

The resolution was laid on the table.

The following message was received from the Senate:

*Mr. Speaker:*—I am directed by the Senate to inform the House that the Senate is permanently organized, by the election of the following gentlemen as officers

*Secretary*—A. B. Webber.

*Assistant Secretary*—O. P. Whitcomb.

*Enrolling Clerk*—Chancey Barber.

*Engrossing Clerk*—E. W. Somers.

*Sergeant-at-Arms*—Levi Nutting.

*Fireman*—F. A. Hausner.

A. B. WEBBER, Secretary.

Mr. Sanborn offered the following resolution:

*Resolved*, That a special committee of five be appointed by the Speaker, to prepare and report permanent rules for the House.

Adopted.

As such committee, Messrs. Sanborn, Mantor, Waldier, Secombe and Robertson were appointed.

Mr. Sanborn offered the following resolution:

*Resolved*, Resolved that Wm. J. Arnold, member elect from Wabash county, 12th District, be admitted to a seat in this House upon taking the customary oath, without being required to present his certificate of election.

Adopted.

Mr. Sanborn offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker, to make arrangements with the clergymen who are members of the House, and the clergymen of the city of St. Paul, to officiate as Chaplains of the House of Representatives without recompense.

Adopted.

Mr. Cleveland offered the following resolution:

*Resolved*, That a committee of two be appointed by the Speaker, in conjunction with a similar committee of the Senate, to inform his Excellency, the Governor, that the two Houses are now organized, and ready to receive any communication from him.

Adopted.

As such committee the Speaker appointed Messrs. Cleveland and Shriner.

Mr. Sanborn offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be authorized to procure necessary stationery for the use of members of this House.

Mr. Robertson moved to amend, that the amount should not exceed five dollars for each member, for the whole session.

Mr. Hulett moved to amend so that the amount should not exceed two dollars for each member.

Mr. Robertson moved to amend, that the members of this House pay for their own stationery for the session.

The resolution and amendments were laid on the table.

Mr. Acker offered the following resolution:

*Resolved*, That the House proceed to elect T. M. Newson as Printer to the House.

Laid on the table.

On motion the House adjourned, to meet on Thursday, the 8th, at 11 o'clock, A. M.

AMOS COGGSWELL, Speaker.

Attest: JARED BENSON, Chief Clerk.

## SECOND DAY.

THURSDAY, December 8, 1859.

The House met pursuant to adjournment, and was called to order by the Speaker.

The roll was called, and a quorum found present.

On motion, Messrs. Nettleton, of the 26th District, Mitchel, of the 11th District, Skillman, of the 12th District, and Taylor of the 19th District, presented their credentials and took upon themselves the oath of office, and were admitted to seats.

Mr. Secombe offered the following resolution:

*Resolved*, That a committee of three be appointed, to notify the Secretary of State that the House of Representatives is organized, and that the Hon. Amos Coggrwell is the Speaker elected and qualified.

Adopted.

Mr. Rehfeld offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker of the House, who shall be ready to receive bids on all the printing business necessary for this House, and shall make arrangements to have the printing done by the lowest bidder.

Laid on the table.

The Speaker presented to the House a communication from Hon. Francis Baasen, Secretary of State, transmitting the returns of votes for State officers, cast at the last election, and received by him.

Mr. Secombe gave notice that on to-morrow, or some future day, he should present the petition of R. B. Jefferson, contesting the seat of Mr. Nettleton, of the Lake Superior district.

Mr. Morrison presented the petition of Messrs. Hayes, Bixler and Caskie, contesting the seats of Messrs. Barton, Newell and Waldier, of Dakota county.

To the Honorable the House of Representatives of the State of Minnesota:

The undersigned, your petitioners, respectfully represent to your honorable

body, that at the general election held within and for the State of Minnesota, on Tuesday, the eleventh day of October, A. D. 1859, they, the said petitioners, were duly elected Representatives to the Legislature of the said State of Minnesota, from the county of Dakota, constituting the Third Representative District in said State of Minnesota, each of them having received a majority of the votes legally cast, counted, and returned in and from the several towns in said county at said election for said office.

Your petitioners further say, that the votes for members of the Legislature from said county and district, canvassed by the proper officers of said county, as cast at the said election, were as follows, to wit:

For H. G. O. Morrison,	1069 votes.
" Henry J. Sheaffer,	1057 "
" Michael Waldier,	1042 "
" Stephen Newell,	1026 "
" Ara Barton,	1018 "
" Archibald M. Hayes,	1010 "
" Moses Bixler,	1002 "
" Henry Caskie,	991 "
" John H. Hannigan,	971 "
" John C. Cooper,	969 "

That upon making said official canvass, the Auditor of said county of Dakota gave certificates of election, as members of the Legislature of the State of Minnesota aforesaid, to the above named H. G. O. Morrison, Henry J. Sheaffer, Michael Waldier, Stephen Newell, and Ara Barton, and that by virtue of said certificates, said last named persons have taken and now hold their seats in your honorable body as members thereof.

Your petitioners further say, that in said canvass were included the following votes, as cast for the several candidates first above named, in the town of Burnsville, in said county, to wit:

For H. G. O. Morrison,	25 votes.
" Henry J. Sheaffer,	84 "
" Michael Waldier,	84 "
" Stephen Newell,	85 "
" Ara Barton,	84 "
" Archibald M. Hayes,	1 vote.
" Moses Bixler,	1 "
" Henry Caskie,	1 "
" John H. Hannigan,	60 votes.

That no legal or valid election was held at said town of Burnsville, on the said eleventh day of October, 1859; that a pretended election was there held on that day; that at said pretended election no sworn judge or clerk of election officiated; that legal voters, desirous of voting the Republican ticket, were intimidated therefrom by riot, threats and force; that thirty-five men, not voters in said county of Dakota, voted at said pretended election for said Sheaffer, Waldier, Newell and Barton, as did also two females; that said pretended election was broken up in a row; that the poll lists and ballot box were in the course of said riot seized and carried away from the polling place; that the votes cast thereat were never canvassed by more than one judge of election, and were not canvassed nor declared in public, until as late as the twelfth day of October, A. D. 1859.

Your petitioners further say, that no legal or valid return of the votes cast at any real or pretended election, purporting to have been held at said Burnsville, on said 11th day of October, 1859, was made to the canvassing board of said county; that the only paper or document presented to said board,

purporting to be such return, included no certificate that such election was held; that any judge or clerk of election was sworn thereat, or that any votes were cast thereat; that the names appended to the paper presented to them for such return, purporting to be those of the judges and clerks of said election, were all in one and the same handwriting, and that said pretended return was not attested by any person as clerk of said election.

Your petitioners further say, that they have reason to believe, and do believe, that after said ballot-box was so taken as aforesaid, from the place of said pretended election, votes were fraudulently placed therein, and that the pretended vote of said town of Burnsville, should be entirely thrown out and rejected.

Your petitioners further claim that they and said Henry Caskie, are duly elected to, and entitled to seats in your honorable body as members thereof, and that the above named Michael Waldier, Stephen Newell and Ara Barton have never been elected to and are not lawfully entitled to seats in your honorable body.

Wherefore your petitioners pray that said Waldier, Newell, and Barton, be declared by your honorable body, not to be members thereof, and that these, your petitioners, and Henry Caskie aforesaid, may be admitted to seats therein as members thereof, and as in duty bound, will ever pray.

ARCHIBALD M. HAYES,

MOSES BIXLER,

December 7, 1859.

Mr. Morrison offered the following resolution:

*Resolved*, That the two Houses of the Legislature, (the Senate concurring,) meet in convention in the Hall of the House of Representatives to-morrow morning at ten o'clock, for the purpose of opening and canvassing the returns of election, for the offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, and Members of Congress.

Adopted.

Mr. Sanborn, from the committee to prepare rules for the House, reported.

Mr. Cleveland moved the suspension of the reading of the report and rules, until his Excellency, the Governor, had delivered his message.

Carried.

The following message was then received from the Senate:

*Mr. Speaker*:—The Senate hereby notify the House that Messrs. Cowan and King are appointed on the part of the Senate, to act with a similar committee on the part of the House, to wait on his Excellency, the Governor, and inform him that both Houses are duly organized, and ready to receive any communication from him.

And that Messrs. Hodges and Stevens are appointed on the part of the Senate a committee, to confer with a similar committee on the part of the House, to fix upon a time for canvassing the votes for State officers.

A. B. WEBBER, Secretary.

Mr. Morrison offered the following resolution:

*Resolved*, That G. A. Emmell, Esq., of St. Paul, be appointed a commissioner with full authority to compel the attendance of witnesses to take testimony in the contested election case in behalf of Messrs. Hayes, Bixler and Caskie, who claim the seats from Dakota county, now occupied by Messrs. Barton, Waldier and Newell.

Laid on the table.