

Jan. 6.]

HOUSE OF REPRESENTATIVES.

11

The Rev. E. D. Neill having received a majority of all the votes cast, was declared duly elected Chaplain for the present session.

On motion of Mr. Rice,

Ordered, That a committee of three be appointed, to inform Mr. Neill of his election.

Messrs. Rice, Olmstead and Taylor were appointed that committee.

On motion of Mr. Ludden,

Ordered, That each member of the House be at liberty to order for his own use, any number of papers printed in this Territory, not exceeding twenty, and that the same be paid for out of the money appropriated for the incidental expenses of the Legislature.

On motion of Mr. Wells,

The House adjourned till Monday at two o'clock, P. M.

MONDAY, JANUARY 6, 1851.

The House was called to order by the Speaker.

Prayer by the Rev. Mr. Neill.

The Journal of Saturday was then read and corrected.

Mr. Tilden offered the following resolution:

Resolved, That the Sergeant-at-Arms of the House, be directed to call on the Librarian, requesting him to furnish each member of this House with one copy of the Journal of the last House of Representatives, and one copy of the laws of Minnesota."

Mr. Rice moved to amend, by inserting,

"And one copy of the Journal of the last Council;"

Which amendment was accepted, and the resolution adopted.

Mr. Warren offered the following resolution:

Resolved, That a special committee be appointed to examine the credentials of B. H. Randall and Alexander Farribault, sitting members from the First Council District, with instructions to enquire, ascertain and report, whether said sitting members are by law, entitled to seats upon the floor of this House; and that said committee be authorized to send for persons and papers." ←

Mr. Olmstead moved to lay the resolution on the table;

And the question being put, the yeas and nays were called for;

And those who voted in the affirmative are—Messrs. Ford, Ludden, Olmstead, Ramsey, Trask, Wells, and Ames, (Speaker)—7.

Those who voted in the negative are—Messrs. Brunson, Gilman, North, Patch, Rice, Sloan, Taylor and Warren—8.

Mr. Brunson moved that the matter be referred to the Committee on Elections, when appointed;

Which was adopted.

Mr. Trask offered the following resolution:

Resolved, That the Chief Clerk of this House be, and he is hereby authorized to employ a suitable person to do such extra writing as may be actually necessary, and especially such as usually appertains to the office of Enrolling Clerk."

Mr. Brunson moved to lay the said resolution on the table;

The question being put, and a division being called for and ordered;

There were yeas—7; and nays—8.

So the motion did not prevail.

The question then recurred on the adoption of the resolution, and having been put, it was decided in the affirmative.

Mr. Olmstead offered the following resolution:

Resolved, That the editors and reporters of the different newspapers of this Territory, be allowed seats within the bar of this House at pleasure."

Mr. Brunson offered the following amendment to the resolution:

Was read the second time by its title; and

On motion of Mr. Randall,

The bill was ordered to be printed and referred to the Committee on Corporations.

The following entitled bills were read the third time:

No. 1, H. of R. A bill for an act to dissolve the marriage contract between Silas Henry Axtell and Catharine Maria Axtell.

No. 2, H. of R. A bill for an act to incorporate the St. Croix Boom Company.

And the question recurring on the passage of,

No. 1, H. of R. A bill for an act to dissolve the marriage contract between Silas Henry Axtell and Catharine Maria Axtell;

On motion of Mr. Wells,

Mr. Farribault was excused from voting on the said question.

The question having been put,

“Shall the bill pass?”

It was decided in the affirmative.

The question being on agreeing to the title of the bill,

On motion of Mr. Wells,

The title of said bill was agreed to informally.

The question having been put on the passage of

No. 2, H. of R. A bill for an act to incorporate the St. Croix Boom Company,

It was decided in the affirmative, and the title thereof agreed to.

The question recurring on concurring in the amendment of the Council to joint resolution,

No. 1, H. of R., relative to employing certain persons to assist in revising and compiling the Laws of Minnesota;

And being put,

It was decided in the affirmative.

On motion of Mr. Wells,

The House adjourned.

TWO O'CLOCK, P. M.

The House was called to order by the Speaker.

The roll having been called,

Messrs. Farribault, Ludden, Olmstead, Ramsey, Tilden and Trask, were reported absent.

Mr. North moved a call of the House;

Which was ordered.

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

On motion of Mr. North,

Further proceeding under the call of the House were dispensed with.

Mr. Brunson, Chairman of the Committee on Elections reported as follows:

“The Committee on Elections, to whom was referred the credentials of B. H. Randall and Alexander Farribault, sitting members from the seventh Council district, with instructions to “enquire, ascertain and report, whether said sitting members are, by law, entitled to seats upon the floor of this House, and that said committee be authorized to send for persons and papers;” would respectfully report, that they have had the subject under their consideration, and respectfully submit the following report:

“The committee have examined the credentials of the said B. H. Randall and Alexander Farribault, and find that they are the same as read to this House by the Secretary of the Territory, on the first day of the present session, and have examined the law both in the Organic Act of the Territory, and statutes of the Territory, and your committee are of the opinion that they are in accordance

with the spirit and meaning of said laws, which your committee herewith attach marked 'A.'

"The committee by summons, required the attendance before them of John H. Stevens, whose evidence is herewith attached, marked 'B.'

"The committee have examined the duplicate poll books, or returns from the precinct of Mendota, of an election held on the second day of September, A. D. 1850, on file in the office of the Secretary of the Territory, and in the office of Register of Deeds for Ramsey county, a copy of which is hereunto attached, marked 'C.'

"Your committee would respectfully represent, that upon inquiry, they find that there are no County Commissioners, and consequently, no Clerk of the Board of Commissioners, within the county of Dakota, and that it would be an impossibility to give the usual notice as required in organized counties, and your committee are of opinion, that the act entitled 'an act regulating the time of holding general elections, and for other purposes,' approved the first day of November, A. D. 1850, and the 'joint resolution relative to Council Districts,' together with the proclamation of the Governor, of the 7th day of July, A. D. 1849, was sufficient to warrant the opening of the polls in said district, and the returns being made to the office of the Secretary of the Territory; and receiving the returns thus made, the certificate of the said Secretary, under the just seal of the Territory, is sufficient evidence of the election of the members to which they refer. Your committee would further represent, that the first Council District, as designated by the proclamation of the Governor, includes part of three counties, to-wit: part of Ramsey, part of Washington and Wabashaw counties; that it would be an impossibility for that District to make returns in the usual way as laid down in the statute for organized counties, and as an only resource, was compelled to make their returns to the Secretary of the Territory; and that all the credentials held by the members from that, the Stillwater and Marine Mills Districts are from the same source, your committee are, therefore, of opinion that the credentials of the sitting members from the Seventh Judicial District, are sufficient to warrant them in taking their seats as members of this House, and that they are by law, entitled to seats in this House.

"Your Committee have been unable to find in the laws of the Territory, any law in respect to the rights and privileges of persons living in, and upon Military Reservations of the Territory, either upon ceded or unceded lands; your committee would respectfully suggest to the Legislature, the necessity of some action defining the rights and privileges of such persons.

BENJ. W. BRUNSON, }
 J. D. LUDDEN, } Committee."
 DAVID GILMAN, }

A

In section first of an "Act to establish the Territorial Government of Minnesota," approved March third, 1849, provides "That from and after the passage of this act, all that part of the Territory of the United States which lies within the following limits, to-wit: Beginning on the Mississippi river, at the point where the line of the 43d deg. 30 min. of north latitude crosses the same; thence running due west on said line, which is the northern boundary of the State of Iowa, to the northwest corner of the said State of Iowa; thence southerly, along the western boundary of said State, to the point where said boundary strikes the Missouri river; thence up the middle of the main channel of the Missouri river, to the mouth of White Earth river; thence up the middle of the main channel of the White Earth river, to the boundary line between the possessions of the United States and Great Britain; thence east and south of east, along the boundary line between the possessions of the United States and Great Britain, to Lake Superior; thence in a straight line to the northernmost point of the State of Wisconsin in Lake Superior; thence along the western boundary line of said State of Wisconsin to the Mississippi river; thence down the main channel of said river to the

place of beginning; be, and the same is hereby erected into a temporary government, by the name of the Territory of Minnesota: Provided, &c."

Section 4, same act, provides that "The Legislative power and authority of said Territory, shall be vested in a Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and a House of Representatives. The Council shall consist of nine members, having the qualification of voters as hereinafter prescribed; whose term of service shall continue two years.

"The House of Representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the Council; and whose term of service shall continue one year."

The same section provides that, "An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives; giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be; and the members of the Council and of the House of Representatives, shall reside in, and be inhabitants of the district for which they may be elected respectively. Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and he shall at the same time, declare the number of members of the Council and House of Representatives, to which each of the counties or districts shall be entitled under this act; the number of persons authorized to be elected, having the highest number of votes in each of said Council Districts for member of the Council, shall be declared by the Governor, to be duly elected to the Council; and in the same manner, members of the House of Representatives, &c."

"And the persons thus elected to the Legislative Assembly, shall meet at such place, on such day as the Governor shall appoint; but thereafter, the time, place and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties and districts, to the Council and House of Representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly, &c."

Section 5th of same act, provides, "That every free white male inhabitant, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly, provided, &c."

Section I of "An act regulating the time of holding General Elections, and for other purposes," [Chap. III, page 6, Minnesota Laws,] approved the first day of November, A. D. 1849, provides,

"That the first general election in this Territory, shall be held on the fourth Monday in November next; but thereafter, the general election shall be held on the first Monday in September, in each and every year."

Section 5 provides, "That at the first election held in conformity to the provisions of this act, the polls shall be opened at such precincts as may have been established by law, within the limits of the several counties organized for county purposes, and such other precincts as may be designated and laid out by the Board of County Commissioners, in the several counties; and the elections shall be conducted and the returns made in conformity to the law to provide for and regulate general elections."

Section 6 provides "That the several Council Districts as established by the Governor in his proclamation of the 7th day of July, A. D. 1849, are hereby declared to be confirmed until otherwise provided for by the Legislative Assembly."

Section I of "An act to prescribe the qualification of voters and of holding office," [Chap. 4, Laws of Minnesota, page 6,] provides, "That all free white male inhabitants, over the age of twenty-one years, who shall have resided within

this Territory for six months next preceding an election, shall be entitled to vote at any election for Delegate to Congress, and for Territorial and County officers, provided, &c."

No. 6, Joint Resolution relative to Council Districts, [No. 6, page 163,] provides, "That the several Council Districts as established by proclamation of the Governor, July the 7th, 1849, are continued in force, as well as the manner of opening, conducting and closing said elections, making the returns thereof, as provided for in said proclamation." Approved 1st day of November, 1849.

In the proclamation, July 7, 1849, by the Governor, it is declared that "the country and settlements west of the Mississippi river, not included in the First and Sixth Council Districts, shall constitute the Seventh Council District, and be entitled to one Councillor and two Representatives in the Legislative Assembly;" "and it is hereby further ordered and directed, that the qualified voters of that portion of the First Council District west of the Mississippi, shall hold their election at the house of Augustine Rock, at Lake Pepin, &c., &c."

"The qualified voters of the Seventh Council District, will vote at the following places, viz:

"The voters of Mendota, Fort Snelling, Black Dog Village, Prairieville, Oak Grove, Traverse de Sioux and Crow Village, at the Lower Warehouse, in Mendota."

"The elections at the several polls shall be opened, organized and conducted, in all respects, as required by the laws in force of the Territory of Wisconsin, at the date of the admission of the State of Wisconsin, except as may be otherwise provided by the Organic Law of the Territory, or this proclamation; and the officers conducting said election, shall make a proper return of the persons voted for in their respective districts, as well as the number of votes they each received, into the office of the Secretary of the Territory of Minnesota, at St. Paul, on or before Tuesday, the 14th day of August next."

"At all places of election herein provided for, out of St. Croix, and in such of the precincts or voting places in said county, as have not been organized, the qualified voters present at the respective places of elections at the time of opening the polls, shall then and there proceed to elect or appoint three capable and discreet persons, possessing the qualifications of electors, to act as judges of the election; and said judges shall choose two persons, having similar qualifications with themselves, to act as clerks of the election."

B

COMMITTEE ROOM, }
House Representatives. }

John H. Stevens, being duly sworn, says:

That he was residing in Dakota county, in the Seventh Council District, at the time of the last general election, held Sep. 2, A. D. 1850.

Was not present at the time the poll was opened at the Mendota precinct; does not know of any notice of election being posted; was at the polls, or near the same, from 10 o'clock A. M., until the time the same were closed, about 4 o'clock, or may have been late as 5 o'clock, P. M. That there was a general attendance of the voters of the precinct, and knows of no one deprived of the privilege of voting who was entitled to vote.

At the election the year previous, there was no other notice given than that contained in the Governor's message; and at the last election, they assembled under the provisions of the joint resolution of the Legislative Assembly, approved Nov. 1st, A. D. 1849. I know of no objection having been made to the manner of opening, conducting or closing said polls.

To my knowledge, there were no votes cast for either of the sitting members in the House of Representatives from the Seventh Council District, that in my opinion, were not entitled to vote.

I am acquainted with Hazen Moore, J. B. Farribault and Nathaniel R. Brown, who served as judges of the said election, and John W. Brown, who served as

clerk, of said election; that they are citizens of the United States, and were, at that time, qualified voters of the precinct. I heard they, the judges, were elected by the electors there assembled, and sworn by Hypolite Dupuis, Esq., as I was informed at the time.

That the said justice of the peace, (Hypolite Dupuis,) holds his office by appointment of the Governor.

The voters generally, were residents of the Indian country and the military reservation of Fort Snelling.

To the best of my knowledge, neither of the now sitting members of the House Representatives from the Seventh Council District, hold any office of emolument under the Government of the United States.

JOHN H. STEVENS.

Sworn to, and subscribed before me, at the Committee Room of the House of Representatives, this 20th day of January, A. D. 1851.

BENJ. W. BRUNSON,
Chairman Committee on Elections.

C

[COPY.]

At a general election, held at the lower warehouse of Henry H. Sibley, in the precinct of Mendota, in the county of Dakota, and Territory of Minnesota, this 2d day of September, A. D. 1850, the following named persons were elected by the legal voters present, to perform the duties of judges of election, viz: Jean B. Farribault, Hazen Moore and Nathaniel R. Brown.

The following persons were also elected to act as clerks of said election, viz: Philander Prescott and John W. Brown.

At 9 o'clock of said day, the polls were opened by proclamation, and continued open until 4 o'clock of said day.

After the votes were counted, Mr. N. R. Brown was selected, and agreed to carry duplicate poll books of said election to the office of the County Clerk of Ramsey county, and of the Secretary of the Territory.

Witness our hands, this second day of September, A. D. 1850.

HAZEN MOORE,
J. B. FARRIBAULT,
NATHANIEL R. BROWN, } Judges of Election.

Attest.

JOHN W. BROWN,
PHILANDER PRESCOTT, } Clerks of Election,

We, Jean B. Farribault, Hazen Moore and Nathaniel R. Brown, having been elected to serve as judges of election, do solemnly swear that we will perform the duties according to law, and to the best of our abilities; that we will studiously endeavor to prevent fraud, deceit and abuse, in conducting the said election.

J. B. FARRIBAULT,
HAZEN MOORE,
NATHANIEL R. BROWN,

Sworn and subscribed to before me, this 2d day of Sep. A. D. 1851.

HYPOLITE DUPUIS,

Justice of the Peace,

Dakota County, Minnesota.

We, Philander Prescott and John W. Brown, having been duly elected to act as clerks of election, do solemnly swear that we will perform the duties thereof according to law, and to the best of our ability; that we will studiously endeavor to prevent fraud, deceit and abuse, in conducting the same.

PHILANDER PRESCOTT,
JOHN W. BROWN.

Sworn to, and subscribed before me, this second day of September, A. D. 1850.

HYPOLITE DUPUIS,

Justice of the Peace,

Dakota County, Minnesota.

At a general election for one Delegate to Congress, and two members of the House of Representatives, held in pursuance of law, at Mendota, in the county of Dakota, Territory of Minnesota, on Monday, the 2d day of September, A. D. 1850, the following named persons received the number of votes set opposite their respective names, for the following described offices, viz:

Henry H. Sibley had (78) seventy-eight votes for Delegate to Congress.

Alexander M. Mitchell had (3) three votes for Delegate to Congress.

Alexander Farribault had (76) seventy-six votes for member of the House of Representatives.

Benjamin H. Randall had (56) fifty-six votes for member of the House of Representatives.

Eli Pettijohn had (22) twenty-two votes for member of the House of Representatives.

John W. Brown had (1) one vote for member of the House of Representatives.

Certified by us,

J. B. FARRIBAULT,

HAZEN MOORE,

NATHANIEL R. BROWN,

} Judges of Election.

Attest.

JOHN W. BROWN,

PHILANDER PRESCOTT,

} Clerks of Election.

A true copy of the returns of an election held at Mendota, Dakota county, Minnesota Territory, on the 2d day of September, A. D. 1850, from the duplicate copies on file in the office of the Secretary of the Territory, and the clerk's office of Ramsey county.

Attest.

B. W. BRUNSON,

Chairman Com. Elections.

A message from the Council by Joseph R. Brown, Secretary thereof, as follows:

“MR. SPEAKER:—The Council has passed, No. 1, C. F., ‘A bill to provide for laying out a Territorial Road from St. Anthony to the west bank of Lake Saint Croix, opposite Willowriver;’

In which the concurrence of this House is respectfully requested.

The Council has adopted the report of the Committee of Conference on

No. 1, H. of R. “A joint resolution relative to employing certain person to assist in compiling and revising the laws of Minnesota.”

Mr. Rice moved that the report of the Committee on Elections be accepted.

The Speaker decided that the motion was unnecessary, as a report from a Standing Committee was accepted as a matter of course.

The Sergeant-at-Arms reported all the absent members in their seats except Mr. Farribault, who could not be found.

On motion of Mr. Trask,

Ordered, That the message from the Council be now taken up.

No. 1, C. F. A bill to provide for laying out a Territorial Road from St. Anthony to the west bank of Lake St. Croix, opposite Willowriver;

Was read the first time.

Mr. Tilden moved that the report of the Committee on Elections be adopted.

Mr. Rice moved to amend,

“That the report be laid on the table until next Saturday.”

Mr. Tilden withdrew his original motion, and moved that the report be laid on the table until Saturday next.

Which motion was agreed to.

On motion of Mr. Rice,

The House adjourned.