

by the vote of the people, is now the state university, and is entitled to the two townships of land granted for that purpose.

The apportionment bill, based on the census of 1850, led to a bitter personal discussion, but was passed on Saturday, March twenty-ninth. The opponents of the bill in the House of Representatives, seven in number, on the same day resigned their seats. They contended that the census was incorrect; that Benton county, with four thousand acres under cultivation, by the bill had but one half the representation that Pembina county had, where there were but seventy acres under cultivation, and more than one-half of that belonging to one individual. They also urged the fact that, excepting soldiers, at least seven-eighths of the population were Indians, and that the legislature had no authority over the unceded lands.¹

¹ Correspondence in relation to points in dispute:—

“HOUSE OF REPRESENTATIVES,

“WASHINGTON, Feb. 27, 1851.

“Hon. James Thompson, Chairman of the Judiciary Committee:

“DEAR SIR:—There are questions mooted among the people of Minnesota, as to the extent of the authority conferred by the Organic Act, upon the Legislative Assembly of the territory, and other matters connected with the exercise of that jurisdiction on the Indian country, which comprises all the region west of the Mississippi. The distinguished position you occupy as the head of the Judiciary Committee, and your acknowledged eminence as a lawyer, will invest your opinion with great

weight in the settlement of the points referred to. I have the honour, therefore, to request that you will reply to the following queries, to wit:—

“First: Does, or does not the organic act of Minnesota, grant to the Legislative Assembly full jurisdiction over all the country embraced within the limits of the territory, restricted solely by provisions of Indian treaties conflicting with it, should such exist?

“Second: Does, or does not the organic act secure to all the people, living as well on the unceded as the ceded lands, the right of representation in the Assembly, and of voting at all elections, subject only to the restriction of the laws to

The Ojibways of suffered much during the first of October new agency at San

regulate the qualifications and are not elections h unceded lands made eq and legal by the provis organic law, with those ceded country?

“An early reply to th will be gratefully ackno

“Yours, very respec

“H. H.

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“WASHINGTON, Feb. 27, 1851.
“Hon. H. H. Sibley, De

the Territory of Minn
“DEAR SIR:—I hav though briefly, the law the Territory of Minne tion to the questions y in your note of yester surprised that any qu kind could arise in the one. I had been one mittee that framed the tion, and I presume th that committee ever the legislative power tory extended to the e the territory, restric ‘rightful subjects of le sistent with the Const United States, and the this act,’ and subject t of Congress. Nothi could be done by the the territory in regard tribes, as this subje clusively to Congress territory, in all its par

The Ojibways of Red, Cass, Leech, and Sandy Lakes suffered much during the winter of 1850-51. About the first of October, 1850, the Indians collected at the new agency at Sandy Lake, to receive their annuities,

regulate the qualifications of voters, and are not elections held on the unceded lands made equally valid and legal by the provisions of the organic law, with those held on the ceded country?

"An early reply to the questions will be gratefully acknowledged by,

"Yours, very respectfully,

"H. H. SIBLEY."

—
"WASHINGTON, Feb. 28, 1851.

"Hon. H. H. Sibley, Delegate from the Territory of Minnesota:

"DEAR SIR:—I have examined, though briefly, the law organizing the Territory of Minnesota, in relation to the questions you propound in your note of yesterday. I was surprised that any question of the kind could arise in the mind of any one. I had been one of the committee that framed the law in question, and I presume that no one of that committee ever doubted that the legislative power of the territory extended to the entire limits of the territory, restricted only to 'rightful subjects of legislation, consistent with the Constitution of the United States, and the provisions of this act,' and subject to the approval of Congress. Nothing of course could be done by the legislature of the territory in regard to the Indian tribes, as this subject belongs exclusively to Congress, but that the territory, in all its parts, was devoted

to the same legislative control, is proved by the provision that every free white citizen of the age of twenty-one years, who shall have been a resident of the territory at the time of the passage of the act, shall be entitled to vote at the first election. All could vote; the consequence of which is apparent—that all, in contemplation of law, were to be represented. Subsequent legislatures could regulate the qualifications of voters, but in the territory, and in any part of it, the right of voting would remain, and of course the right of representation.

"This short view of the subject answers the points made in your note. The organic law of the territory regarded the entire territory in precisely the same light—all parts of it entitled to representation—all male citizens of twenty-one years of age, being free, no matter where situated or living, being entitled to vote. The legislation over the whole territory is a complete right in the territorial legislature, subject only to the restrictions implied in the exclusive right of Congress to regulate the intercourse between the Indian tribes. Excuse the imperfections of this note, written in the midst of a boisterous debate.

"With great respect,

"I am truly yours,

"JAMES THOMPSON."

THE
HISTORY OF MINNESOTA:

FROM THE
EARLIEST FRENCH EXPLORATIONS

TO THE
PRESENT TIME.

BY
EDWARD DUFFIELD NEILL,
COR. MEM. OF MASSACHUSETTS HISTORICAL SOCIETY; AUTHOR OF "TERRA MARIG;" THE
"VIRGINIA COMPANY;" THE "ENGLISH COLONIZATION OF AMERICA," ETC.

"NEO FALSA DICERE, NEC VERA RETICERE."

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