

TWENTY-SECOND DAY.

FRIDAY, Aug. 7, 1857.

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

Prayer by Rev. Mr. PENMAN.

The Journal of yesterday was read and approved.

The PRESIDENT informed the Convention that JOHN BELL had declined the office of Sergeant-at-Arms.

Mr. KINGHORN having tendered his resignation as Assistant Secretary of the Convention,

On motion of Mr. GORMAN, the said resignation was accepted.

On motion of Mr. GORMAN, Mr. KINGHORN was declared elected Sergeant-at-Arms, vice BELL, declined.

On motion of Mr. EMMETT, Mr. GASOWAY was declared elected Assistant Secretary, vice KINGHORN, resigned.

On motion of Mr. KINGSBURY, the Convention resolved itself into Committee of the Whole, Mr. HOLCOMBE in the Chair, having under consideration the report of the Committee on the Bill of Rights.

The amendment of Mr. SWAN to Sec. 12, being under consideration,

Mr. NASH moved to amend the amendment by adding the following thereto :

"Provided, however, that nothing in this section shall be so construed as to invalidate the descent of property in possession of actual settlers of this State at the time of his death."

Which amendment to the amendment was lost.

Mr. MURRAY moved that the Committee here rise, report progress, and ask leave to sit again.

Which motion was lost.

Mr. MURRAY moved that the Committee rise, report back the bill without amendment, and recommend its passage.

Which motion was lost.

Mr. BECKER moved that the Committee rise, report progress, and ask leave to sit again.

Which motion was lost.

The question recurring on Mr. SWAN'S amendment, it was decided in the negative.

Mr. McGRORTY offered the following substitute for Sec. 12 :

"Sec. 12. Foreigners who have, or who may hereafter declare

their intentions to become citizens of the United States, in conformity with the naturalization laws of the United States, and every such person residing in this State, or who may hereafter come into it while a minor, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens."

Mr. SETZER offered the following amendment to the substitute :

"Sec. 12. The laws of descent and inheritance in this State shall not apply to the real estate held by aliens, who shall not have declared their intentions to become citizens of the United States, but all such real estate shall escheat to the State."

Which amendment was lost.

Mr. BROWN offered the following amendment to the substitute:

"All bona fide residents of this State shall enjoy the same and equal rights in respect to the possession, enjoyment, inheritance, transfer and descent of property in this State."

Which amendment was lost.

The question recurring on Mr. McGRORTY's substitute, it was rejected.

Mr. BAASEN offered the following substitute for Sec. 12 :

"Sec. 12. Aliens shall enjoy in this State the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens."

Which substitute was lost.

Mr. A. E. AMES moved to substitute the following for Sec. 12 :

"Sec. 12. No hereditary emoluments, privileges or honors shall ever be granted or conferred in this State."

Which substitute was rejected.

Mr. FLANDRAU moved to substitute the following for Sec. 12 :

"Sec. 12. No alien who shall not have declared his intentions to become a citizen of the United States, according to the naturalization laws, shall be capable of holding the fee of any lands within this State by inheritance."

Which substitute was lost.

Mr. BECKER moved that the Committee here rise, report progress and ask leave to sit again.

Which motion was lost.

Mr. BROWN moved to amend by striking out the 12th section of Bill of Rights.

Which motion was carried.

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

Leave was granted.

Mr. AMES, from the Committee on Enrollment, made the following report :

"Your Committee on Enrollment, report as correctly engrossed the following named articles, to wit.:

"Distributing of the Powers of Government.

"On the Militia.

"Corporations having no Banking Privileges.

A. E. AMES,

J. H. SWAN,

C. J. BUTLER,

} Committee."

On motion of Mr. BROWN,

The Engrossed Articles were referred to the Committee on Revision and Phraseology.

On motion of Mr. KEEGAN, the Convention adjourned until 2½ o'clock, P. M.

2½ O'CLOCK, P. M.

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

Messrs. KENNEDY, TUTTLE and STURGIS were appointed a Committee to audit the expenses of the Convention, pursuant to the resolution of yesterday.

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

Mr. HOLCOMBE in the Chair,

Having under consideration the report of the Committee on the Bill of Rights.

Mr. SWAN moved to strike out of Section 15; all after the word "peace."

Which motion was lost.

Mr. GORMAN moved to amend Section 15, by adding after the word "fraud," the words "of which he shall have been duly convicted."

Which amendment did not prevail.

Mr. KINGSBURY moved to amend by striking out all before the period in the 3d line, and to insert in lieu thereof the words:

"SECTION 15. No person shall be imprisoned for debt in this State."

Which amendment prevailed.

Mr. WAITE moved to strike out all of Section 15.

Which motion was lost.

Mr. SWAN moved to amend Section 15, by adding thereto the following.

"Provided this shall not prevent the seizure of property for the purchase money thereof."

Mr. EMMETT moved to amend Section 15, as amended by adding after the word "State," the words "unless in case of fraud."

Which motion was carried.

Mr. EMMETT moved to amend Section 16, by adding thereto the words "first paid or secured."

Which amendment prevailed.

Mr. BAASEN moved to amend by striking out of Section 18 the word "fifteen" and insert the word "twenty-one."

Mr. FLANDRAU moved to amend the amendment by inserting "thirty-two in lieu of "twenty-one."

Which motion was lost.

The question recurring on Mr. BAASEN's amendment, it was decided in the affirmative.

Mr. SWAN moved to strike out of Section 18, all after the first period,

Which motion was lost.

Mr. BAKER moved to amend Section 19, by adding thereto the words "for the use of the University of Minnesota."

Mr. A. E. AMES moved to amend the amendment, by inserting the words "Public Schools," in lieu of "University of Minnesota."

Which motion prevailed.

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

Mr. BECKER moved to amend the Section as amended by inserting the word "State," in lieu of the word "people."

Which motion prevailed.

Mr. A. E. AMES moved to insert the following as an additional Section:

"SEC. 20. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by this State."

Which motion did not prevail.

Mr. A. E. AMES moved to insert the following as an additional Section:

"SEC. 21. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State"

Which motion was lost.

Mr. McGRORTY offered the following as an additional Section, to be called Section 19 :

"SEC. 19. No alien shall have the right to hold or transfer property until he has first declared his intentions to become a citizen of the United States, agreeably to the laws on the subject of naturalization."

Mr. SIBLEY moved to amend the Section by adding after the word "naturalization" the words "except so far as such right is guaranteed to him by the Constitution and laws of the United States."

Which motion was lost.

The question recurring on the additional Section offered by Mr. McGRORTY, it was rejected.

Mr. M. E. AMES offered the following additional Section, to be called Section 12:

"SEC. 12. All actual residents of this State, shall, at all times, have and enjoy equal and uniform rights in respect to the possession, inheritance and descent of real property."

Mr. McGRORTY moved to amend the Section by striking out the word "resident" and insert "citizen" in lieu thereof.

Which motion did not prevail.

The question recurring on the additional Section, it was rejected.

Mr. CURTIS moved to insert the following as additional Section No. 19:

"SEC. 19. All persons resident within this State, shall have and enjoy equal rights in reference to the descent of property."

Which motion did not prevail.

On motion of Mr. M. E. AMES, the Committee rose, reported back the article to the Convention, with amendments, and asked concurrence of the Convention in the report and amendments.

The amendment to the preamble was then concurred in.

The question recurring on adopting the substitute for Section 3, and the yeas and nays being called for and ordered, there were yeas 38, nays none.

Those who voted in the affirmative were,
Messrs. A. E. Ames, M. E. Ames, Butler, Becker, Baker, Barrett, Burns, Burwell, Bailly, Brown, Baasen, Curtis, Chase, Day, Emmet, Faber, Flandrau, Gilbert, Gorman, Holcombe, Kingsbury, Kennedy, Lashelle, Murray, McGrorty, McMahon, Norris, Nash, Prince, Sanderson, Sherburne, Stacey, Streeter, Swan, Taylor, Tuttle, Wait, and Mr. President.

So the substitute was adopted.

The amendment to Section 7 was then concurred in.

The question recurring on striking out Section 12, on motion of Mr. GORMAN, the previous question was ordered, whereupon the striking out of Section 12 was concurred in.

The question arising on concurring in the amendments to Section 15, Mr. GORMAN moved to insert after the word "frauds" in said amendment, the words, "of which he shall have been duly convicted."

And the yeas and nays being called for and ordered, there were yeas 21, nays 16.

Those who voted in the affirmative were,

Messrs. M. E. Ames, Baker, Barrett, Burns, Burwell, Bailly, Day, Flandrau, Gorman, Holcombe, Kingsbury, Lashelle, Murray, McGrorty, McMahon, Prince, Stacey, Streeter, Taylor, Tuttle, and Mr. President.

Those who voted in the negative were,

Messrs. A. E. Ames, Butler, Becker, Brown, Baasen, Curtis, Emmett, Faber, Gilbert, Gilman, Kennedy, Norris, Sanderson, Swan, Wait and Warner.

So the amendment to the report of the Committee prevailed.

Mr. EMMETT moved to amend by inserting the words "or crime," after the word "debt."

Which motion did not prevail.

The question arising on the adoption of the amendment as amended,

On motion of Mr. GORMAN, the previous question was ordered.

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

On motion of Mr. GORMAN, further proceedings under the call were dispensed with.

On motion of Mr. GORMAN, the report of the Committee was laid on the table until to-morrow.

Mr. BUTLER offered the following resolution:

Resolved, That the Secretary order one hundred copies of the reports of the various Committees, as amended and adopted by

the Convention, up to this date, printed for the use of the Convention."

Which resolution was adopted.

Mr. KINGSBURY moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on "Amendments to the Constitution."

On motion of Mr. BROWN, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

TWENTY-THIRD DAY.

SATURDAY, Aug. 8, 1857.

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

Prayer by Rev. Mr. PENMAN.

The Journal of yesterday was read and approved.

On motion of Mr. KINGSBURY, Mr. BARRETT was excused from attendance this day.

Mr. WAIT offered the following resolution:

"Resolved, That hereafter no member in Committee of the Whole shall speak more than twice on the same subject, nor longer than ten minutes at one time."

Which resolution was adopted.

Mr. SHERBURNE offered the following resolution:

"Whereas, The persons who were elected by the people of this Territory to represent them in a Constitutional Convention, having met at this Capitol on the day appointed by law for such meeting, and having disagreed upon some immaterial questions which arose in the course of forming a temporary organization, separated and formed two distinct Conventions, in numbers nearly equal, and are now forming two separate and distinct Constitutions to be presented to the people, and

"Whereas, Proceedings so extraordinary in their character will have a tendency to injure the reputation of our people; to lessen the confidence of the other States in our integrity, stability and patriotism, and place us in a false position before the world, therefore.