

NUMBER XIX.

Memorial to Congress for the passage of an Act regulating the Clerkship of the United States District Courts of this Territory.

For change in
Organic Act

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislative Assembly of Minnesota Territory respectfully represents: That it is necessary some change should be made in the Organic Act of Minnesota, in relation to the Clerkship of the District Courts, in order to make that office correspond and harmonize with the Judicial system of this Territory.

The Organic Act divides the Territory into three Judicial Districts, each of which District has one Judge, who is invested with jurisdiction of all cases both Federal and Territorial, Civil and Criminal, and said act provides for the appointment of Clerks for the Courts as follows: "Each District Court or the Judge thereof shall appoint its Clerk, who shall also be Register in Chancery, and shall keep his office at the place where the Court may be held.

The said Districts are very extensive, and are divided into numerous counties, in many of which counties terms of the District Court are held, in some once, and in others twice in each year. The Judges, from the language of the Statutes, and the absolute necessity of the case, placed a construction upon it by which they appointed a Clerk for the District Court in each county where Courts were by laws directed to be held. The said Clerks entered upon the duties of their several offices under the supposition that their appointments were regular, and that they would receive compensation therefor, as provided by the act of Congress, passed February 26, 1853, entitled "An Act to regulate the fees and costs to be allowed Clerks, Marshals and Attorneys of the District Courts and Circuit Courts of the United States, and for other purposes."

The Department at Washington, some years after the appointment of said Clerks, decided that said Judge could have but one Clerk for each District, and have refused to allow the said Clerks any compensation for their past services, or for what they may perform hereafter.

Your Memorialists are of the opinion that the construction placed upon said act by the said Judges was the correct one, and would represent that the view taken by the Department, if right, is entirely impracticable, when sought to be put into operation, as one Clerk could not perform the duties of the Court for a whole District; and should the records of the whole District be concentrated in one office, the distances necessary to be traveled to transact business thereat, would be excessively burthensome upon the inhabitants, and in many cases where the immediate issuance of process to enforce civil remedies is necessary, would be a denial of justice.

One of the most important objections against the system of one Clerk for each District obtaining, is found in the fact that all judgments and decrees effecting the title to Real Estate, in large numbers of counties, would be entered and docketed in one office, remote from the land affected by them, thereby rendering the examination of titles difficult and uncertain, and greatly retarding the growth of the country and seriously injur-

ing the settlers and their property ; while it was and is thus actually necessary for these Clerks to attend as such upon the terms of the United States Courts, and also to keep open an office for the transaction of the business of the United States, they have and cannot under such construction of the Department, receive any pay or emolument therefor.

In this view of the case, your Memorialists respectfully pray that your Honorable body will relieve the Territory from the embarrassment it is now laboring under in the premises, by passing an act authorizing the Judges of each Judicial District to appoint a Clerk of the District Court for each county in which terms of the District Court are held, with the same emoluments that are provided for in the act of Congress on that subject above referred to, and that provision be also made for the payment of all the Clerks who have heretofore been appointed as aforesaid.

And your Memorialists will ever pray, &c.

CHARLES GARDNER,
Speaker of the House of Representatives.
CHARLES E. FLANDRAU,
President pro. tem. of the Council.

APPROVED—Feb'y twenty-eight, one thousand eight hundred and fifty-six.
W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original Memorial on file in this office.

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

NUMBER XX.

A Memorial to Congress for a tri-weekly Mail between Hastings and Traverse Des Sioux.

To the Postmaster General of the United States of America : The Memorial of the Legislative Assembly of Minnesota Territory, respectfully represents : That the portion of country lying between Hastings, on the Mississippi river, and Faribault, the county seat of Rice county, is one of the most densely populated in the Territory, and that the postal facilities are entirely inadequate to the wants of the people ; and we therefore earnestly pray that a tri-weekly mail be established from Hastings to Faribault, and thence to Traverse des Sioux, on the Minnesota river.

*For a Tri-weekly
mail between
Hastings and
Faribault*

And as in duty bound, &c.

CHARLES GARDNER,
Speaker of the House of Representatives.
JOHN B. BRISBIN,
President of the Council.

APPROVED—Feb'y sixteenth, one thousand eight hundred and fifty-six.
W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original Memorial on file in this office.

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.