

Those who voted in the affirmative were:

Messrs. Atherton, Benedict, Buckham, Butler, Conkey, Cutts, Drake, Honner, Langdon, Meighen, Peterson, Pillsbury, Rice E., Talbot, White, and Wilkinson.

Those who voted in the negative were:

Messrs. Baxter, Berry, Burbank, Child, Donnelly, Frankenfield, Freeman, Jonsrud, Macdonald, Rice A. E., Thompson, and Waste.

So the motion prevailed, and the majority and minority reports were read.

On motion, the Senate resolved itself into committee of the whole for the consideration of S. F. Nos. 318 and 320,

Mr. Child in the chair.

After some time spent therein the committee rose, and through their chairman reported that they have considered

S. F. No. 318, and desire to consider it again.

On motion, the report was adopted.

The following message was received from the House of Representatives:

Mr. PRESIDENT:—I am directed to announce that the House has passed the following House Files herewith transmitted

H. F. No. 286, A bill to fix the compensation of Judges of Probate.

H. F. No. 253, A bill to detach a portion of the town of Belle Plaine, in the county of Scott, and to provide for organizing the same as the town of Blakeley, and for elections of officers thereof.

H. F. No. 210, A bill to detach the county of Swift from the county of Chippewa, and attach the same to the county of Kandiyohi for judicial purposes.

H. F. No. 224, A bill to amend an act to provide for the organization of agricultural societies,

H. F. No. 109, A bill proposing an amendment to section twelve of article one of the constitution,

H. F. No. 254, A bill to repeal chapter 55 of general laws of 1873 relating to bona fide settlers of real estate,

H. F. No. 258, A bill to exempt the county of Mower from the operation of certain Acts authorizing certain counties to issue bonds to railroad companies.

SAM. H. NICHOLS,
Chief Clerk House of Representatives.

Mr. Child moved that

S. F. No. 31 be made the special order for 10 o'clock a. m. on Monday.

Which motion prevailed.

The following message was received from his Excellency, Governor C. K. Davis.

Which was read, and on motion, laid on the table.

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
St. PAUL, February 28, 1874. }

Hon. A. Barto, *President of the Senate* :

I decline to approve Senate File No. 85, herewith returned, entitled: "An act to authorize the commissioner of the land office to

offer for sale at two different sales in each year, the lands belonging to the State known as the internal improvement lands."

The amendment to the constitution of Minnesota, adopted November 5th, 1872, provides that these lands shall be appraised and sold in the same manner as is provided by law for the sale of school lands under the provisions of title one (1) chapter thirty-eight (38) of the general statutes.

The effect of this amendment is therefore to give to this title of the statute the force of a constitutional provision.

By section six of the statute it is provided that all sales of such lands shall be in the counties in which the lands are situated.

The bill which has been presented for my signature, empowers the auditor to sell at two sales only in each year. If this is a limitation as to the number of sales in each year, the bill will operate to retard the sales—a result, doubtless, directly opposed to the intention with which it was framed—for as the law now is, I can find no provision which limits the authority of the auditor to one sale in each year. If he observes the provisions of this act in subordination to his duties under the constitutional amendment, it will be many years before he can make the circuit of the counties in which these internal improvement lands are situated.

A literal construction of the provisions of this bill will authorize the land commissioner to sell all of these lands in one year, at sales held on two occasions and in one place. This is plainly in violation of the statute which has thus acquired a constitutional force. The statute requires the land to be sold in the counties in which it is situated, and limits the quantity to be sold to not more than one hundred thousand acres in each year.

Respectfully,

C. K. DAVIS,
Governor.

Mr. Burrows, from the committee on engrossment, reports that he has examined

S. F. Nos. 204, 260, 229, 181, 231, 19, 279 and 304, and finds them the same correctly engrossed.

Mr. Rice A. E., moved that S. F. No. 224 be taken up and read the third time,

Which motion was lost.

The following messages were received from the House of Representatives:

MR. PRESIDENT:—I am directed to announce that the House has passed the following House Files herewith transmitted.

H. F. No. 284, A bill to protect *bona fide* occupants of real estate.

H. F. No. 203, A bill to amend section three of chapter one of chapter fourteen of special laws of 1872,

H. F. No. 263, A bill to amend chapter ten of the general laws of 1873, relating to an asylum for inebriates,

H. F. No. 266, A bill to appropriate money for Christian Swanson, who lost his arms and legs in the snow-storm January 7th, 8th and 9th, 1873,