

are at liberty to disregard the provisions of the statutes if our notions of right or justice don ot harmonize with them ; but such is not my opinion. It would seem to me to be a poor precedent, for those who make the laws to be the first to decide against them, and by one decision to totally disregard the plain provisions of the statutes.

It is said that Wabasha is attached to Washington county, and that therefore there was some color of authority for the Commissioners of the last mentioned county to establish the precinct at Bunnell's.

But this reasoning cannot be made of any avail, because the law declares, as plainly as words can declare it, that Wabasha is attached to Washington county for *judicial purposes* only. The law no where attaches it to Washington county for election purposes.

I am, therefore, of the opinion that the election held at Bunnell's was not held at a place fixed by law, and that the votes there given were illegal and should be set aside, which would leave James Wells a majority of the votes for Representative in the legislative assembly.

I therefore submit the following resolutions :

Resolved, That Fordyce S. Richards, the sitting member, is not entitled to a seat in this House.

Resolved, That James Wells is entitled to a seat in this House.

W. P. MURRAY.

WARREN AGT. BEATTY.

PETITION OF WILLIAM W. WARREN.

To the Honorable the House of Representatives of the Legislative Assembly of the Territory of Minnesota :

The petition of William W. Warren, of the county of Benton, in said Territory, respectfully represents :

That at the last general election held in the said Territory, on the 14th day of October, 1851, your petitioner was a candidate for the office of Representative of the county of Benton, aforesaid, in the Legislative Assembly :

That at the election James Beatty received for said office, at Elk river, twenty-six votes, at Sauk Rapids ten votes, at Swan river seventeen votes, at Crow Wing thirteen votes, and at Nokasepi nineteen votes, in all eighty-five votes :

That your petitioner received at the said election for said office, at Elk river two votes, at Sauk Rapids thirty-six votes, at Swan river forty votes, and at Crow Wing one vote, in all seventy-nine votes ; as in and by the returns of the said election, on file in the office of the Secretary of the said Territory, and ready to be produced as your Honorable body shall direct, will more fully and at large appear.

That the said James Beatty obtained a certificate of his election to the said office, and has taken a seat in your Honorable body.

Your petitioner, however, represents that the said James Beatty was not justly and

legally entitled to the said certificate and seat, because the majority of the legal votes deposited at the said election was in favor of your petitioner.

That William Alexander, Augustus Cunradi, John McIntyre, William Curry, Samuel Williams, Michael O'Connor, Elias B. Taylor, Edmund Guy, John T. Garrick, John Conly, John Maphy, Edward Riter, and M. A. Henry voted at the said election, held at the house of Baldwin Olmstead, Nokasepi Precinct, in said county of Benton, for the said James Beatty, as Representative aforesaid.

That the said William Alexander, Augustus Cunradi, John McIntyre, William Curry, Samuel Williams, Michael O'Connor, Elias B. Taylor, Edmund Guy, John T. Garrick, John Conly, John Maphy, Edward Riter, and M. A. Henry were not at the time when they so voted, citizens of, or residents of said county of Benton, but were citizens of the county of Cass, and residents of Fort Ripley, and were not, consequently, entitled to vote for a Representative of the county of Benton.

That, moreover, the said John McIntyre, Michael O'Connor, Samuel Williams, Elias B. Taylor, Edmund Guy, John T. Garrick, William Curry, William Alexander, John Maphy, and Edward Riter were at and before the time when the said election was held, soldiers, regularly enlisted in the army of the United States.

And your petitioner further represents that the election held at the said Nokasepi Precinct was illegal and void, because Augustus Cunradi and William Alexander, citizens of the county of Cass, and residents at Fort Ripley, acted as clerks of the said election.

Wherefore, your petitioner prays that your honorable body will disregard the votes of the said William Alexander, Augustus Cunradi, John McIntyre, William Curry, Samuel Williams, Michael O'Connor, Elias B. Taylor, Edmund Guy, John T. Garrick, John Conly, John Maphy, Edward Riter and M. A. Henry, and all of the votes at Nokasepi precinct, and allow your petitioner to take the seat in your honorable body, to which he is entitled by a majority of thirteen of the legal voters of the county of Benton.

Your petitioner also respectfully prays that a committee may be appointed to examine and determine the rights of your petitioner, and the said James Beatty, respectively, in the premises.

And your petitioner will ever pray.

TERRITORY OF MINNESOTA, }
COUNTY OF RAMSEY, } ss:

William W. Warren having been first duly sworn according to law, doth depose and say that the facts set forth in the foregoing petition are true, so far as they are stated upon his own knowledge, and so far as they are stated upon information and belief, he verily believes them to be true.

WM. W. WARREN.

Sworn to and subscribed before me, January 20, 1852.

W. P. MURRAY, Notary Public,
Ramsey county, Min. Ter.

REPORT OF COMMISSIONERS.

To the Honorable Committee of the House of Representatives of Minnesota Territory:

Your Commissioners would respectfully report that in conformity to the resolution which passed the House of Representatives on the 22nd day of January, 1852, they proceeded forthwith to Benton county and commenced taking the depositions of such persons as were brought before them, in all matters relating to the petition of Wm. W. Warren, claiming his seat as a member of said House of Representatives.

Your Commissioners would further report that inasmuch as their authority did not extend beyond the limits of Benton county they could not take the depositions of those persons mentioned in Mr. Warren's petition, who reside at Fort Ripley, in the county of Cass; with the exception of A. Cunradi, whose deposition was taken within the limits of Benton county. They would state, however, that they used every exertion to procure the remaining depositions, but the parties declined crossing the river to testify, assigning as a reason, that they had once before given their depositions in the same case to Mr. Warren, and that what they had stated at that time was true in every respect.

With the depositions you will also find a certified copy of the "declaration of intentions" of Christopher Highhouse, and of the returns of the Crow Wing Precinct, from the Clerk of the District Court, and Board of County Commissioners of Benton county, all of which is respectfully submitted.

CHAS. F. TRACY, }
B. W. LOTT, } Commissioners.

St. Paul, February 3, 1852.

DEPOSITIONS,

Taken by B. W. Lott and Charles F. Tracy, pursuant to the Resolution of the House of Representatives of Minnesota Territory, under which Resolution they were appointed by the Committee, Commissioners to take the testimony of such persons as might be brought before them, in all matters relating to the petition of William W. Warren claiming his seat as a member of said House:

TERRITORY OF MINNESOTA, } ss.
County of Benton,

John H. Fairbanks, being duly sworn, deposes and says, that he is acquainted with Paul Bovie, that he voted at the last general election, at the Crow Wing Precinct, according to the best of his recollection for Wm. W. Warren for member of the House of Representatives; that said Paul Bovie is a resident of Itasca county in this Territory.

JOHN H. FAIRBANKS.

Subscribed and sworn before us at Crow Wing, this 27th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, } ss.
County of Benton,

Augustus Cunradi, being first duly sworn, deposes and says: That he resided at Fort Ripley, in Cass county, in the said Territory, and that he resided at the said Fort on and before the day of the last general election, to wit: on and before the 14th day of October, 1851; that at the said election called Nokasepi precinct, which was held at the house of S. B. Olmstead, in the county of Benton, in said Territory; that he voted for James Beatty, for member of the House of Representatives; that he acted as Clerk at said election.

AUG. CUNRADI.

Sworn to and subscribed before us this 27th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton, } ss.

Maxeuie Vannoss, being duly sworn, deposes and says: I voted at the last general election, on the 14th day of October, 1851, at the Swan River Precinct, in this county; I think that I voted for Wm. W. Warren, for member of the House of Representatives. I have declared my intention to become a citizen; I procured my papers in St. Paul in this Territory.

his
MAXEUIE x VANNOSS,
mark

Subscribed and sworn to before us this 28th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton, } ss.

Henry Sinclair, being duly sworn, deposes and says: I voted at the Swan River Precinct, at the last general election, for Wm. W. Warren for member of the House of Representatives. I was born in the Selkirk Settlement in the British dominions.—I have never been naturalized.

HENRY SINCLAIR.

Subscribed and sworn before us, this 29th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton, } ss.

Christopher Highhouse, being duly sworn, deposes and says: That he acted as Clerk at the Sauk Rapids Precinct, at the last general election, in October, and that he did not vote at said election, and further deponent saith not.

CHRIST. HIGHHOUSE.

Subscribed and sworn to before us, this 29th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
Benton County. } ss.

J. H. Brisbois being duly sworn according to law, deposes and says: I voted at the last general election on the 14th day of October, 1851, at the Swan River Precinct. I think I was of the age of 21 years either on the fifth or seventh of October, 1851. I believe I voted for Wm. W. Warren for member of the House of Representatives. I was born in Prairie du Chien, in the State of Wisconsin. Further deponent saith not.

J. H. BRISBOIS.

Subscribed and sworn to before us, this 30th day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton. } ss.

Taylor Dudley, being duly sworn, deposeth and says: I am Register of Deeds of this county, and Clerk of the Board of County Commissioners. In my opinion the law requires that the election returns of each precinct should be made to me as said clerk, together with the poll books. The poll books of the Nokasepi Precinct have never been returned to this office of the last election. In making out my returns of the election of October last, the returns from Nokasepi Precinct were counted as certified by the judges of said election precinct to this office. I canvassed the vote of said election with Geo. Egbert and Isaac Marks, Justices of the Peace of this county, and James Beatty was declared elected by said Clerk and Justices, member of the House of Representatives of Minnesota Territory. There never has been any order of the Board of Commissioners abandoning the Nokasepi Precinct.

TAYLOR DUDLEY.

Sworn to and subscribed before us, this 31st day of January, 1852.

CHAS. F. TRACY, }
B. W. LOTT, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton, } ss.

John Depue, being duly sworn, deposes and says: I am a citizen of the United States. I was in the Territory six months before the last general election. I acted as judge at that election. I was not sworn as judge. Duncan Stewart acted as judge at that election; he was not sworn in. Messrs. Stillwell and Hauley acted as clerks at said election, and they were sworn by me. Either Mr. Stillwell or Mr. Stewart said it was not necessary for me to be sworn, inasmuch as I had been appointed by the Board of County Commissioners. I acted in good faith as judge. I did not examine the law with regard to elections. I supposed at the time the canvass was going on, that it was conducted strictly according to law. I did not hear that portion of the law read which requires judges of elections to be sworn. I acted just the same as if I had been sworn. I do not know that there were any illegal votes cast at that election. I did not know all the men that voted. I acted under the same sense of obligation as judge, as if I had been sworn; and I believe the others did the same. There were some votes challenged at that election, and they were rejected by the judges. I was not governed by Mr. Stewart in taking in votes, any more than I would have been by any other person occupying the same place that he did. I do not know that Duncan Stewart acted as judge of the previous election.

JOHN DEPUE.

Sworn and subscribed before us, this 31st day of January, 1852.

B. W. LOTT, }
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, }
County of Benton, } ss.

John C. Hauly, being duly sworn, deposes and says: I was here in Benton county six months previous to the last election. I am a citizen of the United States. I acted as clerk of the election at the Swan River Precinct. I was sworn. Mr. Porter was

sworn as one of the judges. I thought the canvass was conducted strictly according to law. I think it was the intention of the judges and clerks of the election to conduct it fairly and impartially. I was there during the whole time, and I saw nothing that was improper or illegal. I did not think at the time there were any illegal votes cast. We had the election law there. I read portions of it. I did not read nor hear read any thing in the law that required the judges to be sworn.

JOHN C. HAULY.

Sworn and subscribed before us, this 31st day of January, 1852.

B. W. LOTT,
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, } ss.
County of Benton,

S. B. Olmstead, being duly sworn, deposeth and says: I am acquainted with Wm. Nettleton; he resided near Gull river, in what I believe to be Cass county, during the past summer and autumn. I am acquainted with Lieut. Carlin, he resides at Fort Ripley, Cass county. Am acquainted with Sylvester Stateler; have never been at his house, but have every reason to believe that he resides at Gull Lake, Cass county, and that he resided there at and before the time of the election in October last. Am acquainted with Chas. Chebrellsz; have always understood that he resided at Red Lake, M. T., and am of the impression that Red Lake is in Itasca county. Am acquainted with a man by the name of Clark; do not know his first name; do not know where he resided at the time of the election. The last I saw of him, previous to the election, he was working at the Chippewa farm, on Gull river, in Cass county.

S. B. OLMSTEAD.

Sworn to and subscribed before us, this 31st day of January, 1852, at John Depeu's house, M. T.

B. W. LOTT,
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, } ss.
County of Benton,

George Egbert, being duly sworn, deposes and says: I was one of the judges at the last general election in October last, at the Elk River Precinct. Said election was held at Bottineau's house. I noticed improper conduct at said election. There was a ticket put in the ballot box by some individual. I do not know by whom. I am of the opinion the man put it in; but I am not positive whether he or one of the judges put it in. The same ticket was taken out again by Mr. Donnelly, one of the judges, for the reason that he was not considered a voter. I objected, as one of the judges, to having the ticket taken out, as I considered such a proceeding illegal. I have no doubt that the ticket that was taken out was the same that was put in. Mr. Donnelly, when he took out the said ticket did not take out a handfull. When the vote was being canvassed, Mr. Donnelly took the tickets from the ballot box and handed them to Mr. Lane, one of the judges, and I strung them. I saw Mr. Donnelly take

out several tickets from the box and hand them to a Mr. Miller and other bystanders to look at, before giving them to Mr. Lane, one of the judges, to be called off.

GEORGE EGBERT.

Sworn and subscribed to before us, this — day of February, 1852.

B. W. LOTT,
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, } ss.
County of Benton,

Silas H. Lane, being duly sworn, deposes and says: I was one of the judges of the last election at the Elk River Precinct in this county. I saw no improper conduct at that election. I saw no ticket taken out of the ballot box before the poll closed. I do not recollect the circumstances of Mr. Donnelly, one of the judges, taking a ballot from the box. I did not see anything improper in the conduct of any of the judges at the time the votes were being counted. Mr. Donnelly took the tickets from the box. I took the names off. I did not see Mr. Donnelly hand the tickets to any of the bystanders before handing them to me.

SILAS H. LANE.

Sworn and subscribed before us, this — day of January, 1852.

B. W. LOTT,
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA:

We, the Commissioners, appointed under a Resolution which passed the House of Representatives on the 22d day of January, 1852, do hereby certify that the above named witnesses, prior to the taking of their depositions, were by us duly sworn to testify the truth in all relating to the petition of William W. Warren, claiming his seat as a member of the House of Representatives of Minnesota Territory; and that the said depositions were on the several days therein mentioned, in the county of Benton, in said Territory, taken and reduced to writing and signed and sworn to, respectively, by said witnesses in our presence.

Given under our hands, this 3d day of February, A. D., 1852.

B. W. LOTT,
CHAS. F. TRACY, } Commissioners.

TERRITORY OF MINNESOTA, } ss.
Benton County,
At Fort Ripley in the County of Cass.

Personally appeared before me, William Alexander, who having been duly sworn according to law, did depose and say, that he resides at Fort Ripley, in the county of Cass, in said Territory; that he was one of the Clerks of election in the Nokasepi Precinct, at the last general election, to wit: on the 14th day of October, 1851. That at the said election he is knowing to the fact that John Maphy, Edward Riter and M. A.

Henrys, living at the time at Fort Ripley, in Cass county, as aforesaid, voted for James Beatty, for Representative, and that John Maphey and Edward Riter were soldiers in the army of the United States, and were enlisted in the army at and before said election.

And further the deponent said not.

WM. ALEXANDER.

Sworn and subscribed before me, December, 27th, 1851.

ALLAN MORRISON, [L. s.]
Notary Public.

Miller sworn :

I was at Elk River Precinct at the time of election. I saw no improper conduct; tickets were not taken from the Box and handed to me; I think I should have seen any impropriety had there have been any.

Cross Examined :

One vote given—Sturgis and Beatty. — served five years in army.

TERRITORY OF MINNESOTA, } ss.
Benton County, }
At Fort Ripley in the County of Cass.

Personally appeared before me, John McIntyre, Michael O'Connor, Samuel Williams, Elias B. Taylor, Edmund Guy, John Maphey, John T. Garrick, William Curry, Edward Riter, M. A. Henrys, John Conley, Augustus Cunradi and William Alexander, who having been first duly sworn according to law, did depose and say: That they reside at Fort Ripley, in the county of Cass, in the Territory of Minnesota; that they resided at the said Fort on and before the day of the last general election in said Territory, to wit: on and before the 14th day of October, 1851. That at the said election, called Nokasepi Precinct, which was held at the house of S. B. Olmstead, in the county of Benton, in said Territory, these deponents voted for James Beatty, for Representative, and John Hanley for Sheriff; that the said Augustus Cunradi and William Alexander, resident at said Fort as aforesaid, acted as Clerks of the said election.

And the deponents, John McIntyre, Michael O'Conner, Samuel Williams, Elias B. Taylor, Edmund Guy, John T. Garrick, William Curry and William Alexander, did further depose and say: That they are soldiers in the army of the United States, and were enlisted in the army at and before said election. And further the said deponents said not.

WILLIAM ALEXANDER,
AUGUSTUS CUNRADI,
JOHN MCINTYRE,
WILLIAM CURRY,
SAMUEL WILLIAMS,
MICHAEL O'CONNOR,
ELIAS B. TAYLOR, his x mark,
EDMUND GUY, his x mark,
JOHN T. GARRICK, his x mark,
JOHN CONLY, his x mark.

Sworn to and subscribed before me, December 27th, 1851.

ALLAN MORRISON, [L. s.]
Notary Public.

UNITED STATES OF AMERICA, } ss.
3d District Court of Minnesota Territory.

Be it Remembered, That on the 12th day of April, 1851, personally appeared before me at Sauk Rapids in said District, Christopher Highhouse, a native of the Kingdom of Prussia, who, upon his solemn oath did depose and say that he is a native of the Kingdom of Prussia, now residing in Benton county, Minnesota Territory; twenty years old the forepart of April, or thereabouts, and that it is his *bona fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate or sovereignty whatever, and particularly the King of Prussia, of whom before he was a subject.

[L. s.] In testimony whereof, I have hereunto set my hand and the seal of said Court this 12th day of April, A. D. 1851.

TAYLOR DUDLEY, Clerk,
By JEREMIAH RUSSELL, his Deputy.

TERRITORY OF MINNESOTA, } ss.
3d United States District Court.

I, Taylor Dudley, Clerk of the 3d United States District Court in and for the Territory aforesaid, certify, That the above is a true copy of the original declaration of intention of Christopher Highhouse to become a citizen of the United States, remaining on record in my office.

[L. s.] In testimony whereof, I have hereunto subscribed my name and affixed the seal of the said Court at Sauk Rapids, the 26th day of January, A. D. 1852.

TAYLOR DUDLEY,
Clerk of the 3d U. S. District Court, M. T.

RETURNS OF CROW WING PRECINCT.

1	William Nettleton,	8	Levi Clark,
2	Oliver Corry,	9	John McKee,
3	Wm. S. Carlin,	10	Sylvester Stateler,
4	Donald McDonald,	11	Gabriel Churefils,
5	William McFarland,	12	Allen Morrison,
6	Paul Bovie,	13	John H. Fairbanks,
7	George Hume,	14	Charles Chabrellsz.

At an election held at the house of Allen Morrison in the Crow Wing precinct, Benton county, Minnesota Territory, on the 14th day of October, 1851, the following named persons received for the offices named, the respective number of votes set opposite their names, viz:

For Member of the Council.

S. B. Lowry,
William Sturgis,

7
7

For Representative.

James Beatty,	-	-	-	-	-	-	-	13
W. W. Warren,	-	-	-	-	-	-	-	1

For County Commissioner.

Charles Donley,	-	-	-	-	-	-	-	13
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For Sheriff.

John Hanley,	-	-	-	-	-	-	-	8
James Vincent,	-	-	-	-	-	-	-	5

District Attorney.

W. H. Wood,	-	-	-	-	-	-	-	13
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For Register and Recorder.

Taylor Dudley,	-	-	-	-	-	-	-	13
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For County Treasurer.

Jeremiah Russell,	-	-	-	-	-	-	-	13
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Assessor.

Silas Lane,	-	-	-	-	-	-	-	13
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For County Surveyor.

G. W. Sweet,	-	-	-	-	-	-	-	13
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For Judge of Probate.

Frederick Ayre,	-	-	-	-	-	-	-	13
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For Justices of the Peace.

John H. Fairbanks,	-	-	-	-	-	-	-	13
Allen Morrison,	-	-	-	-	-	-	-	13

For Constables.

Paul Beaulieu,	-	-	-	-	-	-	-	12
Levi Clark,	-	-	-	-	-	-	-	13

For Supervisor of Roads.

Donald McDonald,	-	-	-	-	-	-	-	13
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We the Judges and Clerks at this election, do certify that the foregoing is correct.

ALLEN MORRISON,
JOHN H. FAIRBANKS, } Judges.
LEVI CLARK.

JOHN MCKEE, } Clerks.
H. CHEVREFILS.