunson.

The order of Downer & Mason to Byres & Comstock was then taken up, and,

On motion of Mr. Brunson,

It was laid on the table.

Ayes—Gorman, Rosser, and Brunson.

The bill of L. Van Etten for services as Secretary was then taken up, and,

On motion of B. W. Brunson,

Ordered, That a warrant for \$32 49 be drawn on the Treasurer.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of Mr. Brunson,

The Board adjourned.

Ayes—Gorman, Rosser, and Brunson.

W. A. GORMAN,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, August 20th, 1853.

Board of Commissioners met.

Present—Gorman, Rosser, and Brunson.

Board proceeded to business.

On motion of B. W. Brunson,

The bill of Downer & Mason, this day presented, be allowed, and that a warrant for twelve hundred dollars be drawn by the Secretary, upon the Treasurer of the Capitol Fund, for that amount.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Resolved, That there be allowed, on the bill of Stevens & Wallace, this day presented, six hundred dollars, and that a warrant be issued to them, for that amount, on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of J. T. Rosser,

Resolved, That there be allowed on the bill of Martin Godfrey, this day presented to the Board, one hundred and fifty dollars, and a warrant for that amount be ordered to issue by the Secretary on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Resolved, That there be allowed on the bill of Isaac Wright, this day presented, for painting on the Capitol Building, the sum of one hundred and fifty dollars, and that a warrant for that amount be drawn on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Ordered, That there be allowed to J. R. Brown, for printing proposals for work on Capitol, on his bills this day presented, the amount of \$7 50; and that a warrant for that amount be drawn on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion,

The Board adjourned, sine die.

W. A. GORMAN,
President.

Attest:

I. VAN ETREN,
Secretary.

St. Paul, August 28th, 1853.

Board met.

Present—Gorman, Rosser, and Brunson.

On motion of J. T. Rosser,

Resolved, That the Building Commissioner, B. W. Brunson, be requested to inquire into the expediency of heating the Capitol with heated air.

Carried.

Ayes—Gorman and Rosser.

On motion of B. W. Brunson,

Resolved, That the bill of Byres & Comstock, this day presented, for extra work on the Capitol, be allowed, and that a warrant for one hundred and ~~66~~100 dollars issue to them on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Resolved, That the bill of Cavender & Mathers, this day presented for work finished

by them, be allowed, and that a warrant issue to them on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Resolved, That the bill of Daffely & Hendrick, for cleaning in and about the Capitol, this day presented, be allowed, and that a warrant for thirty-nine dollars each issue to them on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion of B. W. Brunson,

Resolved, That the bill of Daffely & Hendrick, for cleaning Supreme Court room, this day presented, be allowed, and that a warrant for six dollars be issued to them on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman, Rosser, and Brunson.

On motion,

Board adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

St. Paul, Sept. 2d, 1853.

Board of Building Commissioners met.

Present—Gorman and Rosser.

Board proceeded to business.

On motion of J. T. Rosser,

Resolved, That the bill of D. Olmsted, for printing blank vouchers for the use of the Board, this day presented, be allowed, and that a warrant for eleven dollars issue to him on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That there be allowed on the bill of Dawner & Mason, for work on contract,

this day presented, the sum of seven hundred and fifty dollars, and that a warrant issue to them for that amount on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That there be allowed on the bill of Downer & Mason, this day presented, for extra work, the sum of one hundred and ten and 25-100 dollars, and that a warrant issue to them for that amount drawn on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman and Rosser.

There being no further business before the Board,

On motion of J. T. Rosser,

The Board adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

St. PAUL, Sept. 7th, 1858.

Board of Building Commissioners met.

Present—Gorman and Rosser.

Board proceeded to business, and,

On motion of J. T. Rosser,

Resolved, That the sum of eight hundred and twenty-four dollars be allowed to Downer & Mason, as per bill this day presented, and that the Secretary issue a warrant for that amount, on the Treasurer of Building Fund, in favor of Downer & Mason.

Carried.

Ayes—Gorman and Rosser.

The Board then,

On motion of Mr. Rosser,

Adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

St. PAUL, Sept. 19th, 1853

Board met.

Present—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That the sum of four hundred dollars, be allowed to Downer & Mason for work done on their contract, and that the Secretary draw a warrant for that amount in their favor, on the treasurer of the Capitol Fund.

Carried.

Ayes—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That this board do now adjourn sine die.

Carried.

Ayes—Gorman and Rosser.

W. A. GORMAN,

President.

Attest:

I. VAN ETTEN,

Secretary.

St. PAUL, Sept. 10, 1853.

Board met.

Present—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That the sum of four hundred dollars be allowed to Downer & Mason, for work done on their contract, and that the Secretary draw a warrant for that amount, in their favor, on the Treasurer of the Capitol Fund.

Carried.

Ayes—Gorman and Rosser.

On motion of J. T. Rosser,

Resolved, That this Board do now adjourn, sine die.

Carried.

Ayes—Gorman and Rosser.

W. A. GORMAN,

President.

Attest:

I. VAN ETTEN,

Secretary.

A. 18.

ST. PAUL, September 28th, 1853.

Board of Building Commissioners met.

Present—Gorman, Rosser and Brunson,

Board proceeded to business.

The proposals for grading Capitol Ground, and building culvert and steps, &c., having been examined, Daffery & Hendrick were found to be the lowest bidders to do the work.

Whereas, on motion, it was

Ordered, that the contract therefor be awarded to Daffery & Hendrick, and that they be required to enter into bonds for the performance of the contract.

Ayes—Gorman, Rosser and Brunson.

The proposal for heating the Capitol with heated or rarified air, being taken up for consideration,

It was, on motion of _____

Resolved, That the plan for heating the Capitol with heated or rarified air, be abandoned.

Ayes—Gorman, Rosser and Brunson.

On motion, it was ordered,

That the building commissioner advertise for proposals (in the Democrat and Pioneer) to build a fence around the Capitol; also for erecting desks for the President of the Council and Speaker of the House of Representatives, and bench for the Supreme Court room, and desks for clerks.

Ayes—Gorman, Rosser and Brunson,

The contract of Stephens & Wallace for plastering the Capitol, having been reported by the building commissioner as complete, and their work having been received by said Commissioner, it was

Resolved, That a warrant be drawn by the Secretary on the Treasurer of Building Fund in favor of Stephens & Wallace for the sum of \$1438 89-100 for said work.

Ayes—Gorman, Rosser and Brunson.

The contract of Isaac P. Wright, for painting the outside of the Capitol, having been reported by the building commissioner as completed, and the work having been by him received, it was

Resolved, That a warrant be drawn by the Secretary on the Treasurer of Capitol Fund, in favor of Isaac P. Wright, for three hundred and twenty-three and 50-100 dollars, for said work.

Ayes—Gorman, Rosser and Brunson.

On motion of B. W. Brunson,

Ordered, that the Secretary issue to Cavender & Mathews, a warrant in their favor, on the Treasurer of Capitol Fund, for five dollars for nails furnished to Capitol Building.

Ayes—Gorman, Rosser and Brunson.

On motion of B. W. Brunson,

Ordered, that a warrant issue by the Secretary to J. R. Brown, in his favor, on the Treasurer of Capitol Fund for seven dollars and fifty cents, for printing proposals.

Ayes—Gorman, Rosser and Brunson.

On motion,
The board adjourned.

W. A. GORMAN,
President.

Attest:
I. VAN ETTEN,
Secretary.

ST. PAUL, October 8th, 1858.

Board met.
Present—Gorman, Rosser, and Brunson.

Board proceeded to business.

On motion of B. W. Brunson,

Resolved, That the superintendent be, and he is hereby, instructed to procure laborers at the cheapest possible rate per day, to grade the Capitol grounds, build a culvert and fill the ditch to drain the basement, and erect cut steps to the back door of the same.

Carried.

Ayes—Gorman, Rosser and Brunson.

On motion,

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for twenty dollars, in favor of Thomas Doherty for work.

Ayes—Gorman, Rosser, and Brunson.

On motion,

Ordered, That a warrant be drawn on the Treasurer of the Capitol Fund for twelve and 70-100 dollars in favor of Grovis & Buckfield for work done.

Ayes—Gorman, Rosser and Brunson.

On motion,

Ordered, That a warrant issue to the Treasurer of the Capitol Fund for sixty-two and 50-100 dollars in favor of I. Van Etten, for services as Secretary.

Ayes—Gorman, Rosser and Brunson.

On motion,

Ordered, That a warrant be drawn on the Treasurer of Capitol Fund for one hundred and twenty-five dollars, in favor of B. W. Brunson, for services as Superintendent.

Ayes—Gorman and Rosser.

On motion,

Ordered, That a warrant be drawn on the Treasurer of Capitol Fund for thirty-five dollars in favor of M. L. Olds, for going to Dubuque to get drafts cashed.

Ayes—Gorman, Rosser and Brunson.
The board then, on motion, adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETTEN,
Secretary.

St. PAUL, October 20th, 1853.

Board met.

Present—Gorman, Rosser and Brunson.

Board proceeded to business.

On motion,

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund in favor of J. P. Wright, for one hundred and fifty dollars.

Ayes—Gorman, Rosser and Brunson.

On motion,

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of Downer & Mason, for the sum of five hundred and seventy eight and 75-100 dollars.

Ayes—Gorman, Rosser and Brunson.

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of M. Groff, for one hundred and ninety-one dollars and twenty-six cents.

Ayes—Gorman, Rosser and Brunson.

On motion,

The board then adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETTEN,
Secretary.

SAINT PAUL, Nov. 7th, 1853.

Board met.

Board proceeded to business.

On motion,

Resolved, That a warrant be drawn on Treasurer of the Capitol Fund, in favor of Thomas Thomas, for eighty dollars.

Ayes—Gorman, Rosser and Brunson.

On motion,

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund for two hundred and forty-five dollars and eighty-two cents.

Ayes—Gorman, Rosser and Brunson.

On motion,

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of John Bollen for two hundred dollars.

On motion,

The Board then adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

SAINT PAUL, Nov. 14th, 1853.

Board met pursuant to adjournment.

Present—Gorman, Rosser and Brunson.

Board proceeded to business.

On motion,

Resolved That a warrant issue in favor of B. W. Brunson for forty-one dollars and sixty-six cents.

Ayes—Gorman and Rosser.

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, for three hundred dollars, in favor of John Holland.

On motion, the Board adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

SAINT PAUL, Dec. 24th, 1853.

The Board met.

Present—Gorman, Rosser, and Brunson.

The Board then proceeded to business, and,

On motion,

Resolved, that a warrant be drawn on the Treasurer of the Capitol Fund, in favor of Mr. Mason, for four hundred dollars.

Ayes—Gorman Rosser and Brunson.

Resolved, That the board do now adjourn.

Ayes—Gorman, Rosser and Brunson.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

SAINT PAUL, January 5th, 1854.

Board met.

Present—Gorman, Rosser, and Brunson.

Board proceeded to business.

And, on motion,

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of J. P. Wright, for one hundred and eighty-nine dollars and eighty cents.

Ayes—Gorman, Rosser and Brunson.

On motion,

It was also

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of Warren & Wakefield for thirty dollars;

And also a warrant in favor of Mr. Messer, for nine hundred and eighty dollars.

Ayes—Gorman, Rosser and Brunson.

The Board then adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

SAINT PAUL, January 10th, 1854.

Board met in Secretary's Office.

Present—Gorman, Rosser and Brunson.

The Commissioners proceeded to business.

On motion,

Resolved, That a warrant be drawn on the Treasurer of the building Fund, for eighty three dollars and thirty three cents, in favor of B. W. Brunson.

Ayes—Gorman and Rosser.

The Board then adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

SAINT PAUL, February 15, 1854.

Board met.

Present—Gorman, Rosser and Brunson.

Board proceeded to business.

On motion, it was

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, for fifteen dollars, in favor of J. H. Mason.

Ayes—Gorman, Rosser and Brunson.

On motion, it was

Resolved, That a warrant be drawn on the Treasurer of the Capitol Fund, in favor of J. P. Wright, for nine dollars.

There being no other business before the Board, the Commissioners then adjourned.

W. A. GORMAN,
President.

Attest:

I. VAN ETEN,
Secretary.

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REPORT

Commissioner to the World's Fair.

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

SIR:—Having been appointed by His Excellency, Gov. Ramsey, your immediate predecessor, under a joint resolution of the General Assembly of the Territory of Minnesota, passed March 31, A. D. 1853, to attend the World's Fair in New York, and having accepted the responsibilities, and endeavored thus far to discharge the duties which were contemplated by the Resolution, I deem it my duty respectfully to report progress to you at this time.

Having by personal inspection informed myself of the prominent parts of the Territory with which I was not previously familiar, and having collected such of the agricultural and mineral productions as would best attract attention, and give confidence and instruction to persons desirous to emigrate to our Territory, I proceeded to New York about the first of June, in order to secure the space allotted for Minnesota productions, and to comply with the requirements of the Directors in time for the opening of the Exhibition as advertised.

Owing to unavoidable delays in preparing the Palace for the reception of goods, in common with other Commissioners, I was delayed two months longer than would otherwise have been necessary. During this time, as opportunity afforded, I sought from the various foreign Commissioners, and from the offices of emigration of New York City, information and facts in regard to foreign emigration which I have appended to this report, and which, although not in strictness specified by the resolution under which I acted, will nevertheless come fairly within the spirit thereof, and which I hope may prove of some utility.

July 15th, 1853, the Crystal Palace was formally inaugurated in presence of the President of the United States, and the members of his Cabinet, the Ambassadors and

Commissioners of foreign nations, and an army of scientific men, the products of whose skill and industry, gathered under that splendid canopy of iron and glass, called forth the occasion and elicited the admiration of all beholders.

The contributions from Minnesota consisted, with the exception of Daguerreotypes, of unmanufactured products of the country, furs, grains, minerals, and Indian curiosities, in all amounting to sixty two different articles.

The furs and articles of Indian dress and ornament are exposed upon a part of the wall of the building near the northern entrance, in a most conspicuous and advantageous place to attract general observation.

The grains were exhibited in suitable boxes, in the agricultural department, and singularly enough, formed the only complete exposition of the products of the soil from any of the States or Territories. From this fact, although the collection was very small and insignificant in itself, it attracted the attention and approval of the newspaper reporters, and of thousands of visitors who daily thronged the aisles and galleries of the Palace.

The mineral specimens were almost lost in the immense number and variety from other places, but the superior excellence of the sand taken from the bluff upon which St. Paul stands, and which is so abundant in the vicinity, and the specimens of glass made from this sand, attracted the eager and careful attention of scientific and practical examiners and glass manufacturers, who pronounced it equal to the very best.

The articles of Indian manufacture were contemplated with perhaps more of curiosity and wonder, and attracted larger notice than some of the more elegant and costly articles which the educated genius of foreign artists offered for admiration.

The manufacturing industry of the Territory could not well be represented, as nothing more portable than pine lumber is manufactured to any great extent.

In the Fine Arts, we are indebted to the enterprize of Mr. J. A. Whitney, who furnished some Daguerreotype views of St. Paul, which as specimens of art, were surpassed by few. The Territory is indebted to Mr. Sandford, of the firm of P. Choteau, Jr., & Co., and Mr. Ramsey Crooks, who, at the request of Hon. H. H. Sibley, placed at my disposal for exhibition, such Minnesota furs as I might select from their large collections.

The following named persons were the only exhibitors during the past year:

H. H. Sibley, Captain J. B. S. Todd, S. B. Lowry, D. Gilman, N. McLain, W. H. Forbes, J. McCloud, Jr., J. B. Culver, W. Shaeffer and W. G. Le Duc.

I have received notice from the Directors that the Exhibition will be continued during the year 1854, or a portion thereof, and also that the space occupied by Minnesota can be retained and refilled. As it is highly desirable that this excellent means of advertising our Territory be not neglected, I will endeavor to have all the space that may be allowed us filled with specimens of our natural and artificial productions during the continuance of the exhibition.

In conclusion, I hope and believe the objects contemplated by the resolution under which I have acted, have been in some degree accomplished. At the Great Industrial Exhibition of all Nations, Minnesota has contributed her mite. Among the thousands who have daily thronged that exhibition, it is not too much to suppose that the productions of Minnesota have given her wide fame, and added to her increasing popularity.

I have the Honor to Remain,

Very Respectfully,

Your obedient servant,

W. G. LE DUC.

APPENDIX:

The number of emigrants arrived at the port of New York, according to the records of the Office of Emigration, was for 1851, 209,601.

Of these, 163,256 were natives of Ireland; 69,883 of Germany; 16,812 of Switzerland, Holland, Norway, Sweden, Denmark and Scotland; 46,824 of other countries.

The total number of emigrants who arrived at the port of New York during the year 1852, was 300,992. Of these 118,631 were natives of Ireland; 118,511 of Germany; 19,631 of Scotland, Switzerland, Sweden, Denmark, Norway, Holland and Poland; 44,519 of other countries.

By the above statistics we learn that there is a large proportionate decrease from Ireland, and the southern countries of Europe, while there is a remarkably large increase from Germany, Norway, Sweden, and the northern countries of Europe, where the soil, climate and productions are more nearly allied to that of Minnesota, and other northern inland States of the Union.

The immigration for the year 1853 has been, according to the best information obtained, not far from 300,000, and will show a still larger proportionate increase from northern Europe of that class of immigration particularly desirable for Minnesota. The greater part of the Germans, Norwegians, and Swedes who now emigrate, bring with them not only the means of reaching their respective destinations, and establishing themselves in some honest, if humble occupation, in our cities, towns, and inland counties, but they also bring what is incomparatively more valuable, honesty, sobriety, persevering industry, and mental cultivation sufficient to bring them, after a short residence among us within the benign influence of a Free Press.

This class of immigrants eagerly desire any reliable information of our country, and would naturally prefer and seek that portion more nearly like the land of their nativity.

By leaving pamphlets for gratuitous distribution at the various offices of emigration in New York, written in the language of the emigrant, and containing brief descriptions of our Territory and its advantages, with descriptions of the manner, time, and expense of travel, a wide and salutary influence might be excited.

There are also certain newspapers in Germany for the especial purpose of diffusing intelligence among emigrants, such as the *General Emigration Gazette*, published at Rudolstadt; the *German Emigrant*, published in Frankfort on the Main; the *Saxon Emigrant*, published in Leipsic. There are also associations in various parts of Germany, called Associations for the Protection of Emigrants, whose business it is to give all aid, information and assistance to the emigrant which may be useful in enabling him to establish himself satisfactorily in the new home he seeks. The Leipsic Association for Emigrants is the best and most widely extended of any of its kind, and it has branches all over Germany, and exercises an immense influence.

With these facts, I submit to the consideration of your Excellency, whether it is advisable to recommend legislative action to be taken to influence foreign emigration toward Minnesota.

Respectfully, &c.,

W. G. LE DUC,

REPORTS

Of Committees on the Passage of a Prohibitory Liquor Law.

Mr. Plummer, from a Special Committee, to whom was referred various petitions for a Prohibitory Liquor Law, reported the same back to the House, having previously reported upon similar petitions, by bill, with the recommendation that such bill receive the favorable consideration of this body, being another indication of the popular feeling of the inhabitants of the Territory.

Mr. Fletcher, from the Committee to whom had been referred the petition of A. D. Eaton, and one hundred others, relative to a boom at or near the head of Lake St. Croix, made the following report:

The Committee on Incorporations, to whom was referred the petition of A. D. Eaton, and one hundred others, relative to granting a Boom Charter for the establishing of a Boom at or near the head of Lake St. Croix, beg leave to report that—

They have given the subject due consideration, and have no hesitation in saying that the said Boom can subject no one to any inconvenience or injustice, but must certainly be a protection for all logs that break away, or get scattered, above said Boom, as well as the great amount of logs coming from Apple River now having no Boom for their protection.

We, therefore, recommend the passage of the bill before the House for said Boom.

H. FLETCHER,
WM. MCKUSICK,
PETER ROY.

Committee.

The Committee to whom was referred the petition of Charles Galpin and 27 others, praying for the passage of a Prohibitory Liquor Law, have considered the same, and ask leave to recommend the passage of the Prohibitory bill introduced by Mr. Plummer.

H. FLETCHER,
H. S. PLUMMER,
O. M. LORD,

Committee.

REPORT

Of the Committee of Conference.

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

Your Committee of Conference, appointed to confer with a Committee of the Council, upon a disagreement of the two Houses relative to certain amendments to bill, (No. 23, H. of R.)

Be it left to make the following report:

The first disagreement was in section 4, line 3, and your Committee would recommend that the same may read as follows:

Of the Second Districts at the towns of St. Anthony and St. Paul.

Second and last disagreement was in section 15, lines 4, 5 and 6, and your Committee would recommend as follows:

That all of section 16th, after the word "length," in the 4th line, be stricken out.

The above report is all in accordance with the wishes of your Committee.

H. FLETCHER,
Wm. McKUSICK,
CEPHAS GARDNER,
Committee.

REPORT

**Of the Committee on Corporations Relative to Establishing a Ferry Across the
Mississippi, at St. Anthony**

The Committee on Corporations, to whom was referred the bill granting to Zadock M. Brown the right to establish a Ferry across the Mississippi River, has had the same under consideration, and ask leave to report, that they have given the parties notice to appear before your Committee, and produce such evidence as they may deem necessary.

The parties have appeared before your Committee, and from all the evidence which has been produced, your Committee are clearly of opinion that the charter granted to William A. Cheever to construct a Ferry at this point, has never been accepted, and is consequently to all intents and purposes void, and that in the opinion of your Committee the public good requires a well regulated Ferry at the point designated—that the bill granting to Z. M. Brown the right to establish a Ferry ought to pass.

**H. FLETCHER,
WM. McKUSICK,
PETER ROY,**
Committee.

REPORT

Of the Committee on the Petition of Ann Leroy.

Mr. Fletcher from the select committee to whom was referred the petition of Ann Leroy, made the following report:

The committee to whom was referred the petition of Ann Leroy, ask leave to report that in the opinion of your committee, all necessary power has been granted to the Judiciary of this Territory to adjudicate upon all cases which may arise in relation to petitions for divorce, and that in the opinion of your committee, further action by this House on that subject is inexpedient.

H. FLETCHER,
WM. H. NOBLES,
Select Committee.

REPORT OF MR. PLUMMER,

On his Bill for a Prohibitory Liquor Law.

CONTENTS

Mr. Plummer, from the special committee to which was referred the petitions of the friends to a prohibitory liquor law, reported

That with bills heretofore drafted, the following faults have been found:

- 1st. Granting too large jurisdiction to Justices of the Peace.
- 2d. Providing for no jury trial.
- 3d. Placing obstacles in the way of an appeal, by increasing the penalty in case of final conviction, and by allowing but 24 hours to procure surities.
- 4th. Leaving the county agency so loosely guarded as to be liable to abuse.
- 5th. Leaving individuals liable for keeping or making liquors for private use. Exposing the innocent to annoyance.
- 6th. Disregarding the rights of the U. S. revenue.
- 7th. No liability of officers for neglect of duty.
- 8th. No provision to prevent importation.
- 9th. No provision for discipline of intoxicated persons who become troublesome.

In the accompanying bill it is believed these objections have been obviated, and other changes have been made which render the bill more efficient, without making it more harsh.

It has been constructed so as to embrace the improvements suggested by the experience of Maine, Vermont and Rhode-Island; and in each section a sacred regard has been had to the rights of the citizen, the common law, and the object to be attained, viz: "The complete prohibition of the traffic in intoxicating beverages."

The 29th section may need amendment. There may be a better way to secure the object sought thereby, than is therein provided. The United States Law referred to is excessively rigorous, much more so than any other prohibitory law of more recent origin.

It confiscates all boats, &c., in which liquor may be brought into the Indian Territory, and authorizes any officer in the service of the United States to destroy all such liquors, and to level all distilleries, &c., to the ground.

REPORT

Of the Committee on the Bill to amend an Act to Incorporate the St. Croix Boom Company.

The Select Committee to whom was referred
(No 28, C. F.) A bill to amend an act entitled "an act to incorporate the St. Croix Boom Company,"

Have had the same under consideration, and respectfully beg leave to report the same back with the following amendments:

Sec. 2. In the fourth line strike out all after the word "company."

Additional. Sec. 18. To read as follows:—"The Treasurer of said company shall on or before the 1st of January, annually, make a correct report of the financial condition of said company to the Governor of the Territory.

Sec. 17. That any owner or owners of logs or timber, shall have the same turned through said Boom by giving *thirty days previous* notice, and paying ten cents per thousand feet, as compensation for handling, catch-marking, and *turning* through, said logs; to be collected as herein before provided.

Sec. 19. This act shall take effect and be in force from and after its passage.

WM. NOOT,
WM. A. DAVIS,
H. FLETCHER.
Committee.

REPORT

Of the Committee on the Bill Relative to Sheep and Swine.

Mr. Davis from, the select committee to whom was referred the petition of A. Lambert and others, made the following report:

The select committee to whom was referred the petition of A. Lambert and 41 others, residents of Little Canada, praying that sheep and hogs may be permitted to run at large—have had the same under consideration, and respectfully beg leave to report by bill and recommend its passage.

All of which is respectfully submitted.

WM. A. DAVIS, Chairman,
LOUIS BARTLETT,
PETER ROY,

Committee

REPORT

**Of the Select Committee to whom was Referred "A Bill for an Act to Abolish
Imprisonment for Debt."**

Mr. McKusick offered the following resolution:

Resolved, That whereas this House has requested the opinions of the Supreme Judges of this Territory, upon the validity of Chapter 88, page 444 of the Revised Statutes; and whereas said Judges have, in accordance to the requirements of the Statutes, given their opinions, together with their reasons for the same, and whereas, a report was made to this House on Saturday, the 25th, from a Select Committee to whom was referred "A Bill to Abolish Imprisonment for Debt, and other purposes," in which an unwarrantable attack was made upon our Judiciary, not only upon their opinion but upon their character; therefore, be it resolved that said report be forever expunged from our Journal.

The report is as follows:

The Select Committee to whom was referred "A bill for an act to abolish imprisonment for debt and for other purposes," have had the same under consideration, and respectfully beg leave to submit the following report:

Your Committee believe that the passage of the bill under consideration, will have a happy influence upon the character and prosperity of our people.

That it will tend to restore them to that state of freedom to which they were by nature and our republican institutions designed. That an American citizen may, in this nineteenth century, be incarcerated within the four walls of a prison, cut off from the light of Heaven and communion with his fellow men, and this for that inconvenient crime of being poor, is to your Committee a source of astonishment and regret, especially so, when they think upon the various mutations which daily transpire in our midst, that the man of wealth of to-day, is the beggar of to-morrow. That the agent of the people who shall enact these penalties, may, ere the same shall be promulgated, pay the forfeiture of his own despotic enactment.

When we reflect upon the various causes by which bankruptcy and ruin are brought to our very doors, and at a period when we least expect it; that this may be caused by fire, flood, sickness, false friends, or perjury, which has become too frequent under the iniquitous provisions of Chapter 95, which offers a *reward* for the crime of *perjury*, by making all parties to suits witnesses in their own favor, to swear money into their own pockets.

Your Committee would say in this connection, "lead us not into temptation." That the border settler may be robbed of articles of commerce, or the means of subsistence, by aboriginal or Anglo-Saxon savages who infest our borders. Or what is worse than these combined, he may in an evil hour become a party to a suit under the code, this system of "Justice made easy" upon the principle of "French without a master," it matters not whether he be plaintiff or defendant, ruin is sure to overtake him. Your Committee believe that the enforcement of the rights of the citizens, under our system of codification, and the protection or redress of wrongs, are attended with heavier costs, greater delay, and uncertainty than under any system known to civilization. Your Committee are not "learned in the law," consequently they have had recourse to the various standard works on practice and pleadings, and the judicial decisions of eminent Judges upon the Bench—men qualified to give correct opinions upon this all-important subject. First, because they possess the learning and intellect to enable them to decide correctly. Secondly, all "temptation" to become corrupt, is removed by their being debarred from having any contingent interest, or tax, fee, or costs by way of "indemnity" in the subject matter of the suit. This highly honorable and intelligent class of men in anguish of soul, for the infliction of "codification" upon the people of the Empire State, an infliction more tolerable than has been meted out to the people of Minnesota, here urged upon the Representatives of the people, "the propriety of relieving courts and suitors from the incubus that weighs upon them, by repealing that code, which having been fairly tested, has *utterly failed.*"

Your Committee believe that they cannot better subserve the cause of truth and humanity, than by making the following extract from the able opinion of His Honor Judge Barculo, in the case of *Mulligan vs. Brophy*, 8th Howard's New York Reports. The history of this case given, as illustrative that notwithstanding the injunction of the code requiring all proceedings to be drawn "in such a manner as to enable a person of common understanding to know what is intended" after nearly a four year's litigation, one of the parties was on oath compelled to admit that under the pleadings and proceedings, "he was unable to understand his true position." (Whether the several counsel engaged in the cause from time to time were able to understand it, *quere?*) "The defendant states that the plaintiff has had in his employ no less than twelve regular members of the bar, besides supernumeraries, and as the affidavits express it, "when one attorney failed in a motion, he usually employed a new attorney, to renew the controversy in some other shape." This statement is rendered probable by the defendant's depositions which inform us "that a great number of motions have been made in this cause by or on behalf of the defendant, who is an attorney at law," while the plaintiff, being "a tailor by trade, and but very little acquainted with law, or legal pleadings, has not been able until within a few days past, of getting such information as would enable him to understand the real nature of such motions, or the true position in which defendant was placed thereby."

It may appear to the uninitiated, somewhat extraordinary, that this unfortunate tailor,

who commenced this suit nearly four years since, under a system of procedure, which required all pleadings to be drawn in such a manner as to enable a person of common understanding, to know what is intended, should have been so long ignorant of his "true position." But to those who have seen the working of the new machinery, it is no novelty to find a case which so far from being understood by clients, is somewhat unintelligible to counsel themselves. Whether this is not a full excuse for the numerous highly respectable lawyers, who have been connected with this matter, and whether this plaintiff is not another *legitimate victim* of codification, may more fully appear by the details of the case. We feel it our duty to state the proceedings at some length, as a striking illustration of what is constantly occurring around us, and in the sincere hope that they may suggest to those who hold the power, the propriety of relieving courts and suitors, from the incubus that weighs upon them, by repealing that code which, having been fully tested, has *utterly failed*.

"The papers before me containing not less than two hundred and fifty folios of manuscript, consisting of affidavits, pleadings, and orders, show that the plaintiff, in June, 1849, commenced an action to recover a few articles of personal property, which the defendant had purchased at Sheriff's sale, it would have been under the Revised Statutes, (the old system,) a very simple action of replevin and would have terminated in a judgment, probably within ninety days; but it appears that the plaintiff claimed the *immediate* delivery of the goods under the code, and they *have* been delivered; he asked in his complaint, merely for damages; the case was brought to trial before Justice Hulbert, at the Putnam Circuit, in October, 1849, and the plaintiff recovered a verdict for \$10. What next occurred does not very distinctly appear."

Your Committee have neither the time nor patience to follow this "unfortunate tailor" in his four years chase, after his wily debtor, the lawyer, nor to enumerate the various motions, and orders, (which, under the pure simplicity of the code, were *legally* made in his case,) or to compute the *cost* attendant thereon. Your Committee believe that such costs must have exceeded the earnings of this "tailor" during said four years.

On the third of July, 1852, the case had come to this pass, that instead of our tailor's recovering, his *legal adversary* recovered a judgment against *him* for \$318 19, and that on the 6th of July, execution issued against the tailor, for this amount. The heart sickens at the subsequent details of this suit under the "code;" and may God help the "tailor."

Your Committee feel satisfied that Mr. Muligan, the plaintiff in this case, is a "done over tailor," and that the relation of attorney and client, under the code, is well illustrated by the boys and frogs of *Æsop*.

Your Committee further state, that they find in the Constitution of the United States, that the forms of Judicial proceedings, as known at common law, are guaranteed to suitors in *our* courts.

They also make the following extract from the ordinance of 1787—"that the inhabitants of this Territory shall always be entitled to the benefit of *judicial proceeding*, according to the course of the *common law*."

They also make the following extract from the Organic Act of this Territory: "The courts shall possess *chancery* as well as *common law* jurisdiction."

Also, Congress have, by the Constitution, *exclusive* authority to regulate proceedings

in the Courts of the United States, and the States have no *authority* to control their proceedings."

See *Nayn vs. Southard*, 10th Wheaton's, 1, 6, Condensed Reports U. S. Supreme Court, 1, 16th Peters, 89, 17th Peters, 209, 10 Wheaton, 473, 6 Condensed Report, Supreme Court, U. S., 190.

Your Committee further state that they have been unable to find *any authority* for the abrogation of, or departure from the spirit and principles of the common law, recognized in our Constitution, and in the decisions of our highest Courts, save what is contained in our "code." They have called upon members of the bar who are clamorous, *for the code*, yet they have thus far failed to *obtain any reasons* for such attachment, save such as may be found in Chapter 72, sounding as "*indemnity*" in the shape of tax costs of \$6, \$12, \$15, &c., &c., &c., &c., too numerous to mention; which sums are to be paid by an unfortunate tailor, not for fees—O, no—nor for services; neither are they to be paid to his opponent, but to his *opponent's lawyer*. This is certainly a comfortable arrangement.

Your Committee have also discovered in looking over the code, that the more blunders an attorney commits, the heavier are his fees. This, they are advised, was not the case at common law; but that on the other hand, the attorney for such blunders, was liable to his client.

Your Committee are advised that the code possesses still another advantage in a professional point of view, in this: It requires *less* skill to set up as a lawyer than was requisite, at common law, to master the pure elements of a science which has grown up as a monument to the wisdom of our fathers.

For these reasons, your Committee are *not* surprised, to find upon their tables, a remonstrance signed by twenty-eight members of the legal profession, protesting in the strongest terms against any modification of the code, in so far as concerns the practice of our courts. They appear to be as *disinterested* as was Demetrius some 1800 years since, when Paul preached at Ephesus! If our twenty-eight legal *constituents* do not, like the craftsmen of Ephesus, shout "great is Diana," they sing the praises of the code with equal zeal, if not from the same *disinterested* motives.

If your Committee could for a moment believe, that these 28 members of the Bar, were their only constituents, that self sacrificing disinterestedness which has induced them to *infest* the Halls of Legislation, would act as a mighty lever upon their consciences; yet when they recollect that they are in part the representatives of those who toil in the fields, upon the plains, in the forests and shops—of that toiling multitude who constitute the great motive power of the land, (not forgetting our "unfortunate tailor,") and believing, as they do, that by this code, the "chances" and that "glorious uncertainty of the law" is increased; that in a suit some time since commenced before a Justice of the Peace in this Territory, for the recovery of \$50, which suit is now pending in our courts, the cost of which, now exceeds \$400, and that the same is not likely to be determined, so long as both parties remain solvent; believing that the suitor's loss is the lawyer's gain; and yet believing that while the legal profession is numerous, yet that they constitute but a *portion* of our population, and that it is the duty of the Representative to do the "greatest good to the greatest number," your Committee feel constrained to turn a deaf ear to the importunities of the legal profession, and to look to the *highest* sources within their reach for light. Among these, they recognize the Constitution, the Ordinance of 1787, the Organic Act, and the Decisions of the highest Courts known to the law.

Your Committee believe that this bill is based upon, and sustained by all of these great Constitutional supports; while on the other hand, it is evident that the several chapters, the repeal of which is therein contemplated, are in *direct conflict with the "suprema law of the land,"* and therefore void.

Your Committee have arrived at the conclusion, that our code is in an imperfect state; and that it is impossible to reconcile one portion with another, or either with pure principles, or sound ethics; that neither the Bar nor Bench agree as to its import upon many important questions. Entertaining this view of the subject, your Committee believe that any effort to *amend* the several chapters under consideration would be worse than idle.— They believe that if there ever was a *time* or *place* in which sound legislation, was indispensable to the safety of the citizen, this is the time and place. To establish the truth of this proposition, it is only necessary to call attention to an *extra-judicial* opinion, dated Feb. 6th, 1854, which was kindly furnished the House, a copy of which is before your Committee, in which we are advised that the legislative power of this Territory is very great; that it extends to the abrogation of the *common law*, as well as to the laws of evidence; to the unsurveyed lands of the United States, and to their management and control in all things save the "primary disposal" thereof; in all else the Legislature is said to be supreme. And this opinion is accompanied with an offer, on the part of the Judiciary to aid the Legislature;—in other words, that he is "willing and even *anxious*" to do so. Your Committee fear that the prospective vote of some "bona fide settler" obscured the mental vision of his Honor at the time he drew this opinion. They are *amazed!* Has our code repealed the common law? Has it repealed the ordinance of 1787? Does it *override* the decision of the Supreme Court of the United States? Does it *repeal* the Constitution, and above all, *has, or will,* the Supreme Court recognize this right, or power? Your Committee regret to say that a portion of that Court *has* recognized this right, and this too, with the ablest decision and commentaries known to the judicial world; confronting him, Judge Story says:—"The power of Congress over the public Territory is *clearly exclusive* and *universal*, and their legislation is subject to *no control*, but is *absolute*, and unlimited. Your Committee believe that by the Constitution, Congress is vested with the *sole* power of legislation, in, and over, this Territory, in all matters *save those of strictly a municipal* character; that there is no concurrent power, in this Territory—that when Congress *did* act upon this subject, she did so in virtue of a Constitutional right; that therefore the legislative power has been exhausted; so also in relation to our code of practice. Congress has given us a code of practice for our Courts, (See 1st U. S. Statutes at large; pages, 73 to 94, and 275 to 279,) shall chapter 88 of our code limit this power? Shall the judiciary be permitted to shrink from its duty, will the Legislature after this desire and "anxiety" to do so, permit it? Your Committee believe that our Courts recognize, in the executive, the power to *remove* Territorial Judges; this fact illustrates, and gives peculiar force, to the opinion of that eminent Jurist, Montesquien, which is endorsed by Judge Story; "there is no liberty, if the judiciary power be not *separate* from the *legislative*, and *executive* powers," and it is no less true that personal security, and private property, rest entirely upon the wisdom, the stability, and the integrity, of the Courts of justice.

If that government can be truly said to be despotic and intolerable, in which the law is vague and uncertain, (and we claim that ours is all these,) it can but be rendered still more oppressive and more mischievous, when the active administration of justice is dependant upon caprice or favor—upon the will of rulers, or the influence of popularity; when

power become right, it is of but little consequence whether decision rests upon corruption, or weakness—upon the accident of chance, or upon deliberate wrong.

We make the following extract from Story, on the Constitution, page 598:—"If our Judges are appointed at short intervals, (and ours are,) they will naturally and indeed almost necessarily, become more dependant upon the appointing power; if they have any desire to obtain and hold office, they will at all times evince a desire to follow and obey the will of the predominant party; * * * public justice will be administered with a feeble and a faltering hand.

It will secure nothing but its place, and the approbation of those who value because they control, it will decree what best suits the opinions of the day, and it will forget that the precepts of the law, rest on eternal foundations." It will encourage or sustain the Legislature, so far as it can in the "violent exercise," or abuse of its powers, by stimulating that body to an utter disregard of all common law, rights and restraints, by exhorting the Representatives of the people "not to hesitate nor fail, nor suffer themselves to be paralyzed by the magic influence of the wizard wand of hoary error."

Your Committee feel that *such* sentiments *thus* expressed, in such a quarter, call for sound and thorough legislation, that the present legislative *mist* and *fog* be cleared away, and no longer furnish a screen from justice on the one hand, and from censure on the other. Let each department of our government assume its legitimate responsibility.—Until this be done, our people are *not free*. It remains to be demonstrated whether our fears are not well founded, whether our judiciary will evince that firmness, necessary to protect the citizen by asserting his constitutional rights. If this shall not be done, and the Legislature shall retain upon the Statute book the chapters under consideration, which may, like *Panlora's Bar*, be opened to scourge the land, at the instance of all or *either* of the immortal 28 whose names are before your Committee, than the man of wealth and power, and *especially* the politician, will not stand upon the same level with the common citizen, in judicial controversies. His chances for success or failure, will depend upon the *influence* he may bring to bear upon the *retention* or *removal* of the Judge. These influences will not be confined to the *man* of wealth or power. The *courtesan* has played *her part* in infamy; her *favors* and *frowns* are dispensed, aided by banquets prepared from her ill-gotten gains. By these she illures, such of the Legislative and Judicial departments of the government, as may thus be enticed, or ensnared; thus moral sentiment becomes depraved; the sot, the knave, and the *prostitute* are *tolerated* in society—are even permitted to enter the sanctuary of God; and we shall not have an end of this, until each department of our government shall be kept separate—shall become fearless and faithful in the discharge of their respective duties, without reference to occupant votes, *Bachus* or *Jezebel*.

The importance of the subject referred to your Committee, must be their apology for this draught upon the attention of the House.

They therefore recommend the passage of the bill, after striking therefrom such portions of chapter 71, as are contained between, and including sections 93 to 103.

All of which is respectfully submitted.

WM. A. DAVIS, Chairman,
LOUIS BARTLETT,

Mr. Bartlett moved
The resolution be laid on the table.

PETITION

Of Twenty-eight Members of the Bar.

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

The undersigned Members of the Bar of this Territory, having been informed that notice has been given of the presentation of a bill having for its object the repeal of the act entitled, "An act to authorize the exercise of all equity jurisdiction in the form of civil actions, and for other purposes," respectfully remonstrate against the repeal of the said act, as hasty and ill advised.

H. L. MOSS,
THEO. E. PARKER,
J. ESALAS WARREN,
HENRY F. MASTERSON,
A. PIERSE,
WM. HOLLINSHEAD,
DAVID A. SECOMBE,
L. A. BABCOCK,
M. S. WILKINSON,
GEO. L. BECKER,
L. E. THOMPSON,
ORLANDO SIMONS,
C. L. WILLES,
W. G. LEDUO,

GOLD T. CURTIS,
JOSEPH WAKEFIELD,
JAMES A. MARKLAND,
CHARLES D. GILFILLAN,
D. C. COOLEY,
ED. RICE,
J. W. NORTH,
S. J. R. McMILLAN,
JNO. B. BRISBIN,
CHAS. E. FLANDRAU,
GEORGE W. PRESCOTT,
JAMES K. HUMPHREY,
J. A. BANKER,
JACOB J. NOAH.

REPORT

Of the Committee to whom was Referred the Remonstrance of the Citizens of
Minneapolis against the Passage of the North-Western Railroad Charter.

The Committee to whom was referred the following instructions to the Representative, of the Sixth Council District, instructing them to oppose the passage of the Charter to the Minnesota North Western Railroad Company, report the same back to the House, with the recommendation that the said servants of the people implicitly obey the will of their masters.

H. FLETCHER,
Wm. McKUSICK,
Committee.

RAILROAD MEETING.

At a Mass Meeting of the citizens of Hennepin County, held at the Court House in Minneapolis, February 24, 1854, Isaac Attwater, Esq., was called to the Chair, and John H. Stevens appointed Secretary.

The object of the meeting was stated by the Chairman,

When, on motion,

Eli Pettijohn, Esq., of Fort Snelling, and William Dickie, Esq., of Lake Harriet were appointed Vice-Presidents of the meeting.

Dr. Ames moved

That a Committee of five, said Committee to include I. Attwater, be appointed to draft resolutions expressing the sense of the meeting.

The Chair appointed Dr. A. E. Ames, M. C. Baker, Esq., Edward Murphy, Esq., and Samuel Clark, said Committee.

Messrs. James C. Shipley, John H. Stevens, A. Harmon and the Rev. E. A. Hodson, were severally called upon and addressed the large audience during the absence of the Committee.

The following resolutions were reported by the Committee, and were unanimously and enthusiastically adopted:

Resolved, That we request the members of the Council and House of Representatives in the Legislature convened from the Sixth Council District, to oppose by every honorable means, the passage of a bill introduced into the Legislature of Minnesota, entitled "A bill to incorporate the Minnesota and North-Western Railroad Company," for the following reasons, viz:

Because it confers powers dangerous to the future prosperity of the Territory,

Because it confers lands on said company, the title to which is not yet in the gift of this Territory,

Because it exempts the property of said company from taxation to an unlimited extent.

The resolutions were warmly supported by different gentlemen, and Messrs. John H. Stevens, Franklin Steele, I. Attwater, Dr. Ames, A. Northrop, Rev. E. A. Hodson, and Mr. Pierce, were appointed a Committee to report the wish of one of the largest assemblies ever held in the Territory to the Legislature, and more particularly to the members of the Sixth Council District.

REPORT

**Of the Special and Select Committees to whom was referred the Bill to
Prevent the Traffic in Intoxicating Drinks in this Territory.**

The special committee to whom was referred,
(No. 27, H. of R.) An act to prevent the traffic in intoxicating liquors within this Territory,

Have had the same under consideration and ask leave to report, that in order to obviate every valid objection to said bill, the 14th and 16th Sections shall be struck out, and Section 8th amended so as to conform more fully to statutory provisions.

Your committee would call your attention to the fact that a bill similar in many of its provisions has already been submitted to the people of this Territory, and has been accepted by a most overwhelming majority; also to the fact that this law is called for by more than twelve hundred petitioners presented to this Legislature, which is a most significant sign that the people want it; that they are prepared for it; that nothing else will satisfy them. They invoke your action by the most pathetic appeals. They point you to the wide-spread evils which the traffic introduces in this Territory. They point you to the beggared families, to the bereaved widow, to the orphan children, to the murdered citizen, to the tears and groans of those hearts from which the last ray of hope has died out, and cry out, shall these evils be interminable?

Your Committee would therefore earnestly recommend the passage of the bill in its amended form.

H. FLETCHER,
Wm. McKUSICK,
H. S. PLUMMER.
Committee.

The minority of the select committee to whom was referred,
(No. 27, H. of R.) A bill for an act to prevent the traffic in intoxicating drinks within this Territory,

Begs leave to report that he has had the said bill under consideration and would report the same back to the House with the following amendments, and would ask the concurrence of the House therein.

Your minority committee recommends the striking out of the whole of section 14, as it directly conflicts with Articles 4, and 6, of the amendments to the Constitution of the United States.

Your minority committee also recommends the striking out of section 16, as it impairs the faith of contracts and gives to the defendant or person arraigned no opportunity of vindicating himself from the charge preferred against him by the provisions of this act, and for other objections apparent upon an examination of said section.

Your committee also recommends striking out all of section 27. It must be apparent to the House on an examination of said section 27, that if the House refuses to concur in striking out said section 27, it impeaches the good faith of all custom house certificates and shifts the burden of proof from the plaintiff to the defendant, reversing thereby the rules of evidence, that regards a "man as innocent until proved guilty"—and places is beyond the power of a person, arraigned under the provisions of this act, to procure the testimony he may require for his defence in the short time allowed him by this act.

Your committee, therefore, in view of these objections to said bill, have recommended their being struck out from said act, and should the House not concur in the recommendations herein contained, your committee would then recommend to the House as a substitute for said bill, a bill herewith annexed as accompanying this report.

WILLIAM A. DAVIS,

Minority Committee.

PETITIONS PRESENTED TO THE COUNCIL.

ORDERED TO BE PUBLISHED IN THE APPENDIX TO THE
JOURNAL.

PETITION FOR A FERRY ACROSS THE MISSISSIPPI OPPOSITE ST. ANTHONY CITY.

To the Honorable Legislative Assembly of the Territory of Minnesota:

The petition of the undersigned would respectfully represent, that the public good and convenience require that a well regulated ferry should be established across the Mississippi river opposite St. Anthony City, in the counties of Ramsey and Hennepin; and whereas, W. A. Chever did, about three years ago, obtain of the Legislature of the Territory of Minnesota a charter to establish and run a ferry at said point, and has since forfeited the same, by not keeping good and suitable boats and giving prompt and ready attendance at all times upon passengers and teams, as required in said charter, and for other reasons: we, your petitioners, would therefore, pray your honorable body to grant to Z. M. Brown the right to establish and run a ferry at said place.

Chas. Rye,
R. P. Russell,
Josiah P. Harrison,
Isaac Brown,
A. N. Hoyt,
Joseph McAlpin,
J. S. Chamberlair,
James Holmes,
L. M. Raulson,
Wm. D. Welley, Jr.,
G. A. Camp,
H. C. Crowell,
C. L. Kingsley,
S. M. Ricker,
John Rollins,
John Plachte,

Thos. Chambers,
John H. Stevens,
Samuel Stow, Esq.,
James A. Church,
H. T. Welles,
Alfred C. Godfrey,
W. W. Toser,
R. H. Jefferson,
Caleb D. Dorr,
R. W. Cummings,
E. B. Knowlton,
A. J. Fullerson,
R. P. Hamilton,
William Nott,
Lavis Nemlerly,
Amos S. Stiles,

Otis C. Whitney,
 A. L. Cummings,
 A. Northrup,
 J. Dean,
 John Jackins.

Ezra Foster,
 Wm. Finch,
 Wm. Chambers,
 Washington Getchell,

PETITION FOR A PROHIBITORY LIQUOR LAW.

To the Honorable, the Legislature of Minnesota:

We, the undersigned women of Benton county, do respectfully, yet earnestly, entreat your honorable body to enact a law prohibiting the importation and sale of intoxicating drinks in our Territory.

We will not consume time in speaking of their evil effects. We feel assured, if you could know as we know, the frightful burnings and maimings they occasion here, and be, as some of us are, afraid to attend a rap at our doors when alone at night, lest, instead of greeting a friend, a drunken Indian should stagger into our house, you would lose no time in enacting, and taking all necessary measures to enforce, such a law.

Lucy M. Lewis,
 Aurella A. Fobes,
 Jane E. White,
 Julia A. Stewart,
 Nancy B. Stillwell,
 Chloe G. Stebbins,
 Rosanna Sturgis,
 Matilda A. Trimble,
 Nancy Brown,
 Margaret Beaulieu,
 Julia Bisson,
 E. M. Adams,
 Harriet S. Fletcher,
 Amelia Adams,
 Lucy A. Olmstead,
 Catharine Depue.

Sarah P. Kinney,
 Elizabeth T. Ayer,
 Margaret G. Ayer,
 Lydia A. Stone,
 Mahala Stone,
 Mary G. A. Philmver,
 Lydia Keidder,
 Luzette B. Sinclair,
 Nancy W. Mason,
 Margaret Bisson,
 Martha Bisson,
 S. A. Merrell,
 Jane A. Fletcher,
 Clara S. Olmstead,
 Isabella Emerson,

PETITION FOR A TERRITORIAL ROAD.

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

We, the undersigned residents of the counties of Dakota and Rice, petition your honorable body that a Territorial Road be located from the lower ferry, opposite St. Paul, running along the county road, through Kaposia and Carlisle, to its junction with the Territorial Road; thence, by the most practicable route, to Farrisbault Settlement, on Cannon river, near the junction of Straight river; thence, by the most practicable route, to the head waters of Straight river; thence, on a due south line, to the northern line of Iowa.

Kaposia, January 10, 1854.

A. R. French,
Edward R. French,
Albert Webster,
James Phillips,
Jackson Phillips,
C. H. Carr,
Robert Knight,
H. Bromly,
S. M. Cook,
Elias Cope,
Warren Bissell,
S. S. Drowkhite,
A. Davis,
James M. Gyriggs,
John Benson,
Wm. W. Finch,
David C. Hunkins.

Chester R. Pitt,
Wm. Bissell,
Walter Strathern,
William Strathern,
Francis Phillips,
Wm. Senescall,
James Kearns,
C. B. Bromly,
W. L. Bitley,
Adam Louinger,
V. Bissell,
Benj. E. Whitaker,
David Cope,
A. Robertson,
Richard Dudgeon,
David Sauborn.

PETITION FOR A TERRITORIAL ROAD.

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

We, the undersigned residents of the counties of Dakota, Rice, and Ramsey, hereby petition your honorable body that a Territorial Road may be located to extend from the

Mississippi river, opposite St. Paul, through the valley of the Owatonna (or Straight) river, by the most direct and feasible route to the Iowa line.

Jas. H. Huggins,
 A. M. H. Sanborn,
 Peter Hopkins,
 L. C. Dunn,
 Merritt Allen,
 Wm. B. Frederick,
 J. B. Spencer,
 Wm. M. Coles,
 James Etter,
 Andrew Walsh,
 W. W. Finch,
 N. Barbour,
 Orlo Rogers,

J. S. Conneller,
 Jeremiah Smith,
 A. L. Larpenteur,
 Simon Kern,
 W. H. Colling,
 Louis Krieger,
 W. V. Athey,
 Chas. H. Oakes,
 N. E. Tyson,
 J. C. Terry,
 W. W. Hichcox,
 L. L. Shepard,
 Edgar Wetmore,

PETITION FOR A NEW COUNTY.

To the Honorable, the Legislative Assembly of Minnesota:

We, the undersigned citizens of the counties of Benton and Ramsey, do respectfully represent to your honorable body that the convenience and interests of those residing in the upper part of Ramsey and the lower part of Benton would be very much promoted by the formation of a new county, comprising said southern part of Benton and the northern part of Ramsey. Therefore, we respectfully petition your honorable body that a new county be formed out of said portions of Benton and Ramsey counties, and bounded as follows, to-wit: commencing at a point on the Mississippi river, where said river intersects the south line of township No. 31, north, of range 24, west; thence east to the southeast corner of said township No. 31; thence north, on the dividing line between townships 23 and 24, to the northeast corner of township No. 28, north, of range 24, west; thence west, along the township line, between townships Nos. 28 and 29, north, to the northwest corner of township 28, north, of range 26, west; thence south, along the west line of township No. 28, west, to where said line intersects the Mississippi river; thence down said river to the place of beginning.

W. W. Payne,
 R. B. Porter,
 A. 22.

Jonathan Estes,
 C. B. Chapman,

C. F. Hatch,
Allen N. Nourse,
O. H. Kelley,
O. H. Sheldon,
W. N. Kelley,
C. W. Kelley,
Francis Peteler,
John M. Stiler,
Charles H. Ford,
W. G. Randolph,
Stephen H. Varney,
Geo. W. Branch,
James C. Frost,
E. P. Shaw,
Calvin Church,
R. P. Hamilton,
M. D. Shaw,
Daniel King,
D. S. Twichell,
John Stadden,
Jehn J. Ferral,
John Plachte,
G. Gray,
S. S. Crowell,
A. J. Fullerton,
E. Mowton.
O. Morrill,
H. C. Crowell,
G. A. Camp,
H. P. Sweet,
O. W. Rice,
John Topper,
Henry S. Plumer,
J. Bean,
Amos Stiles,
Jos. Williamson,
F. D. Jerdon,
S. W. Farnham,
W. Griswold,
R. Y. Brown,
Wm. Hosmer,
R. P. Upton,

David A. Secombe,
Charles King,
Stephen E. Foster,
O. H. Rogers,
H. W. Whittamore,
Chas. Hansur,
Philbrick Marston,
C. A. Brown,
Henry Beach,
Walter D. May,
R. P. Shuler,
George Stone,
W. Storie,
J. C. Lawrence,
Jos. Gray,
A. McLeod,
W. L. Larned,
John Green,
Jos. C. Varney,
Parmer Soper,
Nathaniel Tourtillott,
Samuel Branch,
Thomas Daley,
W. H. Woodbury,
Royal Twichell,
S. W. Shaw,
Samuel King,
James C. Tuft,
Edgar Folsom,
R. W. Cummings,
Joseph Lilly,
Charles Estes,
Eli C. Jones,
S. E. Phillbrook,
C. Woodley,
John F. Hannerna,
John C. McCain,
Wm. Byrnes,
Caleb D. Dorr,
Geo. F. Brott,
J. B. Shaw.

PETITION TO AMEND THE CHARTER OF THE ST. CROIX BOOM COMPANY.

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

The undersigned, lumbermen and loggers, and others interested in the lumbering business on the St. Croix river and its tributaries, respectfully represent that they believe it to be necessary, and therefore petition, that the charter of the St. Croix Boom Company be amended in the following particulars, viz: That the said company be allowed forty-five cents boomage for delivering logs at the foot of the boom; fifty-five cents in the Cedar Bend Sloughs; sixty-five cents, when delivered at any point between Cedar Bend and Arcola; and seventy-five cents when delivered at any point between Arcola and the head of Lake St. Croix; and that the same may be amended in such other particulars as your honorable body may deem necessary and important.

Robert Kent,
Wm. Dobney,
Henry Herrick,
John McKinnon,
Alexander Cook,
Archy McDonald,
Dudley S. Gale,
D. Doll,

W. O. Mahoney,
John Kent,
James T. Kent,
Wm. Kent,
Elam Greeley,
W. H. C. Folsom,
J. L. Taylor,
W. W. Folsom.

PETITION FROM THE DIRECTORS OF THE ST. CROIX BOOM COMPANY.

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

The petition of the undersigned, Directors of the St. Croix Boom Company, respectfully represents, that under the act of incorporation granted said company, and approved by Governor Alex. Ramsey, February 7th, 1851, the terms specified and allowed for services to be rendered by said Boom Company, are totally inadequate to meet the expenses incurred; and in view of their utter insufficiency, and believing the institution to be a necessity to the prosperity of the logging and mercantile interests of the entire St. Croix valley, and moved by our interests as log proprietors, and disclaiming all designs of an unfair or partial nature, we respectfully beg leave to unite our petition with that of the almost entire logging and mercantile interest of the St. Croix river, and ask for such

amendments to the charter as will, in the opinion of your honorable bodies, give the institution a self-support; and your petitioners, as in duty bound, will ever pray, &c.

Elam Greeley,
Orange Walker,

S. Nelson,
W. H. C. Folsom,

Directors of St. Croix Boom Company.

January 30th, 1854.

PETITION FOR A PROHIBITORY LIQUOR LAW.

To the Territorial Council and House of Representatives:

We, the undersigned women of Hennepin precinct, Hennepin county, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of intoxicating beverages, unite in petitioning your honorable bodies to enact a thorough Constitutional Prohibitory Liquor Law for the Territory.

Caroline Moffett,
Mary Prescott, Indian woman,
Mockpe-en-day-wen, "
Mose-nen-day-wen, "
Wiata-done-che-win, "

Mary E. Moffett,
M. E. Gould,
Mary Jane Pettijohn,
Lucy Pettijohn,
E. L. Morris.

PETITION FOR A LAW TO PROHIBIT THE CIRCULATION OF UNAUTHORIZED CURRENCY.

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

We, the undersigned, citizens and business men of St. Paul, learning that there is a bill before your honorable bodies entitled "A bill to prevent the circulation of unauthor-

ized currency," and that the same is now awaiting your action, would respectfully ask that the same be passed as a law of this Territory. The experience of the whole West, for years past, has demonstrated that the circulation of an unauthorized currency is productive of the most serious evils to community, abstracting, as it does, from the pockets of the industrious poor the proceeds of their hard labor, and placing the same in the coffers of any and every one who has the boldness and assurance to come forward and thrust their issues upon the community. It is too often the case that these issues are put in circulation by unprincipled and designing men, merely for the purpose of drawing the life blood from the masses; and the financial history of the country, for years past, affords but too many examples of this truth. Men, by this species of financial manœuvring, have too often sprung from a state of meagre poverty to a condition of immense wealth; and labor, the only true foundation of the prosperity of a community, has, in every case, been compelled to pay the tribute. For these reasons, and many others which might be adduced, we respectfully ask your honorable bodies, who have it in your power to throw around this community the protection of law, to pass the bill above named and thus secure the industrious and hard-working, in some measure, against the attempt of the unprincipled and designing.

McClouds & Walker,

E. W. Barnes,

J. E. Fullerton,

Thos. Burton,

Chas. Rauch,

Wm. Brewster & Co.,

Marshall & Co.,

J. R. Brewster,

Geo. Healep,

Charles Blum,

Edwin Bell,

W. S. Combs,

M. N. Kellogg,

F. A. Donahower,

J. W. Selby,

Geo. Irvine,

Charles Symonds,

James K. Humphrey,

W. H. Taylor,

Martin D. Clark,

S. R. Comstock,

J. G. Kellogg,

C. J. Post & Co.,

Simon C. Elfelt,

S. B. Suttan,

Thos. H. Sutcliffe,

Samuel Hasler,

Michael Connolly,

S. C. McCrary,

Wm. H. Tinker,

C. E. Shaffer,

David A. Miller,

C. H. Parker.

PETITION ON THE SAME SUBJECT.

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

We, the undersigned, citizens and business men of St. Paul, learning there is a bill before your honorable body entitled "A bill to prevent the circulation of unauthorized currency," and that the same is now awaiting your action, would respectfully ask that the same be passed as a law of this Territory.

W. W. Chapman,
Patrick McCormack,
W. H. Wellington,
Wm. Nixon,
John Nelson,
N. K. Wright,
G. Caddey,
T. Sandy,
Wm. Allen,
Matthew Frey,
S. Munn,

J. W. Downer,
J. S. Hough,
D. C. Haff,
G. W. Hicden,
A. D. Kruhl,
C. A. Hedengran,
John Whitford,
Thos. S. Cary,
Cyrus Gray,
James Hyland.

 PETITION FOR A ROAD.

To the Honorable Legislature of the Territory of Minnesota:

We, the undersigned, most respectfully ask that your honorable body may cause to be surveyed, and laid out, a road commencing at a point where the St. Paul and Little Canada road is to intersect the Saint Anthony and Taylor's Falls road, and running to the head of Sunrise river, crossing Rice Lake at the old crossing at Baldwin's.

Your petitioners would represent to your honorable body, that this road, for which they do petition, is about thirty-three miles shorter than the present travelled road from St. Paul to the head of Sunrise river.

B. T. Baldwin,
T. Travis,
Erastus S. Edgerton,
A. Bushenall,
Benj. Merchant,
George Wirtz,

J. Myres,
Fuller Thompson,
Wm. Godfrey,
J. M. Farmer,
R. M. Spencer,
P. Haskins,

F. Farmer,
John G. Turnbull,
R. Sciold,
N. E. Tyson,
C. S. Cave,
J. M. Lamb,
A. Willoughby,
S. Powers,
E. McLagan,
M. S. Wilkinson,
L. B. Wait,
J. W. Simpson,
J. B. Culver,
F. Lamott,
B. Presley,
John Arseneau,
A. Goodrich,
John J. Dewey,
E. Howitz,
J. M. Marshall,
M. N. Kellogg,
George Irvine,
A. W. Tullis,
J. McCormack,
C. P. V. Lull,
A. G. Fuller,
Thos. F. Masterson,

L. C. Dunn,
J. D. Goodrich,
Thomas Fawcett,
John Fawcett,
W. H. Jarvis,
Lorenzo Hoyt,
A. T. Chamblin,
Chas A. Morgan,
L. A. Mitchell,
J. W. Bass,
A. L. Larpentour,
T. M. Smith,
D. L. Turpin,
H. A. Lambert,
J. E. Fullerton,
T. T. Mann,
J. Burgess,
Thomas R. Potts,
J. C. Terry,
Andrew Walsh,
A. J. Whitney,
C. T. Whitney,
John Irvine,
D. F. Brawley,
Ira S. Kellogg,
D. L. Fuller.

PETITION PRAYING FOR AN AMENDMENT OF THE ACT ORGANIZING GOODHUE COUNTY.

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

The petition of the undersigned, citizens of Goodhue county, respectfully represents, that the population of said county is now two hundred, and will, before the next general election, or session of the Legislature, be quadrupled, imperatively demanding an organization of the county; and whereas, the standard parallel and meridian lines have been

established by government surveyors, affording the means of definitely and accurately defining the boundaries of the county: We respectfully pray you to amend the act by which said county was erected, by fixing its boundaries conformable to surveyed lines, and to organize the same by providing for the appointment or election of officers. Also, we respectfully ask that Red Wing may be declared the county seat.

And, as in duty bound, we will ever pray, &c.

Wm. W. Sweeney,
B. T. Degamen,
Thomas J. Smith,
W. K. Culbertson,
A. T. Culbertson,
W. Hunt,
H. L. Bevans,
N. Randall,
Jas. McGinnis,
Andrus Durand,
P. S. Fish,
Wm. Dodge,
Ed. Stoughton.
Mathias Penderson,
W. B. Hancock,
Wm. Lauver,
Wm. Adams,
S. M. Rouse,
C. A. Rouse,
R. Spates,
John Day,
David Pachett,
C. Potter,
N. Nevins,
Abram Patterson,
Peter Grin,

Wm. Freeborn,
Hans Matson,
S. J. Wileard,
Albert Olson,
Ed. L. Rouse,
Wm. L. Rouse,
Joseph Meddagh, Jr.
C. E. Stevens,
W. D. Chilson,
Oliver Olson,
Charles Ruse,
J. Champy,
Geo. Deavenport,
Lewis Sparrow,
J. W. Hancock,
M. Sorin,
E. A. Hoyt,
Chas. Parks,
C. Hutton,
J. Sandress,
Jacob Chuserrown,
John Adams,
John Cary,
J. Young,
James Acres,
Charles Olson.

PETITION TO FOR A LAW TO DEFINE THE BOUNDARIES OF WABASHAW COUNTY.

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

The petition of the undersigned, citizens of Wabashaw county, respectfully represent,

that since the survey, in part, by the government, of the lands in said county, it is desirable that county lines, which are now indefinite and unascertained, should be accurately defined by township and range lines: We therefore pray you to readjust the boundaries of our county to conform to the surveys.

And whereas, the "Half Breed Tract, so called, embraces a large portion of Wabashaw county, preventing its speedy settlement, and our population being now small, we respectfully solicit to be attached, for the present, to Goodhue county for judicial purposes.

Respectfully, &c.,

C. R. Read,
 F. S. Richards,
 L. Richards,
 B. H. Levey,
 Wm. R. Marshall,
 Wm. Campbell,
 John Campbell, Sr.
 John Campbell, Jr.
 Jeremiah Campbell,
 Orrin I. Kerner,
 Wm. Russocotte,
 J. A. Couler,

David Campbell,
 Thomas Smith,
 Wm. Whitmarsh,
 Samuel A. Kemp,
 Chas. Raester,
 — Goin,
 John McKenzie,
 Duncan McKenzie,
 Thomas Murpey,
 Thomas Trulson,
 P. P. Tuttle,

PETITION FOR A LAW TO PROHIBIT THE CIRCULATION OF UNAUTHORIZED CURRENCY.

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

We, the undersigned, citizens and business men of St. Paul, learning that there is a bill before your honorable bodies entitled "A bill to prevent the circulation of unauthorized currency," and that the same is now awaiting your action, would respectfully ask that the same be passed as a law of this Territory. The experience of the whole West, for years past, has demonstrated that the circulation of an unauthorized currency is productive of the most serious evils to community, abstracting, as it does, from the pockets of the industrious poor the proceeds of their hard labor, and placing the same in the coffers of any and every one who has the boldness and assurance to come forward and thrust their issues upon the community. It is too often the case that these issues are put

in circulation by unprincipled and designing men, merely for the purpose of drawing the life blood from the masses; and the financial history of the country, for years past, affords but too many examples of this truth. Men, by this species of financial manœuvring, have too often sprung from a state of meagre poverty to a condition of immense wealth; and labor, the only true foundation of the prosperity of a community, has, in every case, been compelled to pay the tribute. For these reasons, and many others which might be adduced, we respectfully ask your honorable bodies, who have it in your power to throw around this community the protection of law, to pass the bill above named and thus secure the industrious and hard-working, in some measure, against the attempt of the unprincipled and designing.

W. W. Hichon,
 Nathan Spicer,
 G. W. Armstrong,
 Rens & Karcher,
 N. Barbour,
 Richard Jackson,
 J. N. Schreoder,
 J. N. Wheelock,
 Stewart B. Garvie,
 Chas. E. Flandrau,
 B. Gallaway,
 C. A. Loverin,
 W. Niehaus,
 H. Niehaus,
 John L. Wise,
 D. D. Williams,
 Henry Morris,
 A. R. Farmer,
 J. W. Boal,
 W. W. Finch,
 J. R. Syford,
 Warren Bristol,
 S. M. Smytha,

Jas. D. Goodrich,
 Isaac Markley,
 James Burgess,
 Jonathan Frost,
 Elias L. Cope,
 D. C. Fullerton,
 Stees & Hunt,
 J. M. Castagn,
 J. L. Hinckley,
 Charles E. Mayo,
 M. Drew,
 J. John Soens,
 Charles C. Bates,
 J. C. Terry,
 Wm Shannon,
 Henry A. Lambert,
 J. E. Whitney,
 J. R. Lord,
 R. C. Knox,
 A. Pierce,
 D. A. Robertson, of Wisconsin,
 J. P. Wright.

PETITION TO THE GOVERNOR.

To his Excellency, Gov. Gorman:

The undersigned, citizens and voters of the Territory of Minnesota, respectfully request your Excellency not to defeat the legislation of the Territory, by rejecting or retaining it

sign, a bill which has passed both branches of the Legislative Assembly of this Territory, incorporating the Minnesota and North-Western Railroad Company.

W. G. Le Duc,
A. W. Wolfe,
T. A. Renz,
Daniel Rohrer,
Charles C. Crane,
Charles G. Bates,
W. S. Johnson,
Wm. Branch,
James Day,
Wm. W. Paddock,
Charles E. Mayo,
F. S. Newell,
E. Bangs,
Nathan Spicer,
J. B. Spencer,
W. V. Athey,
E. M. Bond,
M. Sherman,
R. H. Gallaway,
B. Prealey,

S. W. Walker,
C. E. Shaffer,
R. West McCloud,
Truman M. Smith,
J. S. Brown,
W. W. Bates,
H. A. Schliek,
J. Colter,
E. Grimes,
S. Jackson,
C. P. V. Lull,
O. Arseneau,
Sam'l W. Malon,
C. J. F. Smith,
David Garrett,
Martin Drew,
Wm. Henry Forbes,
J. W. Simpson,
Edw. Heenan.

PETITIONS FOR A PROHIBITORY LIQUOR LAW.

PETITION OF THE MALES OF BLOOMINGTON.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Bloomington Precinct, Hennepin County respectfully pray your Honorable Body to enact a Law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from the traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintainance of order—and the security of property, life and happiness; we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

James G. H. Pond,
J. D. Scofield,
J. Dean,
O. Ames,
W. F. Bazley,
Wm. Chambers,
MI S. Whallon,
S. A. Goodrich,
C. H. Whallon,
Reuben E. Gibson.

PETITION OF WOMEN OF BLOOMINGTON.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Bloomington precinct, Hennepin County, Minnesota, sincerely desiring that our households, our community, and our Territory may be saved

from the debasing and destructive influence arising from the sale and use of intoxicating beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

H. F. Whallon,
A. A. Ames,
Aelaide Gibson,
Loretta Gibson,
Sarah A Bazley,
Rachel Mitchell.

A. E. Whallon,
N. H. Dean,
M. A. Gibson,
Ann Bazley,
A. S. Scofield,

PETITION OF MALES OF SHAKOPEE.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Shakopee Precinct, Scott County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks, and the traffic in them throughout this Territory.

The evils arising from the traffic are already gigantic; and yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life, and happiness—we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

John Burnham,
Alvin Dorward,
John W. Turner,
Solomon Battin,

Thomas S. Turner,
James Dorward,
John Turner,
Lewis O. Blanes,

John W. Turner,
Benjamin W. Turner.

PETITION OF WOMEN OF SHAKOPEE.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Shakopee Precinct, Scott County, Minnesota, sincerely desiring that our households, our community and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Mrs. Matilda Turner,
Mrs. Phebe Dorward,
Miss Martha M. Turner,
Elizabeth Battin,
Mary A. Turner.

Mrs. Pamela Burnham,
Miss Olive L. Dorward,
Matilda Battin,
Nancy A. Turner,

PETITION OF MALES OF POINT DOUGLASS.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Point Douglass Precinct, Washington County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks, and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life and happiness; we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity and implore some adequate legal protection from the rising tide of evils.

David Hone,

Daniel B. Truax,

William Conaway,
Harley D. White,
Gersham Truax,
Richard Hall,
William Allibone,
Henry Hetherington,
William Page,
G. W. Campbell,
William Everette,
Jeremiah Vandusen,

John K. Truax,
William Harkat,
Moses O. W. Truax,
John Allibone,
Caleb Truax,
Henry Yarbert,
William Altnburg,
James Sheane,
John H. Craig,
Caleb Truax.

PETITION OF WOMEN OF POINT DOUGLASS.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Point Douglas Precinct, Washington County, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

M. J. White,
Sarah Cheney,
Sarah Page,
Lany A. Truax,
Mary M. Countryman,
M. E. C. Hall,
Sarah B. Pond,
Charlotte Conawa,

Jane Eliza Ford,
Marilla Hasket,
Ellen Truax,
Margasy Truax,
Mary A. Hone,
Rhoda Hetzell,
Adelene Hetherington,
Harriet Campbell,

PETITION OF THE INHABITANTS OF MANKATO.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult inhabitants of Mankato Precinct, Blue Earth County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them through out this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life and happiness; we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity and implore some adequate legal protection from this rising tide of evils.

MALES.

Edwin Howe,
B. Moreland,
Joisah Hein,
W. Maxfield,
John C. Layton,
Byron W. Comstock,
Marshall T. Comstock,
Geo. Van Brunt,
James Hanna,
John S. Hinckley,
John Henderson,
Robert Wardlow.

George Marfield,
Joseph Vanasse,
Jeffrey T. Adams,
John Wells, Jr.,
L. H. Winslow,
Joseph M. Ring,
James McMurtric,
Geo. W. Cummings,
J. C. Hanna,
Jas. W. Heath,
James Robertson.

FEMALES.

Elvira Howe,
Emily J. Maxfield,
Flora E. Van Brunt,
S. J. Hanna,
Lucinda Hanna,
Mary A. Hanna,
R. B. Winslow.

Sarah Maxfield,
Laura E. Maxfield,
Mary J. Comstock,
Nancy Hanna,
Margaret Hanna,
L. A. Heath,
H. C. Lay,

PETITION OF MALES OF WINONA.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Winona Precinct, Fillmore County, respectfully pray your Honorable body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks, and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of life, property and happiness; we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

Harvey Hubbard,
James McClellan, Jr.,
Wm. H. Colburn,
Grose M. Willis,
Chas. Eaton,
Edward Ely,
Eugene Persons,
John L. Blair,
Chas. L. Blair,
John Newel,
B. W. Macomber,
Luke Blair,
James Worrall,
John C. Laird,
Henry D. Huff,
Win. B. Gere,
G. H. Sanborn,
I. O. McClellan,
John Emerson,
M. Wheeler Sargeant,
A. C. Smith,
Isaac Hamilton,
Jno. Keyes,
Chas. S. Hamilton,
James Kirkman,
James E. Braden,
Grove W. Willis,
Abiel Hubbard.

Orin A. Hancock,
John L. Balcombe,
W. H. Stevens,
Lewis S. Hancock,
A. B. Smith,
George M. Gere,
George W. Wiltse,
Roderick Kellogg,
Henry W. Driver,
Abram Wiltse,
John James,
Franklin Blodgett,
Allan Gilmour,
John I. Hubbard,
F. W. Curtis,
Lysander Kutely,
Geo. W. Clark,
John Evans,
Henry C. Gere,
Erwin Johnson,
H. S. Hamilton,
Enoch C. Hamilton,
E. H. Murray,
Geo. F. Childs,
Matthew Ewing,
Elijah Sibley,
Rufus Emerson,

PETITION OF MALES OF TAYLOR'S FALLS.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Taylor's Falls Precinct, Chisago County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—maintenance of order, and the security of property, life and happiness—we renew approach the Legislature as the properly constituted guardians of our civil prosperity and implore some adequate legal protection from this rising tide of evils.

Patrick Fox,
Henry H. Newbery,
Geo. B. Folsom,
Wm. Ward,
Wm. Wain,
Heinri Schider,
William Colby,
John Turney,
Frederick W. Lammers,
George E. Dentley,
James H. Spencer,
John Smith,
Henry Bush,
W. R. Bell,
Harris Rolfe,
John Debney,
L. B. Smith,
Mark J. Hank,
Alexie Raberge,
David T. Bagley,
William O. Mahoney,
G. W. Smith.

W. H. C. Folsom,
Benj. S. Wale,
Samuel D. Dresser,
J. L. Taylor,
J. H. Tuller,
John H. Reid,
B. Thomas,
Lewis Barlow,
Thos. F. Morton,
F. W. Abbott,
Ambrose C. Sevey,
John Brown,
N. H. Hickerson,
Wm. Galaspie,
James H. Russell,
Win. B. Cantrell,
James A. Dary,
James N. Hall,
Jacob Marklee,
L. K. Stantonard,
Henry Thaxter,

PETITION OF MALES OF SHAKOPEE.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult inhabitants of Shakopee Precinct, Scott County, respectfully pray your Honorable Body to enact a Law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life and happiness—we renewedly approach the Legislature as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

J. B. Allen,
John McKeeringery,
David Schooler,
Spier B. Davis,
John Shroder,
B. Young,
James White,
U. G. Titus,
Saml. Wm. Pond,
Saml. Dooley,
Josiah Baker,
John Hare,
Daniel M. Stone,
Isaac Markle,
E. A. Greenleaf,
John E. C. Goss,
Samuel Hammond,
Henry Calkins,
F. P. Callender,
Samuel Young,
Comfort Barus,
J. P. Sears,
Hubert Rahl,
A. G. Apgar,
Andrew Dooley.

Robert Kenady,
Wm. F. Weiser,
H. H. Spencer,
John Powell,
Wm. W. Hamlin,
Harriou Rayner,
Spier Spencer,
Alvan Dorward,
John O'Fallon,
F. P. Ripley,
R. Byrne,
John L. Davis,
Homer S. Davis,
Simon Greenleaf,
John Foss,
Henry Latster,
Albert Wills,
Topann N. Hayer,
T. N. Siblee,
John G. Bass,
George W. Barus,
Wm. Smethers,
H. D. L. Koons,
Daniel Apgar.

PETITION OF WOMEN OF SHOKAPEE.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Shokapee Precinct, Scott County, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Jane Allen,
Henrietta Allen,
Eliza S. Davis,
Lurana White,
Minerva Rayner,
Ellen E. Chancey,
Mrs. Julia A. Spencer,
Betsey O'Fallon,
Mrs. Louisa Tibbits,
Frances B. Kennedy,
Susan G. Nobles,
Mrs. Bass,
Mary Barns,
Phebe Apgar,

Mary Elizabeth Allen,
M. A. Spencer,
Amanda S. Davis,
Jane Willis,
Marcella J. Turner,
Rose A. Spencer,
Miss Harriet Foss,
Polly Dooley,
Mary Hammond,
Mary Hagarty,
Sophronia Perry,
Mrs. Young,
Rachel E. Hare,
Minerva Apgar.

PETITION OF THE INHABITANTS OF MINNETONKA.

To the Council, and Members of the House Comprising the Legislature of Minnesota:

GENTLEMEN: We your humble petitioners residing in the vicinity of Minnetonka Lake feel that no one thing can be done that will add so much to the prosperity of the people,

and accelerate the settlement of the Territory as the Main Liquor Law, or a Prohibitory law that shall keep that most formidable enemy, (that does more evil than all things else combined,) from our beautiful land.

MALES.

Charles Galpin,
Geo. M. Powers,
David Griffiths,
H. M. Lyman,
Joshua Moore,
Geo. M. Bertram,
Peter M. Gideon,
John H. Holmes,
Stephen D. Summers.

Burrit S. Judd,
J. E. Cathcart,
Lemuel Griffiths,
Arba Cleveland,
Joshua Moore Luer,
Jas. Duncan,
Giles W. Lane,
Amos Groy,

FEMALES.

Semantha W. Galpin,
Adolpha F. Judd,
Clarissa Cleaveland,
R. B. McGrath,
Sarah S. Harrington,
S. C. Staples.

Clarissa Judd,
Ellen A. Griffiths,
Wealthy Gideon,
Julia Y. Bertram,
Charlotte Brake,

PETITION OF MALES OF SAUK RAPIDS.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Sauk Rapids Precinct, Benton County respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals

are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of Law—the maintenance of order—and the security of property, life and happiness—we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

Geo. W. Sweet,
Geo. T. Wixson,
Ellis Kling,
James Jaougk,
Wm. Connell,
Wm H. Wood,
John Becker,

Jeremiah Russell,
A. Gales,
J. L. Wilson,
James H. White,
George McIntyre,
John Coffinger,
L. G. Barr.

PETITION OF THE INHABITANTS OF NICOLETT COUNTY.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult inhabitants of Nicolett County, respectfully pray your Honorable Body to enact a Law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of Law—the maintenance of order—and the security of property, life and happiness—we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from the rising tide of evils.

M. N. Adams,
W. Wagner,
George A. McLeod,

P. Evenson,
Alexandre Bertreche,
J. W. Holtsclaw,

Alex. G. Huggings,
 James Magner,
 Thomas Pettyjohn,
 G. S. Patch,
 Jonas Pettyjohn,
 F. M. Dupray,
 Bonce Berce,
 Anny Renseville,
 Ruth Pettyjohn,
 L. O. Masters,
 Huldah Pettyjohn,
 Mathias Evenson,
 Lorinda McLeod,
 Stewart B. Gurnie,
 Wm. Haig,
 H. P. Baker,
 Peter M. Tod,
 Oliver H. Ewing,
 Stephen Green,
 F. L. Adams,
 L. R. Kennedy,
 I. D. Kennedy,
 I. V. H. Burley,
 Louis LaBell,
 Joseph Decoteaur,
 A. D. Graham,
 Elizabeth Evans,
 Lewis Osier,
 D. T. Rounseville,
 L. D. Holden,
 Timothy Fuller,

Robert McCullough,
 Wm. P. Masters,
 Charity W. Pettyjohn,
 Julia E. Spencer,
 Elira Ellis,
 Prelecca Peeples,
 N. A. M. Adams,
 John Kennedy,
 Geo. H. Spenor,
 J. B. Coy,
 Johanna Petterson,
 John Leden,
 Jacob Hemingway,
 Edwin Jones,
 A. W. Skow,
 T. Grew,
 A. G. Campbell,
 John Campbell,
 Scott Campbell,
 Henry Anger,
 Margaret Campbell,
 Louis Bencier,
 Harriet Argee,
 Mary Argee,
 I. F. Brant,
 Boyrel DeKosier,
 Mary R. Spooner,
 Louis Coran,
 Sarah Ann Green,
 Louis Pelon,
 Lewis Soransen.

PETITION OF WOMEN OF NICOLETT, &c.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Nicolett and the adjoining Counties, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Lydia P. Huggins,
Jane S. Huggins,
Fanny H. Pettyjohn,
Julia A. Laframboise,
Victoria C. Angel.

Mary A. Huggins,
A. C. Campbell,
Julia Coty,
Elizabeth M. Leed.

PETITION OF WOMEN OF CROW WING.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Crow Wing Precinct, Itasca County, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Elizabeth Beaubien,
Charlotte McGillis,
Clara S. Olmsted;

Glory Ann Fairbanks,
Francoise McGillis,
Charlotte Addison,

A 25

Pamela Adams,
Isabella Emerson,
Nancy Vanase,
Josette Beaubien,
Mary Fairbanks,
Jane Fairbanks.

Mary A. Morrison,
Charlotte L. Morrison,
Jane Morrison,
Susan McFarland,
Zoe McGillis,

PETITION OF THE MALES OF LONG PRAIRIE.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Long Prairie Precinct, Cass County, respectfully pray your Honorable body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks, and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of life, property and happiness, we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

Antoine Grignon,
Jacque Sequirge,
Robert Fairbanks,
M. H. LoPallien,
Peter Pareault,
Simeon Sequirge,
Louis Pettier,
Peter Manaige,

Oliver Amell,
Louis Brisbois,
James Sequirge,
Charles Manayd,
Michael St. Cuyr, J.,
Joseph Atnell,
John Pettier,
A. W. Daniels,

William Buchanan,
George Gigge,

Walter Gillin,
J. L. Alexander.

PETITION OF WOMEN OF LONG PRAIRIE.

To the Territorial Council and House of Representatives:

We, the undersigned, women of Long Prairie Precinct, Cass County, Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Mrs. Christine Girgnon,
Mrs. Elizabeth Brisbois,
Mrs. Elizabeth Amell,
Mrs. Catherine B. Fairbanks,
Miss Julia Sequirge,
Miss Faliscete Sequirge,
Miss Margaret Sequirge,
Miss Victoria Sequirge,
Miss Mayatte M. Sequirge,

Miss Sophia Sequirge,
Mrs. Josette Pagan,
Mrs. Marion Wanaige,
Mrs. Angeline Wanaige,
Mrs. E. B. Daniels,
Miss Mary Buchanan,
Mrs. Elizabeth Buchanan,
Mrs. Alexander,
Mrs. Myotte.

PETITION OF THE INHABITANTS OF NICOLLET AND BLUE EARTH
COUNTIES.

TRAVERSE DES SIOUX, FEB. 8, 1854.

DEAR SIR:

As Chairman of a committee appointed for the purpose of obtaining signatures to a petition to Legislature of this Territory, praying for some constitutional enactment to

prevent the introduction of liquor into this Territory, and in accordance with a full vote of the Temperance Association of this place at its last meeting; I take the liberty of transmitting to you a petition to that end, signed by 76 of the adult inhabitants of Nicollet County and one of the inhabitants of Blue Earth County, (to-wit: F. D. Adams.) Some of the females have chosen to sign with the males, you will find their names marked thus * on the copy of their signatures, which I send to prevent any mistake that might arise from the obliterated condition of their autograph signatures.

I also transmit herewith a petition to the same purport, signed by 37 of the inhabitants of Blue Earth County. The people of this county, have all confidence that you, as well as your colleague, will use all possible efforts to obtain the enactment of a prohibitory liquor law. Trusting that the accompanying petition may do somewhat to assist you,

I am your obedient servant,

GEORGE A. McLEOD.

To Hon. W. H. Nobles, }
H. R., St. Paul, }

M. A. Adams,
M. Magner,
G. A. McLeod,
Alex. G. Higgins,
James Magner,
Thomas Pettijohn,
G. S. Patch,
Jonas Pettijohn,
F. M. Dupray,
Bruce Pierce,
*Amy Rounsville,
John Kennedy,
*Ruth Pettijohn,
*L. O. Masters,
*Huldah Pettijohn,
*Johanna Peterson,
Mathias Evanson,
*Lorinda McLeod,
Stewart B. Garvie,
William Huey,
H. P. Baker,
Peter M. Teed,
Oliver N. Ewing,
Stephen Green,
F. D. Adams,
D. R. Kennedy,
J. D. Hemengeray,
J. V. H. Bailey,
Louis Labelle,
Joseph Decoteau,

Alex. De Bertrache,
J. W. Holtsclaw,
Robert McCullough,
Wm. P. Masters,
*Charity W. Pettijohn,
*Julia E. Spencer,
*Eliza Ellis,
*Rebecca Peebles,
*N. A. M. Adams,
Geo. H. Spencer,
J. B. Coty,
John Leden,
Jacob Hemengray,
Edwin Jones,
A. K. S. Karro,
T. Olsen,
A. J. Campbell,
John Campbell,
Scott Campbell,
Henry Angee,
*Margaret Campbell,
Louis Bureier,
*Harriet Angee,
*Mary Angee,
J. F. Brant,
Boycl de Rosier,
*Mary R. Spooner,
Louis Coron,
*Sarah Ann Green,
Louis Peton,

A. D. Graham,
 *Elizabeth Evans,
 Lewis Ozier,
 Peter Evanson,
 Lydia P. Huggins,
 Fanny H. Pettijohn,
 Victoria Angee,
 Mary Campbell,
 Eliza M. Leed,

D. T. Rounselle,
 L. D. Holden,
 Timothy Fuller,
 Lewis Swanson,
 Jane S. Huggins,
 Julia A. Laframboise,
 Mary A. Huggins,
 Julia Coty.

PETITION OF MALES OF SAINT ANTHONY.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of St. Anthony Precinct, Ramsey County, respectfully pray your Honorable Body to enact a Law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet these evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated; and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of Law—the maintenance of order—and the security of property, life and happiness—we renewedly approach the Legislature, as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from the rising tide of evils.

R. P. Upton,
 R. P. Hamilton,
 J. W. North,
 Benjamin Parker,
 Wm. H. Townsend,
 John H. Murphy,
 J. E. Plumer,

Z. E. B. Nash,
 Geo. E. Henry,
 M. G. Pratt,
 James C. Tafts,
 Gardner Jackson,
 L. R. Palmer,
 A. E. Johnson,

H. S. Plumer,
 J. H. McHerron,
 Wm. Harmon,
 Perren Gethett,
 H. H. Angell,
 C. B. Chapman,
 R. M. Cummings,
 David D. Wilson,
 E. H. McIntosh,
 W. P. Clark,
 G. Ingell,
 Henry Chambers,
 Edward Libby,
 T. F. Leavitt,
 Francis Sampson,
 Nathan Fletcher,
 John Whitney,
 James Parker, jr.
 Chas. A. Brown,
 S. W. Farnham,
 A. Bacon,
 J. B. Everett,
 A. Geaster,
 J. S. Wales,
 Wm. Hanson,
 W. A. Cheever,
 H. Jenkins, jr.
 E. P. Shaw,
 Peter Curly,
 J. P. Mooers,
 Harris Smith,
 Michel Peters,
 F. D. Jodon,
 S. E. Foster,
 George Parkhurst,
 Z. M. Brown,
 Wm. Q. Tillen,
 C. Woodley,
 J. F. Humming,
 S. A. Lewis,
 B. F. Foster,
 S. H. Smith,
 S. L. Getchell,
 John Jackins,
 Joseph Frost,
 Z. Gillespie,
 Jas. B. Miller,

John C. McCain,
 William Nott,
 Chas. Hanson,
 Joseph H. Canney,
 C. G. Kingsley,
 Michael Dekay,
 F. H. Cobb,
 D. Carlton,
 B. V. Carson,
 J. Johnson Terwal,
 J. K. Bean,
 E. C. Shepherd,
 J. W. Dekay,
 E. Moulton,
 Samuel Estes,
 W. Stinson,
 Edward Patch,
 Joseph Williamson,
 Dan. S. Paine,
 Thos. Chambers,
 R. H. Jefferson,
 Edward Murphy,
 Moriz Daily,
 Geo. A. Plumer,
 Stephen Cobb,
 James McCann,
 D. B. Morrell,
 J. V. Barbur,
 J. Draper,
 Caleb D. Dorr,
 E. Berrey,
 Geo. W. Prescott,
 Wm. H. Wales,
 E. H. Davis,
 Geo. Davis,
 James McMullen,
 Thos. Y. Sintell,
 William H. Cole,
 Nathl. Mooers,
 J. L. Beneflet,
 N. G. Smith,
 D. F. Stinson,
 T. C. Fletcher,
 H. C. Robinson,
 E. P. Mills,
 Charles Seccombe,
 E. W. Merrill,

Rufus Earnbain, jr.
 D. Stiles,
 M. C. Baker,
 T. Stinchfield,
 G. W. Murphy,
 John Clark,
 A. H. Hartwell,
 J. E. Hamilton,
 C. Davis,
 D. L. Morse,
 James B. Smith,
 John Baxter,
 Charles E. Jackins,
 A. D. Foster,
 Ira Gorman,
 Andrew J. Fullerton,
 T. T. Leavitt,
 Geo. L. Huse,
 Chas. L. Anderson,
 D. M. Hanson,
 H. C. Crowell,
 O. W. Stoughton,
 R. G. Brown,
 Eben Howe,
 Geo. Porter,
 Seth Fielding,
 Samuel M. Tracy,
 John M. Stiles,
 G. G. Loomis,
 E. K. Knowlton,
 Edgar Nash,
 W. Spooner,
 Silas M. Ricker,
 John Stadden,
 Wynant Vanallynd,
 A. Pease,
 J. H. Mills,
 A. J. Fullerton,
 Wm. Barnes,
 T. C. Fletcher,
 Peter Burchno,
 Orin H. Rogers,
 Wm. C. Lee,
 Eddy Darkey,
 John M. McFasten,
 Henry S. Cheever,
 Nahum G. Smith,

J. H. Mills,
 E. Swan,
 E. Hanson,
 E. R. Ames,
 E. G. Brown,
 A. D. Shaw,
 W. H. Ingersoll,
 J. Le Duc,
 R. Ball,
 D. L. Morse,
 J. W. Roe,
 J. R. Foster,
 E. Worthingham,
 Hugh Bond,
 Levi Hopper,
 Leonard Brown,
 E. L. Brown,
 Elias H. Connor,
 Henry S. Plumer,
 Tallinadge Elwell,
 Stephen R. Sweet,
 Pat Murphy,
 Isaac Smith,
 Jno. H. Stevens,
 Geo. F. Brott,
 W. H. Cole,
 G. B. Dutton,
 L. Nutting,
 Thaddeus J. Woodworth,
 John M. Durman,
 James H. Brown,
 James Phillips,
 Charles King,
 Lardner Bostwick,
 Alvin Stone,
 John S. Cooper,
 Thos. K. Hill,
 L. Jadon,
 R. H. Miller,
 William Russell,
 Jno. H. Keen,
 Isaiah Ricker,
 John W. Bassett,
 L. D. Lunan,
 D. H. Clark,
 Joseph Sibley,
 George J. Hamilton,

John Keiharden,
 Seth Turner,
 Amos S. Stiles,
 B. C. Messer,
 Heman Woodworth,
 Francis Sampson,
 Lyman Palmer,
 Saul W. Mithollin,
 J. M. Mithollin,
 John F. Whittemore,
 Jos. E. Philbrook,
 Henry C. Jones,
 Charles G. Ames,

J. N. Richardson,
 Simon B. Spinner,
 H. J. Weller,
 David Gorham,
 J. E. Saw,
 E. Lippincott,
 William Mithollin,
 William W. Mithollin,
 Amos Benny,
 Eli C. Jones,
 O. W. Rice,
 H. P. Sweet,
 F. J. Brown.

PETITION OF WOMEN OF ST. ANTHONY.

To the Territorial Council and House of Representatives:

We, the undersigned, women of St. Anthony Precinct, Ramsey Co., Minnesota, sincerely desiring that our households, our community, and our Territory, may be saved from the debasing and destructive influence arising from the sale and use of Intoxicating Beverages, unite in petitioning your Honorable Bodies to enact a thorough Constitutional Prohibitory Liquor Law for this Territory.

Mary C. Merrill,
 Ann L. North,
 Sophronia McFarlain,
 Eugenia Seaming,
 Eliza Nutting,
 Mary Carman,
 Hellen E. Sweet,
 S. Anna Bumstead,
 Mary G. Nutting,
 Elizabeth A. Stone,
 Frances E. Varness,
 Betsey Woodworth,

F. A. Brookins,
 Margaret L. Dings,
 Sarah J. D. Ames,
 Mary H. Colbaugh,
 Melissa Cobb,
 Julia A. Shepherd,
 N. Leaming,
 Mary Nutting,
 Lucinda Lewis,
 Hannah Munson,
 Ann Bradbury,
 Mary E. Woodworth,

Sarah A. Paine,
 Agnes A. Lippincott,
 Eliza Rome,
 O. M. Nash,
 Mary E. Prescott,
 Sarah A. Piddington,
 Clara Wersinger,
 Hattie E. Shaw,
 Ruth Hingoton,
 Joanna Peters,
 Loesa Rodcuner,
 Margaret Riche,
 Julia Constins,
 Eliza B. Sweet,
 Mary B. H. Messer,
 Elizabeth McFarlan,
 Jenne P. Bowann,
 Mrs. L. Bostark,
 Mrs. M. Lee,
 Ann L. Stanchfield,
 Laura Stanchfield,
 Mrs. M. A. Stanchfield,
 Sarah D. Farnam,
 Abigail J. McIntosh,
 Sarah S. Sherburne,
 Mary Ray,
 Mary S. Murch,
 Emily P. Gilbert,
 Ellen Carleton,
 Mrs. Keath,
 Mrs. R. H. Baldwin,
 Martha Foster,
 Elizabeth H. Hill,
 Susan S. Henderson,
 Maryan Gorham,
 Rebecca Ball,
 Susan E. Dodge,
 Julia Costein,
 Huldah Spencer,
 Eliza D. Loomis,
 Julia Aroline Brown,
 Cornelia Brooks,
 Julia Ann Brown,
 Mary Fielding,
 Clarissa L. Fielding,
 Catharine S. Hamilton,
R. A. Davy,

A 26

Elizabeth T. Shaw,
 Eleanor Russell,
 M. C. Mills,
 Margaret Cane,
 Mary C. Chamberlaine,
 Sarah J. Piddington,
 Sarah C. Shaw,
 Pernisey Stratton,
 Amanda Ryon,
 Mary Delana,
 M. Brawley,
 Ann E. White,
 Lucinda Worthingham,
 Pursilla Spencer,
 Sharlott Spencer,
 Georgiana Lewes,
 Lydia Palmer,
 Antoinette Palmer,
 Elizabeth Palmer,
 Helen Jane Cheever,
 Mrs. Eliza A. Dow,
 Mrs. Jerusha A. Irvin,
 Mrs. Jerusha C. Berry,
 Lydia Berry,
 Ellen M. Stadden,
 H. K. Johnson,
 Emma J. Rowell,
 Esther Fernald,
 Ella L. Whittemore,
 Louisa M. Cheever,
 Mary B. Lennon,
 M. F. B. Shepley,
 Lucretia Smith,
 Sophia Karson,
 Mary Barlow,
 Matilda Swan,
 Sarah C. Gorman,
 Margaret Spencer,
 Elizabeth Bushnell,
 Emily H. Estes,
 Mary E. Nutting,
 Sarah A. Macomber,
 Hannah Parker,
 Jane Marsh,
 Frances Jones,
 Sarah A. Lawrence,
 Lornia S. Getchell,

M. H. Dutton,
 Sarah J. Sentell,
 Mary B. Brown,
 Charlotte M. Thomson,
 Margaret M. Thompson,
 Louisa M. Darnow,
 Mary G. Brott,
 Nancy J. Estes,
 Mary H. Libby,
 Ann H. Smith,
 Mrs. E. E. Farham,
 Maria Richardson,
 M. J. S. Abbott,
 L. Judd,
 Maria M. Hartwell,
 Electa B. Hartwell,
 Abigail Getchell,
 Lydia Palmer,
 Mary Longfellow,
 Cornelia A. Jefferson,
 Dorinda H. Fletcher,
 Susan A. Tracy,
 Rebecca Dunn,
 Amelia Brown,
 Elvina Thuse,
 Saphronia M. Lowell,
 Agnes A. Smith,
 Louisa M. Smith,
 Celestia A. Dorr,
 Aseneth H. Munson,
 Sarah Jadon,
 Eleanor F. King,
 Jane R. Slight,
 Mrs. Stimson,
 S. F. Gillpatric,
 P. Libby,
 Annie L. Hollister,

Mary A. Murphy,
 Harriet Plumer,
 Deborah M. Herrin,
 Nancy Todd,
 Sarah Cole,
 Julia Estes,
 Julia Ann Brumby,
 Mary J. Smith,
 Laura M. Smith,
 Mrs. Ann H. Smith,
 Mrs. Susan Stiles,
 Ruth M. Clark,
 H. S. Benedict,
 M. D. Cory,
 Hannah L. Getchell,
 Lizze Souls,
 Elizabeth Hamilton,
 Frances Morris,
 Loretta Messat,
 Elizabeth Morris,
 Dora Jewet,
 L. J. Lane,
 A. W. Farham,
 Margaret Curl,
 Mary Avry,
 Annis Heath,
 Margaret Daly,
 Susan Lee,
 Catharine Lee,
 Mrs. Burk,
 Serena M. Huntley,
 Lucy L. Camp,
 Martha Estes,
 H. Lawrence,
 L. H. Libby,
 M. A. Libby,

PETITION OF MALES FROM SWAN RIVER

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Swan River Precinct, Benton County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order, and the security of property, life and happiness—we renewedly approach the Legislature as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

F. Ayer,
A. B. Adams,
Edward Taylor,
B. L. Fletcher,
Daniel Mason,
T. Bellefleur,
Charley Lemore,

Lyman W. Ayer,
Wm. Lewis,
C. M. Merrell,
R. D. Kinney,
A. Bisson,
Wm. H. Fletcher,
David Earle.

PETITION OF MALES OF CROW WING.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult male inhabitants of Crow Wing Precinct, Benton Co., respectfully pray your Honorable Body to enact a Law prohibiting, by efficient and Constitutional

provisions, the importation of Intoxicating Drinks and the Traffic in them throughout this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life and happiness—we renewedly approach the Legislature as the properly constituted guardians of our civil prosperity, and implore some adequate legal protection from this rising tide of evils.

Francis Pierz,
John McGillis,
Jonathan Edwards,
J. H. Fairbanks,
Benjamin Fairbanks,
A. Morrison,
Jacque Carrier,
John James,

C. H. Beaulien,
L. N. Adams,
Marine Vanase,
George Fairbanks,
Wm. Fairbanks,
Donald McDonald,
Joseph Monticalle,
Paul Beauvar.

PETITION OF THE INHABITANTS OF LE SEUR.

To the Honorable Legislature of Minnesota Territory:

The undersigned, adult inhabitants of Le Seur Precinct, Le Seur County, respectfully pray your Honorable Body to enact a law prohibiting, by efficient and Constitutional provisions, the importation of Intoxicating Drinks and the Traffic in them through out this Territory.

The evils arising from this traffic are already gigantic; and yet those evils are increasing among us with an alarming rapidity. The public is burdened; industry is checked; morals are sinking; vice stalks abroad; every interest of society is depreciated, and Minnesota is dishonored.

Actuated solely by a just solicitude for the public good—the dignity of law—the maintenance of order—and the security of property, life and happiness; we renewedly

approach the Legislature, as the properly constituted guardians of our civil prosperity and implore some adequate legal protection from this rising tide of evils.

Antoine Yon,

Joa Bourdon,

S. Cratt,

Mary Jane Gadwa,

J. H. Gates,

Mary M. Masters,

James R. McKee,

Rebecca G. Marsters,

Edward Evans,

Ann Evans,

Jacques Beauprie,

Mary L. Yon,

Charles M. Gadwa,

John Masters,

Lucian Gates,

Stephen S. Masters,

William G. McKee,

Hanner Vancamp,

John C. Evans,

Joseph M. Hall.

PETITIONS FOR THE LOCATION OF HENNEPIN CO. SEAT.

PETITION OF JOHN S. WALES, AND THIRTY-TWO OTHERS.

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

The undersigned, Citizens of Hennepin County, most respectfully request your Honorable Body to establish the County Seat of said County at the place selected by the County Commissioners in November, 1852. And your petitioners will ever pray.

January 28, 1854.

John S. Wales,
George N. Wales,
W. R. Moffett,
W. G. Moffett,
P. Prescott,
G. H. Jones,
Chas. Hoag,
David Bickford,
T. B. Rogers,
C. H. Hutchins,
E. A. Vanvalkenburg,
Samuel Franklin,
Samuel P. Spear,
L. N. Parker,
Job Pratt,
Nelson Pratt,
John Jackins.

Chesley, Pratt,
Martin Pratt,
David Pratt,
Samuel Stough,
Thomas S. McCulloch,
Jesse Wakefield,
Enos Wakefield,
George W. Townsend,
Henry Townsend,
M. Baldwin,
W. H. Gilmore,
G. Gilmore,
Jesse Richardson,
C. Hutchins,
Asa Fletcher,
Isaac Blaisdell,

PETITION OF JOSEPH H. CANNEY AND ONE HUNDRED AND
TWENTY-FIVE OTHERS.

To the Honorable Legislature of the Territory of Minnesota:

The petition of the undersigned citizens of Hennepin County, would respectfully represent: That they are desirous that your Honorable Bodies should locate the County Seat of Hennepin County at Minneapolis, confirming the selection made by our County Commissioners in October, 1852.

Joseph H. Canney,
John Broadwick,
Thomas Gagnier,
Cyrus Baldwin,
Merit Foster,
Curtis Foster,
Peter Poncin,
Orin B. Day,
Corodan Gates,
Francis Morrison,
John Bodery,
Peter Gamache,
Thomas Perry,
Ferdinand Gamache,
C. W. Christmas,
Bartis Pudwin,
Paschal Pudwin,
Joseph Minnor,
Sylvester Bell,
John Peters,
Victor Gamache,
Eben Howe,
Joel Howe,
J. W. Dow,
J. W. Dow, Jr.,
Gustin Dow,
J. M. Snow,
George Snow,
George Dutton,
H. S. Tompson,
E. Tompson,
George Tompson,

Marshal Bouly,
Lewis R. Palmer,
Ezra Hanscom,
W. Getchel,
W. Getchel, Jr.,
Wm. Getchel,
Peter Darnel,
Anthony Taggo,
Calis Plant,
Gery Wetzel,
Oscar Canfill,
John Lambert,
Edward Sweeney,
Peter Pudwin,
Joseph Pudwin,
S. W. Stinson,
Thomas Pudwin,
William Stinson,
Allen Harmon,
John Gearty,
William G. Jones,
Henry C. Keith,
E. H. McIntosh,
Cornelius Perkins,
G. A. Plumer,
John H. Perkins,
Gordon Jackins,
J. P. Plumer,
J. W. McCormack,
H. B. Wright,
T. James,
W. Hasman,

Rufus Farahan,
 Battis Bottineau,
 Peter B. Morrow, Jr.,
 John Readheid,
 John Readheid, Jr.,
 J. Burn,
 John Bahanner,
 Y. Warren,
 E. Glaly,
 James Glaly,
 O. Smith,
 Wiley Hoper,
 Samuel Hoper,
 S. Wales,
 N. Wales,
 Wm. Wales,
 Peter Bottineau,
 Sevier Bottineau,
 Charles Bottineau,
 Peter Gurva,
 Lewis Weavenu,
 A. Trumbley,
 Narcisse Samson,
 Carl Tusan,
 Henry Gurvy,
 Manuel Koch,
 Francis Grape,
 Francis Pudwin,
 Joseph J. Pudwin,
 W. Stinson,
 A. Moon.

Jonathan Estes,
 John Bohannon,
 James Brown,
 Andrew McCuine,
 Levi Casey,
 John Blaisdell,
 Robert Blaisdell,
 Isaac Fidd,
 Charles Miles,
 Thomas Warwick,
 David Clark,
 William Fonier,
 James Riley,
 John M. Dorman,
 O. Morrell,
 W. Alkerson,
 Henry McGrotkins,
 William Hanks,
 John Hanks,
 Stephen Haws,
 Wm. Messer,
 Joseph Hoyt,
 Charles Ring,
 William Staplers,
 Daniel Brackin,
 Daniel Brackin, Jr.,
 Charles Farington,
 E. Austin,
 John Brackin,
 I. B. Bossett,

PETITION OF C. W. CHRISTMAS, COUNTY SURVEYOR.

To the Honorable, the Legislature of the Territory of Minnesota:

The petition of the undersigned County Surveyor of Hennepin County, would respectfully represent that strong efforts are being made by interested parties to remove the County Seat of Hennepin.

The undersigned, your petitioner, would represent further, that it is only seven and a half miles from the location of the County Seat of said County, as selected by the County Commissioners, to the South-east corner of said County; and that it is over 28 miles to the North-east corner of said County from said location. Therefore your petitioner humbly prays your honorable body to let the County Seat remain as it is, and not put it further down in the South-east corner of the County, a large proportion of said corner being the Military Reserve of Fort Snelling and your petitioner would further represent that the site selected by the County Commissioners is much more eligible and central than any other location in Minneapolis for the purposes intended.

Respectfully,

C. W. CHRISTMAS,
County Surveyor,

PROCEEDINGS OF A MEETING HELD AT MINNEAPOLIS.

Mr. Rolette presented the following proceedings of a meeting held at Minneapolis: Agreeable to previous notice, many of the citizens of Minneapolis and vicinity met at the house of Anson Northrup, Esq., Jan. 25, 1854, at 10 o'clock, A. M., for the purpose of considering the proper place of locating the county seat of Hennepin County: Whereupon, the Hon. R. P. Russell was called to the Chair, and A. E. Ames appointed Secretary of the meeting.

Mr. Edward Murphy stated the object of the meeting.

Remarks were made by Messrs. F. Steele, Colonel John H. Stevens, Isaac Atwater, Anson Northrop, E. Case, C. A. Tuttle, Isaac Brown, A. E. Ames, and D. M. Coolbaugh.

On motion of Mr. Coolbaugh,

A committee of five were elected to examine and report to this meeting, a suitable site for the county seat.

D. M. Coolbaugh, E. Case, I. Atwater, A. Northrup, and C. A. Tuttle, were appointed said committee.

The committee retired and made the examination as to site.

Mr. Atwater reported the site agreed on by the Committee, on the bluff back of Mr. Whitney's, on Coolbaugh & Wilson, and Church land.

Report received and Committee discharged.

On motion of Mr. Steele,

The report was adopted.

On motion of Mr. A. E. Ames,

That E. Case and E. Murphy be a Committee to represent the desire of this Convention and their wishes as to the fixing the site of the county seat of Hennepin County.

On motion, adjourned *sine die*.

R. P. RUSSELL, Chairman.

A. E. AMES, Secretary.

PETITION FOR THE COUNTY SEAT OF HENNEPIN COUNTY.

MINNEAPOLIS, JANUARY 23, 1854.

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

The undersigned citizens of Hennepin County, having but recently learned that a bill locating permanently the County Seat of Hennepin County is now before you, will here respectfully represent, that in their opinion, the best interests of the county would be provided for in locating the said County Seat by the following persons, who are interested personally alike, and who know the wants of said county equal to any three persons, being interested in different localities; said persons being Emanuel Case, above the Falls of St. Anthony, R. P. Russell, at the Falls, and Isaac Atwater, below said Falls; not having time to circulate a petition to this effect, adopt this plan in asking our Legislature

to make such selection, and by so doing will meet the views of the citizens of the County of Hennepin generally. Should this plan be not adopted, we earnestly ask totally disinterested commissioners be appointed and make such location immediately.

Edward Murphy,
 Chas. Rye,
 A. C. Murphy,
 John M. Stiles,
 A. N. Hoyt,
 J. C. Whitney,
 D. W. Coolbaugh,
 Edwin Hedderly,
 John S. Cooper,
 Samuel C. Wheeler,
 L. K. Russell,
 M. Casady,
 E. R. Bagden,
 E. Wardwell,

W. G. Murphy,
 S. W. Hatch,
 Z. M. Brown,
 A. C. Godfrey,
 Jno. S. Tenney,
 A. E. Ames,
 James Marston,
 William Haason,
 Calvin A. Tuttle,
 Wm. Gardner,
 Moore Russell,
 B. S. Russell,
 J. Le Duc,
 A. L. Cummings.

PETITION OF ISAAC V. DRAPER AND FORTY-TWO OTHERS.

To the Honorable Council and Legislature of the Territory of Minnesota:

We, the undersigned, citizens of the County of Hennepin, request your Honorable Body to establish the County Seat of said County of Hennepin as temporarily located by the County Commissioners of said County in October, 1852.

I. V. Draper,
 Cyrus C. Jenks,
 John Chambers,
 Henry Chambers,
 J. M. Gordon,
 Robert Chambers,
 J. S. Mann,

D. R. Farnham,
 Hezekiah Brake,
 B. B. McGrath,
 James Shaver, jr.,
 Wm. S. Chowen,
 Chas. S. Wright,
 James S. Craft,

J. P. Miller,
 D. E. Dow,
 James Chambers,
 Giles W. Lane,
 Geo. M. Bertram,
 Horace Webster,
 John H. Holmes,
 Amos Gray,
 James Duncan,
 Stephen Hull,
 Wm. A. Spafford,
 D. P. Spafford,
 Wm. Lithgow,
 John Carman,
 Geo. Parks.

Thos. Chambers,
 W. B. Harrington,
 I. Stothart,
 Wm. Murray,
 Thomas Self,
 Simon Stevens,
 James Chambers,
 L. Griffiths,
 D. Griffiths,
 A. L. Morgan,
 W. Turner,
 I. Kestler,
 S. Barton,
 I. McKenny,

PETITION OF EMANUEL CASE AND OTHERS.

To the Honorable Legislature of Minnesota Territory:

The Petition of the undersigned citizens of Hennepin County would respectfully represent, that they have learned that strong efforts are being made to have the fractional township that St. Anthony is situated in, annexed to the County of Hennepin; that the village and town of St. Anthony is to form a part of said County. Now, therefore, we your petitioners are violently and justly opposed to all measures of this kind, inasmuch as Minneapolis, Bloomington, Minnetonka, and all other parts of the County of Hennepin, would be greatly injured by the annexation of St. Anthony to our said County; and we pray your Honorable Body that the boundaries of Hennepin County may remain as they now are.

Emanuel Case,
 J. B. Bissett,
 S. W. Case,
 Wm. P. Day,
 Franklin Steele,

Alexander Moore,
 Elijah Austin,
 J. C. Hutchins,
 P. Prescott,
 A. B. Bukrem,

W. H. Gilmore,
 Peter Quin,
 Louis LeZotte,
 Patrick Slaven,
 W. G. Moffet,
 Eli Pettijohn,
 C. G. Farrington,

Ephraim Lord,
 Hypolite Provoste,
 Francoise Duchamp,
 R. Van Valkenburgh,
 Hiram Prescott,
 W. G. Murphy,
 J. Harrison.

PETITION OF WILLIAM C. PENNEY AND OTHERS.

To the Territorial Council and House of Representatives:

The undersigned citizens of Stillwater pray your honorable bodies that the right of keeping and maintaining a Ferry across Lake St. Croix at Stillwater, M. T., may be granted to J. B. Trumbull, as in bill above, and that the rates of charges as set forth in the grant to Samuel Graff, in the session of 1852, were insufficient to maintain a Ferry across said Lake, which charter has been abandoned for the reason set forth,

Wm. C. Penney,

S. Register,

William H. Mowatt,

C. D. Gilfillan,

Jno. P. Proctor,

D. E. Benny,

Sylvanus Toasty,

B. Williams,

Arial Eldridge,

John Parker,

P. Partridge,

James A. Edwards,

Isaac Gray,

Wm. Rutherford,

H. N. Setzer,

Samuel Burkleo,

Gold T. Curtis,

H. K. McKinsly,

Ambrose Lacreest,

S. J. R. McMillan,

Martin Johnson,

W. Holcombe,

James D. McComb,

W. H. Smith,

Thos. G. Yours,

A. B. Green,

H. Curtis,

Joseph Jackman,

G. Grussell,
Oliver Parsons,
J. E. McKusick,
Andrew J. Shortz,

E. G. Pugthy,
G. W. Battes,
John Caswell,
L. M. Rowell.

PETITION OF THOMAS CHAMBERS AND OTHERS.

To the Honorable Legislature of Minnesota Territory:

The petition of the undersigned citizens of the County of Hennepin would respectfully represent, that they have learned that strong efforts are being made to have the fractional township that St. Anthony is situated in, annexed to the County of Hennepin; that the village and town of St. Anthony is to form a part of said County. Now, therefore, we your petitioners are violently and justly opposed to all measures of this kind, inasmuch as Minneapolis, Bloomington, Minnetonka, and all other parts of the County of Hennepin, would be greatly injured by the annexation of St. Anthony to our said County; and we pray your honorable bodies that the boundaries of Hennepin may remain as they now are.

Thos. Chambers,
A. Northrup,
A. N. Hoyt,
John S. Cooper,
Edward Bronson,
James Mountain,
Hezekiah Brake,
W. B. Harrington,
John H. Stevens,
D. M. Coolbaugh,
William Goodwin,
Calvin Church,

A. E. Ames,
Enos L. Fonney,
Jarvis Foss,
George Dairs,
G. Angell,
Geo. E. Huy,
Wm. Murray,
Hiram Prescott,
N. E. Stoddard,
I. LeDuc,
S. S. Crowell,
G. H. Pond,

Adam Stimbaugh,
 Edwin Hedderly,
 C. A. Tuttle,
 A. C. Godfrey,
 I. H. Odell,
 A. W. Jackins,
 Wm. W. Tuttle,
 W. G. Murphy,
 Walter McLeod,
 G. H. Marshall,
 Geo. H. Fletcher,
 David Bickford,
 Daniel E. Dow,

W. D. Ekay,
 Geo. Snow,
 Horace Webster,
 Wynard Varaltyae,
 E. B. Baydon,
 Charles F. Morgan,
 James A. Church,
 Geo. M. Bertram,
 Wyman Baker,
 J. Van Valkenburgh,
 Ira Henn,
 I. P. Miller,
 A. J. Fullerton,

PETITION OF WILLIAM B. DODD.

To the Honorable Council and Legislature of the Territory of Minnesota:

Your memorialist respectfully represents to your honorable bodies, that on the 5th day of January, 1853, he left St. Paul for the town of Traverse des Sioux, in this Territory, with a party of ten men, for the purpose of opening a road from St. Paul to Traverse des Sioux.

That he did open a road at his own expense, and furnish all things necessary for the same, furnishing the means of communication and transit through a district of country heretofore inaccessible, and that the said road was completed on the 4th day of July, 1853.

That the General Government has availed itself of the labor and expenditure of your memorialist, who prays that your honorable bodies will pass a joint resolution and memorialize the Congress of the United States for an appropriation for his benefit to the amount of Three Thousand Seven Hundred and Fifty-two and 50-100 Dollars.

WILLIAM B. DODD.

RECOMMENDATION OF MR. STANCHFIELD FOR SURVEYOR
GENERAL OF LUMBER IN MINNESOTA.

The undersigned, citizens of Minnesota, would respectfully recommend to the Council and House of Representatives of Minnesota, Mr. Daniel Stanchfield of St. Anthony, as a suitable person to fill the office of Surveyor General of Lumber in said Territory of Minnesota. We are aware that the position is one of great responsibility, and therefore we the more cheerfully, and confidently recommend Mr. Stanchfield, his long experience in the business, his prompt and active business habits, his invariable impartiality and integrity as a man in public or private life, eminently qualify him for that office; and knowing Mr. Stanchfield to be a consistent and uncompromising Democrat, we do hope our Request may be granted.

Dated at St. Anthony, March 2d, 1854.

Abraham R. Dodge,
Charles Fish,
R. B. Russell,
L. C. Walker,
Wm. Richardson,
A. G. McKenyie,
C. E. Leonard,
John Jackins,
Jonathan Estes,
S. B. Bean,
Shelton Hollister,
Francis Morrison,
Luther C. Munson,
J. N. Wilson,
N. C. D. Taylor,
John Fisher,
J. W. Cormack,
Wm. McKusick,
Louis Bartlett,
S. B. Olmstead,
Emanuel Case,
D. A. Robertson,
A. M. Fridley,
H. H. Sibley,

Otis C. Whitney,
Henry Reynolds,
John F. Whittemore,
J. Geo. Lennon,
Holmes & Toser,
Wm. Hanson,
Isaac I. Lewis.
Wm. D. Garland,
Saml. Stanchfield,
David Bickford,
H. T. Weller,
T. Gillpatrick,
John Rollins,
Cephas Gardner,
Wm. N. Allen,
Edmund Rice,
W. A. Cheever,
J. G. Mower,
W. P. Murray,
C. T. Stevens,
Louis Roberts,
Franklin Steele,
D. L. Fuller,
I. Atwater.

PETITION FOR A BRIDGE AT TAYLOR'S FALLS.

To the Hon., the Council and House of Representatives of the Territory of Minnesota:

The undersigned inhabitants of Chisago County, would most humbly petition your Honorable Bodies to grant a charter creating your petitioners a body corporate, under the name of the Saint Croix Bridge Company, with a capital stock of three thousand and five hundred dollars, in shares of twenty-five dollars each; for the purpose of building a bridge across the Saint Croix River at the Narrows or Taylor's Falls, with the following rates of toll: for each foot passenger, five cents; for each two horse, ox or mule team, twenty-five cents; for each one horse, ox or mule team, fifteen cents; for each horse, ox or mule, five cents; for horses or cattle in droves, three cents each, and for sheep or swine, two cents each.

And your petitioners will ever pray.

W. W. C. Folsom,

Jacob Marklee,

Henry Bush,

Alexie Raberge,

John Dobney,

James H. Russell,

L. K. Stannard,

John Ryan,

John Smith,

Wm. Gallasie,

Henry H. Merbery,

D. S. Bagley,

Samuel B. Dresser,

J. H. Fuller,

John S. Campbell,

William Gaden,

Abram Click,

William Kent,

John Godfrey,

Francis W. Fish,

Wm. Wall,

John C. Gardner,

Melton Parker,

James Payne,

A 28

John H. Rejd,

Joseph Blackburn,

Henry F. Day,

F. M. Abbott,

Gustavus Musick,

Harris Rolfe,

Patrick Fox,

John Teaksbury,

W. K. Bell,

John S. Brown,

Ambrose C. Sercy,

P. B. Tewksbury,

J. L. Taylor,

P. Gaines,

William O. Malony,

Wm. J. Vincent,

Wm. Ward,

Joseph Carroll,

Isaac Head,

Aaron M. Chase,

J. W. Carle,

Frederick W. Lammers,

F. S. Eddy,

W. W. Folsom:

PETITION RELATIVE TO SWINE AND SHEEP

To the Honorable Body of the Legislature of Minnesota Territory:

We, the undersigned householders and legal voters in the precinct of Little Canada, in said Territory, most respectfully ask that your Honorable Body will pass an act, so that swine and sheep will be free commoners. Your memorialists would represent to your Honorable Body that it has been a great detriment to the farming community at large, in not having the privilege to let their swine and sheep run out upon the vacant lands without their being in danger of being taken up for damages; therefore, we respectfully ask that your Honorable Body will take such action upon this subject as in your wisdom you will think most proper; for we believe that there is not a member in the present Legislature who has not the interest of the farming community at heart.

A. Lambert,
 Benjamin Garvais,
 Pierre Paul,
 Joseph Lebonne,
 Michel Vincent,
 Oliver Dubra,
 Jean Baptiste Demes,
 Louis Bybeau,
 Jean Vadnais,
 Thomas Haneur,
 Michel Ozer,
 Nescvere Jervais,
 Henri Jervais,
 Joseph Teron,
 Pierre Polle,
 Joseph Donoit,
 Alex. Ducharme,
 Baptiste Foreier,
 Baptiste Grayrine,
 Joseph Lemoai,
 Pierre Lambert.

Louis Bartletté, sr.,
 A. Ducharme,
 A. Carpenter,
 Joseph Belange,
 Felix Labord,
 Joseph Ozer,
 Francois Dupre,
 Joseph Pepan,
 Polette Bybeau,
 Joseph Vainsan,
 Narasa Lafortune,
 Talfonce Jervais,
 Joseph Morissette,
 Tartaine Labord,
 Pierre Augustine,
 Francois Morain,
 Moyise Lafaire,
 Moyise Lemeai,
 Jean Garseau,
 Louis Lambert.

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* REQUEST *

Patron Name

GOOGLE 1

Transaction Number

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Patron Number

Item Number

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Title

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