

Michigan, until it reaches the dividing line between the United States and the British Possessions; thence up Pigeon River, and following said dividing line to the place of beginning, with concurrent jurisdiction on the Mississippi and all other Rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State and any State or States now, or hereafter to be formed or bounded by the same."

On motion of Mr. MURRAY, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. MURRAY, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

NINETEENTH DAY.

TUESDAY, Aug. 4, 1857.

The Convention met pursuant to adjournment and was called to order by the PRESIDENT.

The Journal of yesterday was read and approved.

The CHAIR appointed Messrs. DAVIS, SETZER and BROWN, a Committee to ascertain upon what terms the proceedings and debates as officially reported, can be published from day to day, pursuant to the resolution of yesterday.

On motion of Mr. SETZER, a call of the Convention was ordered.

On motion of Mr. WARREN, Mr. PRINCE was excused from attendance this day.

On motion of Mr. A. E. AMES, further proceedings under the call were dispensed with.

Mr. MEEKER presented the following report:

"The Committee to whom was referred the subject of Amendments to the Constitution, having had the matter under consideration, beg leave to submit the following Report:

ARTICLE.

"SEC. 1. Whenever a majority of both Houses of the Legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments; which proposed amendments shall be continued to the next Legislative As-

sembly and be published with the laws which have been passed at the same session, and if a majority of each House at the next session of said Assembly shall approve the amendments proposed, by yeas and nays, said amendments shall be submitted to the people for their approval or rejection ; and if it shall appear in a manner to be provided by law, that a majority of voters present and voting shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes, as a part of this Constitution.

"Sec. 2. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately ; and while an alteration or amendment which shall have been agreed upon by one Legislature shall be awaiting the action of a succeeding Legislature or of the people, no additional alteration or amendment shall be proposed.

"B. B. MEEKER,
WM. P. MURRAY, } Committee."
WM. A. DAVIS,

The report was laid over for a day under the rule.

Mr. SETZER moved to alter the rule for the time of meeting from 9 to 10 o'clock, A. M.

Which motion was rejected.

Mr. MURRAY offered the following resolution :

"Resolved, That Rule 19th of the Rules for the government of this Convention, be amended so as to read as follows :

"The preceding rules shall be observed in Committee of the Whole, so far as applicable. A call for the yeas and noes, for the previous question, and a motion to adjourn, shall not be applicable, but a motion for the Committee to rise shall always be in order, and shall be decided without debate, but the journals of the proceedings in Committee shall be kept."

Which resolution was rejected.

Mr. HOLCOMBE moved the adoption of the following additional rule :

"RULE 25. The President shall be required to vote on all questions and on deciding the yeas and nays, his name shall be called in alphabetical order as Mr. President."

Mr. BROWN moved to amend by striking out the words "in alphabetical order," and to insert in lieu thereof the word "last."

Which amendment prevailed.

The question being taken upon the rule as amended, the rule was adopted.

On motion of Mr. WARNER, the Convention resolved itself into Committee of the Whole, Mr. BAASEN in the Chair, having under consideration the report of the Committee on "Corporations."

Mr. SETZER moved to amend Section 4, by striking out all after the words "taking of the same," and insert in lieu thereof the following :

"But all corporations being common carriers, enjoying the right of way, in pursuance of the provisions of this Section, shall be bound to carry the mineral, agricultural and such other productions or manufactures of the country on equal and reasonable terms, or on their refusal so to do, without sufficient cause therefor, it shall vitiate such right of way and the lands shall revert to the original owner."

Which amendment was adopted.

Mr. MEEKER offered the following substitute for section 4 :

"Private property shall not be taken for public use, without just compensation."

Which substitute was withdrawn before taking the question.

Mr. STACY moved to amend the Section as amended by striking out the word "equal," and insert in lieu thereof the word "equitable."

Which motion was rejected.

Mr. BECKER moved to strike out the entire Section.

Which motion was lost.

Mr. A. E. AMES moved to strike out Section 4 and insert as Section 4 the following :

"Sec. 4. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured, in such manner as may be prescribed by law."

Which motion was lost.

Mr. CURTIS moved to strike out of Section 4, as amended, the words "of the country."

Which motion prevailed.

Mr. SETZER moved to strike out of Section 4, as amended, all after the words "equal and reasonable terms."

Which motion prevailed.

Mr. EMMET offered the following substitute for Section 2 :

"Sec 2. The Legislature shall provide by general laws for the formation of corporations, and may for municipal purposes, and in cases where the objects of the corporation cannot be attained under general laws, create corporations by special acts, but when created by special act, said corporations shall be governed by general laws."

Which substitute was rejected.

Mr. WARNER offered the following, to be added as

"Sec. 5. The person or persons incorporated shall be liable for the debts of the corporation."

Which motion prevailed.

Mr. KINGSBURY moved that the Committee now rise and report the article back to the Convention with amendments.

Which motion was carried.

The amendment to Section 4 was then read, and the Section as amended, was adopted.

Mr. BECKER moved to adjourn.

Which motion was rejected.

Mr. FLANDRAU offered the following, to be added to Section 5, as amended in Committee of the Whole:

"That no citizen of the State shall be made a corporator in any bill without his consent in writing, to be placed upon the Journal of the House in which such bill originated."

Mr. AMES moved to amend by striking out the word "incorporator," in Section 5, and insert the word "stockholders."

Which motion was lost.

The question recurring on the adoption of Section 5,

On motion of Mr. SETZER, the yeas and nays were called for and ordered.

Those who voted in the affirmative were:

Messrs Murray and Warner—2.

Those who voted in the negative were,

Messrs. A. E. Ames, Burns, Butler, Becker, Baker, Barrett, Burwell, Bailly, Brown, Baasen, Curtis, Chase, Cantell, Day, Emmett-Faber, Flandrau, Gorman, Holcombe, Jerome, Kennedy, Kingsbury, Keegan, Leonard, Lashelle, Meeker, McGrorty, McFetridge, McMahon, Norris, Nash, Setzer, Sherburne, Stacey, Streeter, Swan, Ten Voorde, Taylor, Tuttle, Wait, and Mr. President—41.

Section 5, as amended by the Committee of the Whole, was therefore not concurred in.

The report of the Committee of the Whole upon the substitute for Section 3, as offered by Mr. GORMAN, was then adopted.

The report of the Committee of the Whole as amended upon the entire article, was then concurred in.

On motion of Mr. SETZER, the article was referred to the Committee on Revision and Phraseology.

Mr. BAASEN moved to adjourn until half past 2 o'clock, P. M.

Which motion was decided in the negative.

On motion of Mr. SETZER, the Convention resolved itself into Committee of the Whole,

Mr. NORRIS in the Chair,

Having under consideration the report of the Committee on the Legislative Department.

Mr. A. E. AMES moved to amend Section 2, by striking out in the 4th line the word "five," and insert the word "eight."

Which motion was lost.

Mr. A. E. AMES moved to strike out the word "five," and insert the word "ten," in the 4th line of the 2nd section.

Which motion was lost.

Mr. EMMETT moved to amend so as to read that the "Senate shall never exceed 50 members, nor the House 100."

Which amendment was lost.

Mr. HOLCOMBE moved to amend by adding after the word "inhabitants," on the fifth line, as follows:

"Provided, That every county shall be entitled to one Representative."

Which amendment was lost.

Mr. HOLCOMBE moved to amend by inserting after the word "inhabitants," as follows:

"Provided, That every County having 500 inhabitants shall be entitled to one Representative."

Mr. CURTIS moved to amend the amendment by inserting the word "voters" in lieu of the word "inhabitants."

The amendment to the amendment was not adopted.

Mr. SETZER offered to amend the amendment by adding thereto the following :

"And also provided that the County of Washington shall be divided into twelve counties."

The amendment to the amendment was rejected.

Mr. WARNER offered the following substitute for the amendment :

"And every county having a population of five hundred inhabitants shall be entitled to representation in the House of Representatives."

Which substitute was lost.

The question then recurring on the original amendment of Mr. HOLCOMBE,

The amendment was rejected.

Mr. HOLCOMBE offered to amend the section by substituting one thousand inhabitants in lieu of five hundred, as offered in the previous amendment,

Which amendment was concurred in, so that the section reads after the words "inhabitants," in the fifth line, as follows :

"Provided, That every county having one thousand inhabitants shall be entitled to one representative."

On motion of Mr. SETZER, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

Mr. BAKER moved to adjourn.

Which motion was lost.

On motion of Mr. KINGSBURY, the Convention adjourned until half past two o'clock, P. M.

2½ O'clock, P. M.

The Convention met pursuant to adjournment, and was called to order by the PRESIDENT.

On motion of Mr. KINGSBURY, the Convention resolved itself into Committee of the Whole.

Mr. NORRIS in the chair.

Having under consideration the report of the Committee on the Legislative Department.

Mr. FLANDRAU moved to strike out of section 11 of the report, all from the word "Representatives," in the first line, to the word "shall" in the third line.

Which motion was lost.

Mr. FLANDRAU moved to strike out the word "present," in the seventh line of the 14th section, and to insert in lieu thereof the word "elected."

Which motion was lost.

Mr. MEEKER moved to add the following to section 14 :

"And the judgment on conviction shall not extend beyond removal from office, and a disability to hold any office of trust or profit in the State."

Which amendment was lost.

Mr. SIBLEY moved to add to section 21, the following: "Hold any other office of honor or profit in this State."

Which amendment was adopted.

Mr. FLANDRAU moved to amend by striking out the entire section 21.

Which amendment was lost.

Mr. A. E. AMES moved to insert in section 21, between the words "officer" and "refusing," the words "neglecting or."

Which amendment was lost.

Mr. BUTLER moved to amend by adding to section 21, the following: "And the bill as refused to be signed shall not be invalidated by said refusal."

Mr. CURTIS offered the following substitute for the said amendment, which substitute was accepted by Mr. BUTLER.

"And in case of such refusal each House shall by rule provide

the manner in which such bill shall be properly certified for presentation to the Governor."

Which substitute was adopted.

Mr. CURTIS moved to amend by striking out of section 22, all after the word "article," in the tenth line.

Mr. BROWN moved to amend the amendment by adding to the section the following :

"But no person of negro blood shall be allowed the right of suffrage or of holding office."

Which amendment to the amendment was lost.

The question recurring on the original amendment, it was decided in the affirmative.

Mr BECKER moved to add to section 22, as follows :

"Senators and Representatives shall be elected by single districts."

Which motion was lost.

On motion of Mr. SETZER, the Committee here rose, reported progress, and asked leave to sit again.

Leave was granted.

Mr. BECKER, on leave, introduced the following report of the Committee on the name and boundaries of the State :

"The Committee upon the name and boundaries of the State, to consider and report upon the several propositions submitted to the people of this Territory, by the act of Congress called the Enabling Act, approved on the 26th day of February, 1857, respectfully submit the following report :

ARTICLE —

ON NAME AND BOUNDARIES.

"SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of, and have jurisdiction over the territory embraced in the following boundaries, to wit :

"Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux River; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi River; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the Saint Louis River; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon river, and following said dividing line to the place of beginning.

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi, and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed by the same; and said river and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll thereof.

ARTICLE —

"The proposition contained in the Act of Congress entitled an Act to authorize the people of the Territory of Minnesota to form a Constitution and State Government, preparatory to their admission into the Union on an equal footing with the original States, are hereby accepted and verified, and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

All of which is respectfully submitted.

GEO. L. BECKER, W. R. McMAHAN, HENRY G. BAILLY, J. S. NORRIS, ROBERT KENNEDY, CHAS. E. LEONARD,	} Committee.
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On motion of Mr. GORMAN, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

TWENTIETH DAY.

WEDNESDAY, August 5, 1857.

The Convention met pursuant to adjournment, and was called to order by the PRESIDENT.

Prayer by the Rev. JOHN PENMAN.

The Journal of yesterday was read and approved.