

SESSION LAWS.

The Eighth Session of the Legislative Assembly of the Territory of Minnesota was convened in pursuance of law, Wednesday, the seventh day of January, 1857, and adjourned on Saturday, the seventh day of March, 1857.

WILLIS A. GORMAN,
Governor.

JOHN B. BRISBIN,
President of the Council.

J. W. FURBER,
Speaker of the House of Representatives.

CHAPTER I.

*An Act for the removal of the Seat of Government of
the Territory of Minnesota.*

- SECTION 1.
1. Removal—Deed to Governor.
 2. Proposition of the St. Peter Company.
 3. Building Commissioners shall execute Bond.
 4. Commissioners' Salary.
 5. Commissioners to select site and erect Buildings.
 6. Appropriation of St. Peter Company.
 7. St. Peter Company shall be required to pay &c.
 8. Board of Commissioners to advertise.
 9. Judgment to be taken.
 10. Officers to remove.
 11. Duty of Librarian.
 12. Board of Commissioners to report.
 13. Vacancies to be filled by the Governor.
 14. Commissioners shall execute Bonds.
 15. A new location.
 16. To take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That the seat of government of the Territory of Minnesota, now located at St. Paul, be, and the same is hereby removed to St. Peter, in the county of Nicollet; and

Remova.

Deed.

that as soon as a perfect title can be obtained for ten (10) acres of land as near as practicable to the centre of the section lying between the upper and lower towns, or as heretofore designated St. Peter and Traverse, (said ten acres to be in square form, and designated as the Capitol Square,) the Capitol Buildings shall be located thereon ; and whatever appropriation may be made by Congress for the erection of the Capitol Buildings shall be applied to said object. The proprietors of the town of St. Peter and Traverse shall, at as early day as practicable, cause to be made a Deed in fee simple to the Governor of the Territory or future State of Minnesota and his successors in office, for the use of said Territory or State, for said ten acres of land.

Sec. 2. That the proposition of the Board of Directors of the St. Peter Company, (incorporated by an act of the Legislature, approved March 1st, 1856,) be, and the same is hereby accepted ; which proposition is in the following words and figures, to-wit :

"OFFICE OF THE ST. PETER COMPANY, }
February 3d, 1857. }

Proposition of
St. Peter Co.

Resolved, By the Board of Directors of St. Peter Company, that should the present Legislative Assembly of the Territory of Minnesota, in their wisdom and sound judgment deem it expedient to remove the seat of government now located at St. Paul, to St. Peter, in the county of Nicollet, on the Minnesota river, the said Company hereby guarantees to the Territory or future State of Minnesota, the same amount originally appropriated by the Congress of the United States for the Capitol buildings, as designated by the 13th section of the Organic Act of Minnesota, viz : The sum of twenty thousand dollars in money, and also the additional appropriation of a lot of ground within the limits of the town of St. Peter, of double the area of the Capitol Square in St. Paul, at some eligible point to be selected by a Board of Commissioners appointed by the Legislature of said Territory ; and also to provide suitable buildings, free of rent or charge, for the first meeting of the Legislature after the present, or for any other deliberative body to convene during the present year, and that said St. Peter Company will immediately and within twenty days from and after the passage of this act, enter into Bonds in the penal sum of one hundred thousand dollars, for the full, faithful and complete performance of this proposition, which said bond shall be drawn payable to the Governor of the Territory of Minnesota and his successor in office ; and also that they will make payment of said sum of twenty thousand dollars into the Treasury of the Territory ; either at once in one sum, or in such instalments as the Legislature may require ; and the Secretary of this Company, is hereby authorized and directed to deposit a copy of this resolution in the office of the Treasurer of said Territory."

SEC. 3. That there shall be elected by the present Legislative Assembly, three Commissioners, who shall hold their office for the term of two years and be called "Building Commissioners," who shall jointly execute a Bond to be approved by the Governor, in the penal sum of fifty thousand dollars, for the faithful performance of their duties, and for the lawful disbursement of all moneys that may come into their hands as such Commissioners; which bond shall be made payable to the Governor and his successors, for the use of the said Territory or future State of Minnesota.

Building Commissioners.

SEC. 4. Said Commissioners shall receive an annual salary of one thousand dollars each, out of any moneys in the Territorial or future State Treasury not otherwise appropriated, and payable in quarterly instalments; they shall hold their offices for the term of two years, and until others are elected in their stead.

Salary.

SEC. 5. It shall be the duty of the said Commissioners, on or before the first day of April, next ensuing, to select a suitable Site within the limits of the town of St. Peter, for a Capitol Building, and they shall proceed immediately thereafter to cause to be erected on said site a Capitol Building, according to such plans, specifications and modern style of architecture, as to them may seem most suitable; having in view a due regard to public economy; and have the same completed with all possible expedition and despatch.

Select Site.

Erect Building.

SEC. 6. That the said twenty thousand dollars appropriated by the said St. Peter Company, be and the same is hereby appropriated by this Legislative Assembly, be applied to and used in the construction of said Capitol Buildings so aforesaid.

SEC. 7. That the said St. Peter Company shall be required to pay said sum of twenty thousand dollars appropriated as aforesaid, into the Treasury of said Territory or future State of Minnesota, in manner following, to wit: Five thousand dollars within sixty days from and after the passage of this act and five thousand dollars every sixty days thereafter until the whole amount of the aforesaid twenty thousand dollars shall have been paid into said Treasury, which funds appropriated as aforesaid, may be drawn out upon the order of the Board of Commissioners, as they may require, and as the work progresses.

Appropriation.

Manner of payment.

SEC. 8. After said Board of Commissioners shall have adopted their plans and matured their specifications, for said Capitol Building, they shall advertise in three or more newspapers in the Territory, for Proposals to erect said buildings, adapting the payments for materials and labor, to payments into the Treasury, as prescribed in the 7th section of this act.

Advertise for Proposals.

SEC. 9. That in case of a failure of the said St. Peter Company, to make each and every payment as herein required, for a time of over five days after such payment or payments shall become due, judgment may be taken against

Judgment, how taken.

the said Company without notice or service of process, upon motion of the Attorney General, in any Court of this Territory of competent jurisdiction; and execution thereon may issue immediately.

SEC. 10. It shall be the duty of the Governor, Officers of the United States, Territorial Officers, and all others who are required by law to reside at the Capital, to remove to St. Peter, on or before the first day of May, 1857.

SEC. 11. It is hereby made the duty of the Librarian to make provision for, and remove the Territorial Library from St. Paul to St. Peter, on or before the first day of May, 1857.

SEC. 12. It is hereby made the duty of the Board of Commissioners aforesaid, to make quarterly reports to the Governor of the Territory or future State of Minnesota, in which they shall give a detailed statement of their proceedings, and an account of their disbursements, making such suggestions as they may from time to time deem proper, which reports and suggestions shall by the Governor, be laid before the Legislature annually.

SEC. 13. If from death, removal, or any other cause, a vacancy should occur in the office of Building Commissioner, it shall be the duty of the Governor of the Territory or future State of Minnesota to fill all such vacancies. And in case any of said Commissioners shall neglect their duties, or fail to push forward the erection of said buildings, with all reasonable despatch, or be guilty of malfeasance, the Governor shall have power to remove such delinquent Commissioner or Commissioners, and appoint others in his or their stead.

SEC. 14. Said Commissioners before entering upon the duties of their office shall execute their Bonds as aforesaid, and deposit the same in the office of the Secretary of the Territory, and said Bonds may be put in suit for any breach of the conditions thereof, and shall be prosecuted to final judgment by the Attorney General of the Territory.

SEC. 15. All acts and things required by law to be done at the Capital of the Territory, shall be done and performed at its new location.

SEC. 16. This act to take effect from and after the date of its passage.

SEC. 17. All acts and parts of acts inconsistent with this act are hereby repealed.

J. W. FURBER,

Speaker of the House of Representatives.

The foregoing is presented for my signature as Speaker of the House of Representatives, as being enrolled not from the original bill of the same title, but from what purports and is alleged to be a copy of such original bill.

I have examined the within copy of a bill, and certify it to be a correct copy of a copy certified by me, except the name of J. W. Furber, and the words added by him, and

also that the copy of my certificate on the back thereof is a correct copy of my original certificate.

L. SMITH,

Secretary of Council.

St. Paul, M. T., March 3d, 1857.

I decline to append my signature to the accompanying paper for the following reasons :

First. It has not been transmitted to the Council by any message from the House of Representatives, nor in any wise whatever, nor has it been received by the Council. (Vide Joint Rules No. 2.)

Second. It did not come to my hands from the Secretary of the Council, who is its only authorized custodian, if it belong to the Council, nor from the Committee on Enrolled Bills. (Vide Rev. Stat. chap. 3, sec. 11.)

Third. It was not enrolled under the direction of the Secretary of the Council. (Vide rule 3, Joint Rules of the Council and House of Representatives.)

Fourth. No such bill has been reported to the Council by the Committee on Enrolled Bills, nor by any committee nor in any wise. (Vide Joint Rules, No. 4.)

Fifth. I have no evidence which I regard legitimate, that any bill of the contents of the accompanying ever passed the Council.

Sixth. It appears from the certificate of the Secretary of the Council, of date March 3, 1857, that the certificate endorsed upon this paper, and purporting to have been made Feb. 12, 1857, was never signed nor attested by the said Secretary.

Seventh. Since the certificate of the Secretary of the Council, bearing date March 3d, 1857, the paper has, to my own personal knowledge, been out of the hands of all officers of the Council, and in the hands of two members of the body not connected with the Committee on Enrolled Bills.

JOHN B. BRISBIN.

March 4, 1857.

APPROVED—March fifth, one thousand, eight hundred and fifty-seven.

W. A. GORMAN.

SECRETARY'S OFFICE, Minnesota, }

St. Paul, March 10th, 1857. }

I certify the above and foregoing to be true and correct copies of the original bill and accompanying papers appended thereto, on file in this office.

J. J. McCULLOUGH,

Acting Secretary.