

Catalogue

of the

Territorial Library

of

Minnesota

The “Organic Act,” passed by Congress on March 3, 1849, established Minnesota Territory, its boundaries and the framework of its government. The terms, salaries and duties of members of the three branches of government were defined, criminal procedures described and rights of the inhabitants of the territory secured, among other matters. In this legislation, Congress also recognized the importance of a library for government officials and appropriated \$5,000 for its purchase:

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.

A year later a 30 page catalogue of the books that had been accumulated pursuant to this law was published. It divides the library into two categories: the first lists law books, the second histories, biographies, travelogues and novels. A curious collection indeed. Perhaps some volumes, particularly on the second list, were donated by residents—how else to explain a copy of *Jane Eyre* on a shelf of the territorial law library? The catalogue is posted here.

Additions of law books to the library seem to have declined over the next decade. Isaac Atwater, who served on the Supreme Court from 1858 to 1864, described his colleagues' plight in a letter read at memorial proceedings for his friend and colleague Charles Flandrau in 1904:

The early sessions of the first Supreme Court were held in a room in the north wing of the old Capitol Building. There was at that time no law library for the use of the judges, and we were necessarily much hampered in our work by the lack of that facility. Often we would have brief reference to decisions which might be of controlling weight upon a case under consideration, but it was impossible for us to obtain any full report of these decisions. Many cases came before us, especially in real estate and railroad law, which were of first impression, and we were obliged to struggle with the questions presented with practically no aid from the text-books or prior precedents.¹

It expanded thereafter, but did not survive the fire in March 1881 that destroyed the Capitol.² In the next two decades it grew exponentially. In 1903, filled with the same pride that drove the cataloguers of 1850, Emil A. Nelson, the state librarian, supervised the preparation of a second catalogue of its holdings. Larger than the first, it was published as a 621 page hardcover book by the Pioneer Press Company of St. Paul.³



¹ Letter of Isaac T. Atwater read at the "Proceedings in Memory of Associate Justice Charles Flandrau," in *Testimony: Remembering Minnesota's Supreme Court Justices* 30, 34 (Minn. Sup. Ct. Hist. Soc., 2008) (published first, 89 Minn. xxi, xxix (1904).

For a bizarre story of how the Territory's first chief justice, Aaron Goodrich, retained possession of the law library after being dismissed by President Fillmore, see my Foreword to "The Goodrich Library." (MLHP, 2016)(published first, 1887).

² William B. Dean, "A History of the Capitol Buildings of Minnesota, With Some Account of the Struggles for Their Location," 12 Collections of the Minn. Hist. Soc. 1, 19 (1908) ("Notwithstanding the most heroic efforts of the fire department, the flames spread with such rapidity that it was only possible to save some of the contents of the building. The most valuable records and papers of various offices and of the legislature were carried out, but the valuable law library, the supply of state laws, documents, reports, and stationery were destroyed.").

³ It is posted in the "Libraries" category in the archives of the MLHP.

CATALOGUE

OF THE

TERRITORIAL LIBRARY

OF

MINNESOTA.

ST. PAUL:

PRINTED BY JAMES M. GOODHUE.

1850.

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" " and Moore & Scott, vol. 30.
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Carr & Payne, and Deacon, Bankruptcy, vol. 38.
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Cannington & Kerwon, vol. 6—vol. 46.

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Holt, N. P. & Starkie, N. P. vol. 3.
Douglas, vol. 26.
Keene, vol. 15.
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Moore, & Moore & Payne, vol. 17.
Manning & Granger, & Adolph & Ellis, N. S., vol. 42.
“ “ “ “ “ “ vol. 43.
Manning & Granger, vol. 5.—vol. 44.
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“ “ “ 7.—vol. 49.
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“ “ “ “ 4.—vol. 56.
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Taunton, W. P.; vol. 1.
Taunton and Marshall and Moore, vol. 4.

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“ “ & Coop. Sel. Ca. vol. 8.
Mylene & Craig, vol. 14.
“ “ & Craig & Phillips, vol. 18.
Molloy, vol. 12.
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