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THE  
REVISED STATUTES,  
OF THE  
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

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1851

# MINNESOTA TERRITORIAL STATUTES 1851

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J. C. TERRY, PRINTER, MINNESOTIAN OFFICE,  
SAINT PAUL, MINNESOTA.

## ADVERTISEMENT.

By the twelfth section of the act of congress, establishing the territorial government of Minnesota, approved March the third, one thousand eight hundred and forty-nine, it is provided "that the inhabitants of the said territory shall be entitled to all the rights, privileges and immunities, heretofore granted and secured to the territory of Wisconsin and to its inhabitants; and the laws in force in the territory of Wisconsin; at the date of the admission of the state of Wisconsin shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act; subject nevertheless to be altered, modified or repealed by the governor and legislative assembly of the said territory of Minnesota."

The laws of the late territory of Wisconsin, thus extended over this territory, consisted of enactments of a period of ten years, commencing with the statutes of Wisconsin, passed by the legislative assembly in the year A. D., one thousand eight hundred and thirty-nine, and each subsequent session of the legislative assembly passed its usual quota of acts, and in some cases without any seeming regard to former enactments.

In many instances repealing acts have been passed, without sufficiently designating the acts to be repealed, and in several instances legalizing and explanatory acts, all of which tended to confuse rather than to explain.

These various acts were scattered through some nine or ten different publications, which from their great scarcity, it was almost impossible to procure a full set of these several publications, leaving magistrates and the people, without any adequate means of knowing what the law was.

In addition to these difficulties it was found that the laws of Wisconsin, framed for a people following different pursuits, and surrounded by different circumstances from our own, seemed illy suited to the wants of the people of Minnesota, and to the administration of their territorial government.

In the annual message of Governor Ramsey, of eighteen hundred and fifty-one, a revision of the laws was recommended, and consequently a joint resolution of the legislative assembly was passed on the twenty-first day of January, A. D. one thousand eight hundred fifty-one, authorizing the joint judiciary committees of the two houses of the legislative assembly, to call to their assistance such persons as they might think proper, not exceeding three in number, for the purpose of compiling and revising the laws of the territory of Minnesota.

In pursuance of that resolution, M. S. Wilkinson, L. A. Babcock and Wm. Holcombe were appointed, to prepare and arrange a code of laws, and instructed to report the same to the legislative assembly, then in session.

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## ADVERTISEMENT.

The short space of time allowed to prepare the laws contained in this volume, and the fact that Wm. Holcombe, one of the gentlemen appointed to prepare the same, did not enter upon the discharge of that duty until the legislature had been in session more than half the time allowed by law for its continuance, furnish ample reasons for any error or inconsistency which may be found in this volume.

The session of the legislative assembly continued but ninety days, and nearly one-third of that time had expired before the work of revision was commenced; and before the close of the session the whole revision was completed, and reported to the legislature and passed as the same appears in this volume.

Owing to the limited time the revisors had in which to accomplish the compilation and revision of the laws, it was found entirely impossible to review together the chapters they had severally prepared, previous to reporting.

Some few bills of a general nature were introduced by members of the legislative assembly, which were not reviewed, either by the revisors or the judiciary committee, and were enacted and form a part of this volume.

It is to be regretted that these circumstances should have occurred, as they have been the occasion of considerable repetition, and in some cases conflicting provisions, all which were unavoidable from the amount of labor to be performed in the space of time allowed for the revision.

Whatever errors may be found to exist, (and we believe them to be less numerous than might be expected under the circumstances,) can be easily remedied by suitable amendments.

The law, authorizing the publication of the revised statutes, directed the governor to appoint a commissioner to superintend such publication; in pursuance of which authority, the governor appointed and duly commissioned the undersigned to discharge that duty.

The undersigned has prepared marginal notes to the sections, arranged the order of publication, and prepared an analysis of the several chapters contained in the revised statutes, and at the head of each chapter a summary of the contents of each section.

Some alterations have been made under the authority of the statute, and some mistakes have been made in the printing which have not been corrected. But the rapidity with which this volume has been produced, it is believed, furnishes a sufficient excuse for the errors it contains,

M. S. WILKINSON.

SEPTEMBER, 1851.

# MINNESOTA TERRITORIAL STATUTES 1851

## CERTIFICATE.

The undersigned, appointed by his Excellency Governor Ramsey commissioner to superintend the publication of the revised statutes of the territory of Minnosota, hereby certifies that he has personally superintended the publication, examined the proof sheets, and that the chapters composing the revised statutes contained in this volume are correctly published from the certified copies thereof, delivered to him by Charles K. Smith, secretary of the territory of Minnesota, with the exception of such corrections of clerical and other mistakes as were authorized by law to be made, and that the same embrace the whole of the revised statutes, as the same passed the legislative assembly.

SEPT. 1851.

MORTON S. WILKINSON.

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THE  
DECLARATION OF INDEPENDENCE.

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IN CONGRESS, JULY 4, 1776.

July 4, 1776.

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THE UNANIMOUS DECLARATION OF THE THIRTEEN  
UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments, long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of

## DECLARATION OF INDEPENDENCE.

July 4, 1776.

representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

• He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian

## DECLARATION OF INDEPENDENCE.

savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK, *President,*  
and *Delegate from Massachusetts Bay.*

*New Hampshire*—Josiah Bartlett, William Whipple, Matthew Thornton.

*Massachusetts Bay*—Samuel Adams, John Adams, Robert-Treat Paine, Elbridge Gerry.

*Rhode Island, &c.*—Stephen Hopkins, William Ellery.

*Connecticut*.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

*New York*.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

*New Jersey*.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

*Pennsylvania*.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

*Delaware*—Cæsar Rodney, George Read, Thomas M'Kean.

*Maryland*.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

*Virginia*.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

*North Carolina*.—William Hooper, Joseph Hewes, John Penn.

*South Carolina*.—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

*Georgia*.—Button Gwinnett, Lyman Hall, George Walton.

July 4, 1776.

X

**MINNESOTA TERRITORIAL STATUTES 1851**



**CONSTITUTION**  
OF  
**THE UNITED STATES.**

**ARTICLE I.**  
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3. Of the senate. Their classes. Vacancies. Qualifications of the senators. Of the vice-president. Of the officers of the senate. Of impeachment.
4. Manner of electing members of congress.— Of the meeting of congress.
5. Powers of each house. Expulsion. Journal and yeas and nays. Of adjournments.
6. Compensation; privilege of the members from arrest, and of speech. Exclusion from office.
7. Revenue bills. Manner of passing bills.— Orders, resolutions and votes.
8. General powers of congress.
9. Limitations of the powers of congress.
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3. Of quartering troops.
4. Of the right of search; seizure, and general warrants.
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6. Of trial in criminal cases, and the rights of a defendant.
7. Of trials in civil cases.
8. Of bail and fines.
9. Of rights reserved.
10. Of powers reserved to the states.
11. Of the judicial power.
12. Manner of electing the president and vice-president.

We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Preamble.


ARTICLE I.

Of the legislative power. SEC. 1. All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Of the house of representatives. SEC. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Qualifications of the members. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Appointment of representatives and direct taxes. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

Census.  The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

Number of representatives. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Vacancies. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Of their officers. SEC. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Of the senate. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Their classes. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Vacancies. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

Qualifications of the senators. The senate shall choose their other officers, and also a president *pro tempore*, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

Of the vice-president. The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside;

Of the officers of the senate.

Of impeachment.

and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted, shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the congress may, at any time, by law make or alter such regulations, except as to the places of choosing senators.

Manner of electing members of congress.

The congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

Of the meeting of congress.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Powers of each house.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Expulsion.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment, require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Journal, and yeas and nays.

Neither house during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Of adjournments.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Compensation; privileges of the members from arrest, and of speech.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Exclusion from office.

SEC. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Revenue bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill,

Manner of passing bills.

shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Orders, resolutions  
and votes.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

General powers of  
congress.

SEC. 8. The congress shall have power,

To lay and collect taxes, duties, imposts, and excises, pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and the useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the supreme court: To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings: and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

CONSTITUTION OF THE UNITED STATES.

Sec. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Limitations of powers of congress.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public may require it.

No bill of attainder, or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them, shall, without the consent of congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Sec. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

Limitations of the powers of individual states.

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Sec. 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and together with the vice-president, chosen for the same term, be elected as follows:

Of the executive power.

Each state shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted.

(Altered, see Amendments, Art. XII.)

ed. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice-president.]

Time of choosing electors.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Who may be elected president.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal, &c., of the president his powers devolve on vice-president.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

President's compensation.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

His oath.

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

Powers and duties of the president.

Sec. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

Of making treaties.

He shall have power by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

Power of appointment.

The president shall have power to fill up all vacancies that may hap-

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pen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient: he may on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may, adjourn them to such time as he shall think proper; he shall receive ambassadors and other public-officers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Further powers and duties.

SEC. 4. The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SEC 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time ordain and establish. The judges both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Of the judicial powers.

Concerning the judges.

SEC 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

Jurisdiction.

(This clause altered, see amendments, Art. XI.)

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Original and appellate jurisdiction.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Of trial for crimes.

SEC. 3. Treason against the United States shall consist only in levying war against them; or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Of treason.

The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SEC. 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the con-

Of state records.

# MINNESOTA TERRITORIAL STATUTES 1851

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## CONSTITUTION OF THE UNITED STATES.

- gress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof.
- Of citizenship.** SEC. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.
- Of fugitive criminals.** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.
- Of fugitives from labor.** No person held to service or labor in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.
- Of new states.** SEC. 3. New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.
- Of the territory of the United States.** The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.
- Republican form of government guaranteed to the several states.** SEC. 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

### ARTICLE V.

- Amendments to the constitution.** The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

### ARTICLE VI.

- Of the public debt.** All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.
- Of the supreme law of the land.** This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding.
- Of the constitutional oath and a religious test.** The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States, and of the several states, shall be bound by an oath or affirmation, to support this constitution; but no religious test



## CONSTITUTION OF THE UNITED STATES.

shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same. Ratification.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President,*  
and *Deputy from Virginia.*

*New Hampshire.*—John Langdon, Nicholas Gilman.

*Massachusetts.*—Nathaniel Gorham, Rufus King.

*Connecticut.*—William Samuel Johnson, Roger Sherman.

*New York.*—Alexander Hamilton.

*New Jersey.*—William Livingston, David Brearley, William Patterson, Jonathan Dayton.

*Pennsylvania.*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

*Delaware.*—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

*Maryland.*—James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carroll.

*Virginia.*—John Blair, James Madison, Jun.

*North Carolina.*—William Blount, Richard Dobbs Spaight, Hugh Williamson.

*South Carolina.*—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

*Georgia.*—William Few, Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

[The conventions of a number of the states, having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, congress, at the session begun and held at the city of New York, on Wednesday, the 4th of March, 1789, proposed to the legislatures of the several states twelve amendments, ten of which only were adopted. They are the ten first following:]

## AMENDMENTS TO THE CONSTITUTION.

## ARTICLE I.

*First Session, First Congress, March 4th, 1789.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Rights of conscience; speech; press; petition.

# MINNESOTA TERRITORIAL STATUTES 1851

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## CONSTITUTION OF THE UNITED STATES.

### ARTICLE II.

Of the right to bear arms.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

### ARTICLE III.

Of quartering troops.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

### ARTICLE IV.

Of the right of search; seizure; and general warrants.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### ARTICLE V.

Of indictments, punishments, &c.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

### ARTICLE VI.

Of trial in criminal cases, and the rights of a defendant.

In all criminal prosecutions; the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

### ARTICLE VII.

Of trials in civil cases.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

### ARTICLE VIII.

Of bail and fines.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### ARTICLE IX.

Of rights reserved.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Of powers reserved to the states.

## ARTICLE XI.

*Third Congress, Second Session, December 2, 1793.*

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Of the judicial power.

## ARTICLE XII.

*Eighth Congress, First Session, October 17, 1803.*

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

Manner of electing the president and vice-president.

The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

ORDINANCE OF JULY 13, 1787.

Rules of inheritance, &c.; dower; wills, and ARTICLE  
deeds.

Governor; secretary; court; adoption and publication of laws; officers of militia; appointment of magistrates, &c.; civil divisions of the district; rights of representation; general assembly, &c.; constitution of the legislative power, &c.; oath of fidelity and of office, to be taken; delegate to congress.

Unalterable contract between the original states and western people.

ARTICLE

1. Rights of conscience.
2. Habeas corpus, jury, representation, judi-

cial proceedings, bail, punishment, private property, &c.; private contracts.

3. Religion, &c.; faith towards the Indians.
  4. Territory to remain a part of the confederacy subject, &c.; taxes of the United States; the public domain; taxes thereon and upon non-residents; navigable streams are public highways.
  5. Number of states to be formed and boundaries thereof.
  6. Of slavery and servitude; reclamation of slaves.
- Articles of compact, &c.

An ordinance for the government of the Territory of the United States northwest of the river Ohio.

*Be it ordained by the United States in Congress assembled,* That the said territory, for the purposes of temporary government, be one district, subject however, to be divided into two districts, as future circumstances may in the opinion of Congress make it expedient.

*Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them, and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parents share, and there shall in no case be a distinction between kindred of the whole and half blood, saving in all cases to the widow of the intestate her third part of the real estate for life, and one third-part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district; and until the governor and judges shall adopt laws, as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release or bargain and sale, signed, sealed and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses; provided such wills be duly proved, and such conveyances be acknowledged or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving however to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Rules of Inheritance, &c.

Dower.

Wills.

Deeds.

*Be it ordained by the authority aforesaid,* That there shall be appointed from time to time by congress a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land while in the exercise of his office.

Governor.

There shall be appointed from time to time by congress a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district and have a freehold estate therein in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the secretary of congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices, and their commissions shall continue in force during good behavior.

Secretary.

Court.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

Adoption and publication of laws.

The governor for the time being shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by congress.

Officers of militia.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Appointment of magistrates, &c.

For the prevention of crimes and injuries, the laws to be adopted or made, shall have force, in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however to such alterations as may thereafter be made by the legislature.

Civil divisions of the district.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties, or townships, to represent them in the general assembly; *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which, the number and proportion of representatives shall be regulated by the legislature: *Provided,* That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall

Rights of representation; general assembly, &c.

have resided in the district three years; and in either case shall likewise hold, in his own right, in fee simple, two hundred acres of land within the same: *Provided also*, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold, and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

Constitution of the legislative power, &c.

The general assembly, or legislature, shall consist of the Governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by congress; any three of whom to be a quorum. And the members of the council shall be nominated and appointed in the following manner, to wit: as soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to congress; five of whom congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to congress, one of whom congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to congress; five of whom congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared.

And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent, but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

Oath of fidelity, and of office, to be taken.

The governor, judges, legislative council, secretary, and such other officers as congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of congress, and all other officers before the governor. As soon as the legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with the right of debating, but not of voting during this temporary government.

Delegate to congress.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of states and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early periods as may be consistent with the general interest:

*It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:*

Unalterable contract between the original states and western people.

### ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Rights of conscience.

### ARTICLE II.

The inhabitants of the said territory shall always be entitled to the benefit of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings, according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts or engagements, bona fide, and without fraud previously formed.

Habeas corpus, jury, representation; judicial proceedings, bail, punishment, private property, &c.

Private contracts.

### ARTICLE III.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars, authorized by congress; but laws, founded in justice and humanity, shall from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Religion, &c.

Faith towards the Indians.

### ARTICLE IV.

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in congress assembled conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts, contracted, or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states, as in the original states, within the time agreed upon by the United States in congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in congress assembled, nor with any regu-

Territory to remain a part of the confederacy subject, &c.

Taxes of the United States.

The public domain.

# MINNESOTA TERRITORIAL STATUTES 1851

Taxes thereon and upon non-residents.

Navigable streams are public highways.

Number of states to be formed and boundaries thereof.

lations congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

## ARTICLE V.

There shall be formed in the said territory not less than three, nor more than five states, and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established, as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates, into the congress of the United States on an equal footing with the original states in all respects whatever, and shall be at liberty to form a permanent constitution and state government: *Provided,* The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles, and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

## ARTICLE VI.

Of slavery and servitude.

Reclamation of slaves.

Articles of compact, &c.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. *Be it ordained by the authority aforesaid,* That the resolutions of the twenty-third of April, one thousand seven hundred and eighty-four, relative to the subject of this ordinance, be and the same are hereby repealed, and declared null and void.

Done by the United States, in congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence, the twelfth.

WILLIAM GRAYSON, *Chairman.*

CHARLES THOMPSON, *Secretary.*



An act to provide for the government of the territory northwest of the river Ohio.

*Whereas*, In order that the ordinance of the United States in congress assembled, for the government of the territory north-west of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present constitution of the United States. Preamble.

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled*, That in all cases in which by the said ordinance any information is to be given, or communication made by the governor of the said territory to the United States in congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information, and to make such communication to the president of the United States; and the president shall nominate and, by and with the advice and consent of the senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in congress assembled, and all officers so appointed shall be commissioned by him, and in all cases where the United States in congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the president is hereby declared to have the same power of revocation and removal. Governor to make communication to President of United States.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said territory, the secretary thereof shall be and he is hereby authorized and required to execute all the powers and perform all the duties of the governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said governor. President and Senate to appoint officers.

APPROVED, August 17, 1789. President to commission and remove.

In cases of death, &c., secretary to exercise certain powers of Governor.

ORGANIC ACT OF MINNESOTA.

SECTION

1. Temporary government for territory of Minnesota established; power to divide said territory, or to attach a portion of it to a state or territory reserved.
2. The executive power vested in a governor; his tenure of office, powers, duties and emoluments.
3. Secretary, his powers and duties; in case of death, resignation, or removal of governor, the secretary to act as governor.
4. Legislative power, how vested; legislative assembly to consist of council and house of representatives; proviso, number of councillors and representatives limited; apportionment of representation; census to be taken, when; how elections shall be conducted; proviso; proviso as to terms of sessions of legislative assembly.
5. Qualifications of voters; proviso.
6. Extent of legislative powers.
7. How township, district and county officers shall be appointed.
8. No member of the legislative assembly to hold office created while he was a member, or for one year thereafter; officers of the government of the United States, except postmasters, not to be members of the assembly.
9. Judicial power, how vested; supreme court; district courts; Jurisdiction of the supreme, district and probate courts, and justices of the peace; clerks of district courts; clerk of supreme court; fees of clerk.

SECTION

10. Attorney and marshal, their fees and emoluments.
11. Governor, secretary, chief and associate justices, attorney and marshal, how to be appointed; each to take official oaths, &c.; salary of governor; salaries of chief and associate justices; salary of secretary; compensation of members of legislative assembly; provision for contingent expenses, &c.
12. Inhabitants to be entitled to all the rights and privileges secured to inhabitants of Wisconsin; laws of Wisconsin to continue in force.
13. Seat of government for said territory; appropriation for public buildings.
14. Delegate to congress of the United States to be elected.
15. All suits, process, and proceedings at law, &c., pending in the courts of Wisconsin, within the limits of said territory, transferred to district courts of said territory.
16. Justices of the peace, constables, &c., continued in office till others are appointed to succeed them.
17. Appropriation of \$5,000 for library.
18. Reservation of lands for use of schools.
19. Until otherwise provided by law, the governor may define the judicial districts, and assign the judges to them, &c.
20. How laws shall be enacted by legislative assembly and approved by the governor.

An act to establish the territorial government of Minnesota.

Temporary government for territory of Minnesota established.

SEC. 1. *Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* 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 in the Mississippi river, at the point where the line of forty-three degrees and thirty minutes 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 north-west 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*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory into two or more territories, in such manner and at such times as congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States.

Power to divide said territory, or to attach a portion of it to a state or territory reserved.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said territory of Minnesota shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The governor shall reside within said territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said territory, and reprieves for offences against the laws of the United States until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

The executive power vested in a governor; his tenure of office, powers, duties, and emoluments.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and at the same time, two copies of the laws to the speaker of the house of representatives, and the president of the senate, for the use of congress. And in case of the death, removal, resignation, or necessary absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

Secretary, his powers and duties.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of nine members, having the qualifications 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 number of councillors and representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of population: *Provided*, That the whole number shall never exceed fifteen councillors and thirty-nine representatives. 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

In case of death, resignation, or removal of governor, the secretary to act as governor.

Legislative power, how vested.

Legislative assembly to consist of council and house of representatives.

Proviso, number of councillors and representatives limited. Apportionment of representatives.

Census to be taken, when.

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 members of the council, shall be declared, by the governor, to be duly elected to the council; and the person or persons authorized to be elected, having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall also be declared, by the governor, to be duly elected members of the house of representatives: *Provided*, That in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. 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 of the representation in the several counties or 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: *Provided*, That no one session shall exceed the term of sixty days.

How elections shall be conducted.

Proviso.

Proviso as to terms of sessions of legislative assembly.

Qualification of voters.

Proviso.

Extent of legislative powers.

How township, district and county officers shall be appointed.

No member of the legislative assembly to hold office created while he was a member, or for one year thereafter; officers of the government of the United States except postmasters not to be members of the assembly.

SEC. 5. *And be it further enacted*, 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*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.

SEC. 6. *And be it further enacted*, That the legislative power of the territory shall extend to all rightful subjects of legislation, consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the congress of the United States, and if disapproved, shall be null and of no effect.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected as the case may be, in such manner as shall be provided by the governor and legislative assembly of the territory of Minnesota. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the legislative assembly.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

SEC. 9. *And be it further enacted,* That the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually, and they shall hold their offices during the period of four years. The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of probate courts and of justices of the peace, shall be as limited by law: *Provided,* That the justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of the late Wisconsin territory received for similar services.

Judicial power, how vested.

Supreme court.

District courts.

Jurisdiction of the supreme, district and probate courts, and justices of the peace.

Clerks of district courts.

Clerk of supreme court.

Fees of clerk.

SEC. 10. *And be it further enacted,* That there shall be appointed an attorney for said territory, who shall continue in office for four years, unless sooner removed by the president, and who shall receive the same fees and salary as the attorney of the United States for the late territory of Wisconsin received. There shall also be a marshal for the territory appointed, who shall hold his office for four years unless sooner removed by the president, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the late territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Attorney and marshal, their fees and emoluments.

SEC. 11. *And be it further enacted,* That the governor, secretary,

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Governor, secretary, chief, and associate justices, attorney and marshal how to be appointed.

Each to take official oaths, &c.

Salary of governor.

Salaries of chief and associate justices.

Salary of secretary.

Compensation of members of legislative assembly.

Provision for contingent expenses, &c.

Inhabitants to be entitled to all the rights and privileges secured to inhabitants of Wisconsin.

Laws of Wisconsin to continue in force.

Seat of government for said territory.

chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the senate, appointed by the president of the United States. The governor and secretary to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and the associate justices shall each receive an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated, annually, the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws and other incidental expenses; and the secretary of the territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 12. *And be it further enacted,* That the inhabitants of the said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Wisconsin and to its inhabitants; and the laws in force in the territory of Wisconsin at the date of the admission of the state of Wisconsin shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the governor and legislative assembly of the said territory of Minnesota; and the laws of the United States are hereby extended over and declared to be in force in said territory, so far as the same, or any provision thereof, may be applicable.

SEC. 13. *And be it further enacted,* That the legislative assembly of the territory of Minnesota shall hold its first session at Saint Paul; and at said first session the governor and legislative assembly shall locate and establish a temporary seat of government for said territory, at such place as they may deem eligible; and shall, at such time as they shall see proper, prescribe by law, the manner of locating the perma-

ment seat of government of said territory by a vote of the people. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said territory of Minnesota, to be applied, by the governor and legislative assembly, to the erection of suitable public buildings at the seat of government.

Appropriation for public buildings.

SEC. 14. *And be it further enacted,* That a delegate to the house of representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives. The first election shall be held at such times and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly.

Delegate to congress of the United States to be elected.

SEC. 15. *And be it further enacted,* That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts of the territory of Wisconsin, within the limits of said territory of Minnesota, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions, and causes of action, may be recovered under this act, the same as they would have been under the laws in force within the limits composing said territory at the time this act shall go into operation.

All suits, process, and proceedings at law, &c., pending in the courts of Wisconsin, within the limits of said territory, transferred to district courts of said territory.

SEC. 16. *And be it further enacted,* That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said territory when this act shall take effect, shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices as officers of the territory of Minnesota, temporarily, and until they, or others, shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

Justices of the peace, constables, &c., continued in office till others are appointed to succeed them.

SEC. 17. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said governor of the territory of Minnesota, in the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said territory, and such other persons and under such regulations as shall be prescribed by law.

Appropriation of \$5,000 for library.

SEC. 18. *And be it further enacted,* That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory, and in the states and territories hereafter to be erected out of the same.

Reservation of lands for use of schools.

SEC. 19. *And be it further enacted,* That temporarily, and until oth-

Until otherwise provided by law, the governor may define the judicial districts, and assign the judges to them, &c.

erwise provided by law, the governor of said territory may define the judicial districts of said territory, and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

How laws shall be enacted by legislative assembly and approved by the governor.

SEC. 20. *And be it further enacted,* That every bill which shall or may pass the council and house of representatives shall, before it becomes a law, be presented to the governor of the territory; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it originated; which shall cause the objections to be entered at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered, and if approved by two-thirds of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor, within three days (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment, prevent it; in which case it shall not become a law.

APPROVED March 3, 1849.