

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. |
|--|---|------------|

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.

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. SETZER moved to strike out of section 23, the word "one," and insert "two," and the word "two," and insert "four."

Which amendment was rejected.

Mr. BAKER offered the following amendment to section 24 :

"SEC. 24. Senators and Representatives shall be white male persons who have resided in the State and district six months previous to election, or civilized male inhabitants of Indian descent."

Which amendment was rejected.

Mr. BECKER offered the following substitute to section 26 :

"SEC. 26. No law shall embrace more than one subject, which shall be expressed in its title."

Which substitute was agreed to.

Mr. BECKER offered the following as an additional section, to be called section 27 :

SEC. 27. Divorces shall not be granted by the Legislature."

Which amendment was agreed to.

Mr. BROWN offered the following as an additional section, to be called section 22 :

"SEC. 22. No bill shall be passed by either House of the Legislative Assembly upon the day prescribed for the adjournment of the two Houses. But this section shall not be so construed as to preclude the enrollment of a bill or the signature and passage from one House to the other, or the reports thereon, from committees, or its transmission to the Executive for his signature."

Which amendment was agreed to.

Mr. KINGSBURY moved to amend section 1 of the article, by striking out all after the word "State," in the third line, and insert the words "annually at such time as shall be prescribed by law, but no one session shall extend beyond sixty days."

Mr. BECKER having called for a division of the question,

The question was taken upon the first branch of the question, and it was decided in the affirmative.

The question recurring on the second branch of the question, it was agreed to, and the amendment of Mr. KINGSBURY was adopted.

Mr. BUTLER moved to amend the 1st section by adding thereto the words "after the year 1860."

Which amendment was lost.

Mr. BROWN offered the following, to be called section 2 :

"SEC. 2. When, in the opinion of the Governor, or the person performing the duties of Governor, an extra session of the Legisla-

tive Assembly may be deemed necessary, such session may be called by proclamation, giving thirty days notice thereof, but no extra session shall extend beyond the period of twenty days."

Mr. SIBLEY moved to amend the amendment by striking out all except the words "Sec. 2. No extra session shall extend beyond the period of twenty days."

The question being taken on the amendment to the amendment, it was adopted.

The question recurring on the adoption of the amendment as amended, it was decided in the affirmative.

Mr. EMMETT moved to amend by striking out the words "Sec. 2," as amended, and add the same to Sec. 1.

Which motion was carried.

Mr. McGRORTY moved to amend section 24, by inserting after the words "United States," the words, "or who have declared their intentions to become such, conformably to the laws on the subject of naturalization."

Mr. EMMETT moved to amend the amendment by striking out of Sec. 24, the words, "citizens of the United States," and insert in lieu thereof the words "qualified voters of the State."

Which amendment was accepted by Mr. McGRORTY.

Prior to the disposition of the question,

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

Leave was granted.

Mr. GORMAN, on leave, introduced the following report on the "Executive Department," the reading of which was dispensed with:

"SEC. 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and an Attorney General, who shall be chosen by the electors of the State.

"SEC. 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General shall hold their offices for two years, and the auditor for four years. Their terms of office after the first shall begin on the first Monday in January next after their election, and continue until their successors are elected and qualified.

"SEC. 3. The returns of every election, for the officers named in the foregoing section shall be made to the Secretary of State and by him transmitted to the Speaker of the House of Representatives, who shall cause the same to be opened and canvassed before both Houses of the Legislative Assembly and the result declared within three days after such House shall be organized.

"SEC. 4. The term of office for the Governor and Lieutenant Governor shall be two years, and until their successors are chosen and qualified. They shall each have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the State

for one year next preceding their election. They shall each be citizens of the United States by birth or adoption.

"SEC. 5. The Governor shall communicate by message to each session of the Legislative Assembly, such information touching the state and condition of the country as he may deem expedient. He shall be Commander-in Chief of the Militia except when called into service by 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 State, except in cases of impeachment. He shall have power by and with the advice and consent of the Senate to appoint a State Librarian and Notaries Public; he shall have power to appoint Commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in this State. He shall have a negative upon all laws passed by the Legislative Assembly under such rules and limitations as is in this Constitution prescribed. He may on extraordinary occasions convene both Houses of the Legislature, and in case of a disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the next regular session. He shall take care that the laws be faithfully executed.

"SEC. 6. The Governor shall have power to fill all vacancies that may occur in the County, District, Circuit or Supreme Judges until the next annual election and until their successors be chosen and qualified.

"He shall also fill any vacancy that may occur in the offices of Secretary of State, Treasurer, Auditor, Attorney General and such other State or District offices as may be hereafter created by law, until the next annual election and until their successors are chosen and qualified.

"SEC. 7. The official term of the Secretary of State, Treasurer and Attorney General shall be two years. The official term of the Auditor shall be four years.

"The Governor's salary for the first term under this Constitution shall be two thousand five hundred dollars per annum.

"The salary of the Secretary of State for the first term shall be fifteen hundred dollars per annum.

"The Auditor and Treasurer shall each, for the first term, receive one thousand dollars per annum.

"The Attorney General shall, for the first term receive an annual salary of two hundred and fifty dollars and fees, and the further dues and salaries of said Executive officers shall each, thereafter be prescribed by law.

"SEC. 8. The Lieutenant Governor shall be *ex officio* President of the Senate, and in case a vacancy should occur from any cause whatever in the office of Governor, he shall be Governor during such vacancy. The compensation of Lieutenant Governor shall be double the compensation of a State Senator. Before the close of each session of the Senate they shall elect a President *pro tempore*,

who shall be Lieutenant Governor in case a vacancy should occur in that office.

"Sec. 9. The term of each of the executive offices named in this article, shall commence upon taking the oath of office, after the State shall be admitted by Congress into the Union, and continue until the first Monday in January, 1860, except the Auditor who shall continue in office until the first Monday in January, 1862.

"Sec. 10. Each officer created by this chapter, shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully discharge the duties thereof to the best of his judgment and ability.

"Sec. 11. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General shall each be elected by the qualified electors on the day of 1857.

"Sec. 12. Laws shall be passed at the first session of the Legislature after the State is admitted into the Union, to carry out the provisions of this article."

| | | |
|---|---|------------|
| W. A. GORMAN, Ch'm, ROBERT KENNEDY, CHAS. E. LEONARD, NEWINGTON GILBERT, | } | Committee. |
|---|---|------------|

Mr. HOLCOMBE, on leave, introduced the following report on "Finances of the State and Banks and Banking," the reading of which was dispensed with :

ARTICLE.—

FINANCES OF THE STATE AND BANKS AND BANKING.

"Sec. 1. All taxes to be raised in this State shall be as nearly equal as may be, and all property on which taxes are to be levied, shall have a cash valuation and equalized and uniform throughout the State.

"Sec. 2. The Legislature shall provide for an annual tax, sufficient to defray the estimated expenses for each year; and whenever it shall happen that the expenses of the State for any year shall exceed the income of the State for such year, the Legislature shall provide for levying a tax for the ensuing year sufficient with other sources of income to pay the deficiency of the ensuing year, together with the estimated expenses of such ensuing year.

"Sec. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money: but public burying grounds, public school-houses, academies, colleges, universities, and all seminaries of learning—all churches, institutions of purely public charity—public property used exclusively for any public purpose, and personal property not exceeding in value two hundred dollars, may by general laws be exempt from taxation.

"Sec. 4. Laws shall be passed for taxing the notes and bills discounted, or purchased moneys loaned, and all other property, effects

or dues of every description (without deduction) of banks and of all bankers, so that all property employed in banking shall always be on a burden of taxation equal to that imposed on the property of individuals.

"Sec. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts: but such debts shall never singly nor in the aggregate exceed two hundred and fifty thousand dollars. Every such debt shall be authorized by law; for some single object to be distinctly specified therein, and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each house, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within seven years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished until the principal and interest of such debt shall have been wholly paid.

"Sec. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each, on interest, payable within seven years after the passage of the law authorizing such debt; and such bonds shall not be sold under par. A correct registry of all such bonds shall be kept by the Treasurer, in numerical order, so as always to exhibit the number and amount unpaid and to whom severally made payable.

"Sec. 7. This State shall never contract any public debt unless in time of war, to repel invasion, or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

"Sec. 8. The money arising from any loan made or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the re-payment of such debt or liability, and to no other purpose whatever.

"Sec. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

"Sec. 10. The credit of the State shall never be given or loaned in aid of any individual association or corporation.

"Sec. 11. There shall be published by the Treasurer, in at least one newspaper printed at the seat of government, during the first week in January of each year, and in the next volume of the acts of the Legislature, a detailed statement of all moneys drawn from the treasury during the preceding year, for what purpose, and to whom paid, and by what law authorized; and also of all moneys received, and by what authority, and from whom.

"Sec. 12. Suitable laws shall be passed by the Legislature for the safe keeping, transfer and disbursement of the State funds; and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received and of each

payment and transfer: and if any said officers or other persons shall convert to his own use in any form, or shall loan with or without interest, or shall deposit in any bank, or exchange for other funds any portion of the funds of the State, every such act shall be adjudged to be an embezzlement of so much of the State funds as shall be thus taken, and shall be declared a felony; and any failure to pay over or produce the State funds intrusted to such person on demand, shall be held and taken to be *prima facie* evidence of such embezzlement.

"Sec. 13. The Legislature shall not have power to create, authorize or incorporate, by any general or special law, any bank or banking power or privilege whatever, except as provided in section fourteen (14) of this article.

"Sec. 14. The Legislature may submit to the voters, at any general election, the question of 'Bank or no bank,' and if at any such election a number equal to a majority of all the votes cast at such election on that subject shall be in favor of banks, then the Legislature shall have power to pass a general banking law, with the following restrictions and requirements, viz :

"*First.* The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

"*Second.* The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stocks or state stocks for the redemption of the same in specie.

"*Third.* The stockholders in every corporation and joint association for banking purposes, issuing bank notes, shall be individually liable over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum at least equal in amount to such stock.

"*Fourth.* In case of the insolvency of any bank or any banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association."

WILLIAM HOLCOMBE,
DAVID GILMAN,
JOHN S. PRINCE,
FRANK WARNER,
DANIEL J. BURNS,
R. H. BARRETT,
E. C. STACEY,

} Committee.

Mr. MURRAY, on leave, introduced the following report of the Committee on "Elective Franchise," the reading of which was dispensed with:

"The Committee to whom was referred so much of the Constitution as relates to the Elective Franchise, and to consider and report upon the same in a distinct article, would submit the following report:

ARTICLE —.

"SECTION 1. Every male person of the age of twenty-one years, or upwards, belonging to either of the following classes, who shall have resided in this State for six months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time be a resident, for all officers that now are, or hereafter may be, elective by the people:

"1st. White citizens of the United States.

"2d. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

"3d. Persons of Indian blood, and persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

"SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights, and no person under guardianship, *non compos mentis*, or insane, shall be entitled or permitted to vote at any election in this State.

"SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State, or of the United States; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum; nor while confined in any public prison.

"SEC. 4. No soldier, seaman, or marine in the Army or Navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same.

"SEC. 5. During the day on which any election shall be held, no civil process shall be served on any person entitled to vote at such election.

"SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

"SEC. 7. All persons designated in Section 1 of this article who shall be inhabitants of this State, shall be entitled to vote at any election to be held upon the day that this Constitution shall be submitted to the people for its ratification or acceptance.

"SEC. 8. Every person who by the provisions of this article shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election."

WILLIAM P. MURRAY, }
GOLD T. CURTIS, } Committee.
O. W. STREETER, }

On motion of Mr. HOLCOMBE, 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. M. E. AMES, the Convention resolved itself into Committee of the Whole,

Mr. NORRIS in the Chair,

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

Mr. MURRAY moved to amend the amendment by striking out the words "one year," in the second one in Sec. 24, and insert "six months," and to strike out the words "six months," in the 3d line, and insert in lieu thereof, the words "thirty days."

Which amendment to the amendment did not prevail.

Mr. CHASE moved to amend the amendment by striking out of Sec. 24, all after the word "State," so that the same shall read—"Senators and Representatives shall be qualified voters of the State."

Which amendment to the amendment was decided in the negative.

The question recurring on the original question, it was adopted.

Mr. GILMAN offered the following as a substitute for Section 1 of the article.

"The Legislative Department shall consist of a Senate and House of Representatives, which shall meet annually at the seat of Government of the State at such time as shall be provided by law. The compensation of each member of both branches of the Legislative Assembly shall be fixed at a gross amount per annum."

Which substitute was adopted.

Mr. WAIT moved to strike out of Sec. 7, all after the first paragraph.

Which motion was lost.

On motion of Mr. A. E. AMES, the Committee here rose, reported back the article with amendments, and recommended the concurrence of the Convention therein.

The first amendment thereto, to wit:

To insert after the word "inhabitants" in the fourth line of 2nd section the following:

"*Provided*, That every County having 1000 inhabitants, shall be entitled to one Representative."

Was then read by the Secretary, the question recurring on its adoption, and the ayes and nays being called for and ordered, there were ayes, 16, nays, 28.

Those who voted in the affirmative were Messrs. Baker, Baasen, Cantell, Faber, Gilman Holcombe, Jerome, Kingsbury, McFetridge, McMahan, Rolette, Stacey, Streeter, Ten Voorde, Vasseur, and Wilson,—16.

Those who voted in the negative were, Messrs. A. E. Ames, M.

E. Ames, Butler, Becker, Burns, Bailly, Burwell, Brown, Curtis, Chase, Day, Gilbert, Kennedy, Keegan, Leonard, Lashelle, Murray, McGrorty, Norris, Nash, Prince, Setzer, Sanderson, Swan, Taylor, Tuttle, Warner and Mr. President.—28.

So the amendment was not concurred in.

The amendments to section 21, as adopted in Committee of the Whole were then concurred in.

The amendments to section 1, as adopted in Committee of the Whole, were concurred in.

Additional sections, Nos. 27, and 22, as adopted in Committee of the Whole, were then concurred in.

The question arising on the adoption of the substitute for Sec. 1, as amended by the Committee of the Whole, and the ayes and nays thereon being called for and ordered, there were ayes 20, nays 22.

Those who voted in the affirmative were Messrs. A. E. Ames, Butler, Becker, Baker, Burns, Cantell, Faber, Gilman, Jerome, Keegan, Lashelle, Murray, McFetridge, Norris, Rolette, Streeter, Taylor, Tuttle, Vasseur and Wilson—20.

Those who voted in the negative were Messrs. M. E. Ames, Burwell, Bailly, Brown, Baasen, Curtis, Chase, Gilbert, Holcombe, Kingsbury, Leonard, McGrorty, McMahan, Nash, Prince, Setzer, Sanderson, Stacey, Swan, Ten Voorde, Warner and Mr. President.—22.

So the substitute was not adopted. The question recurring on the adoption of the article, as amended, and concurred in,

It was adopted.

Mr. A. E. AMES, on leave, introduced the following report:

"The Committee upon the subject of School funds, Education, and Science, respectfully submit the following Report:

ARTICLE—

"SECTION 1. Wisdom and knowledge, as well as virtue, are essential to the preservation of the rights and liberties of the people; therefore: It shall be the duty of the Legislature of this State to cherish the interests of Education in literature and science, and to establish a general system of public schools; to encourage public and private instruction for the promotion of agriculture, arts, science, commerce, trade, manufactures, and natural history of the country; and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

"Sec. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township in this State, shall remain a perpetual fund. Said lands shall not be disposed of otherwise than by lease for the term of ten

years. The principal of all funds arising from sale, or other disposition of lands, or other property, granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations, by each township respectively.

"SEC. 3. The Legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of schools in each township in the State.

"SEC. 4. The location of the University of Minnesota as established by existing laws is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto the said University, and all lands which may be granted hereafter by Congress, or other donations for said University purposes shall vest in the institution referred to in this State."

| | |
|------------------|--------------|
| A. E. AMES, | } Committee. |
| C. A. TUTTLE, | |
| FRANK WARNER, | |
| W. W. KINGSBURY, | |
| JOS. ROLETTE. | |
| D. A. J. BAKER, | |

Mr. A. E. AMES, on leave, introduced the following resolution :

"*Resolved*, That a Committee of three be appointed on enrollment, and that the Secretary of this Convention, is hereby authorized to employ an Engrossing and Enrolling Clerk, and to agree with such Clerk as to the compensation, and report the same to the Convention."

Which resolution was adopted.

On motion of Mr. BAKER, the Convention adjourned.

H. H. SIBLEY, President.

Attest :

J. J. NOAH, Secretary.

TWENTY-FIRST DAY.

THURSDAY, Aug. 6, 1857.

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

On motion of Mr. A. E. AMES, the reading of the journal was dispensed with.