

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.

On motion of Mr. KENNEDY, Mr. DAVIS was excused from attendance on account of sickness in his family.

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

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

The Chair announced the following as a Committee on Enrollment : Messrs. A. E. AMES, SWAN and BUTLER.

Mr. BECKER offered the following resolution :

"Resolved, That 100 copies of each of the reports of standing committees be printed in Bill form for the use of this Convention."

Which resolution was adopted.

On motion of Mr. SETZER, 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 substitute of Mr. BROWN for the original preamble was then withdrawn.

Mr. BROWN offered to amend the preamble by inserting after the word "Minnesota," the words "having the right of admission into the Federal Union in accordance with the Constitution of the United States."

Mr. EMMETT moved to amend the amendment by inserting after the word "Minnesota," in the first line, the following : "within the boundaries prescribed by 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.'"

Which amendment to the amendment was lost.

Mr. CURTIS offered the following amendment to the amendment, which was accepted by Mr. Brown : to insert after "Minnesota" in the original preamble, the words "for the purpose of admission into the Federal Union under the Constitution of the United States."

Which amendment was adopted.

Mr. MURRAY offered the following substitute for section 3 :

"Sec. 3. There shall be neither slavery nor involuntary servitude in the State, otherwise than in the punishment of crime whereof the party shall have been duly convicted."

Which substitute was adopted.

Mr. FLANDRAU moved to amend Section 7, by adding thereto the words "for obtaining witnesses in his favor, and to have the assistance of counsel in his defence."

Which amendment prevailed.

Mr. EMMETT moved to strike out of the Section as amended all after the word "favor."

Which motion was lost.

Mr. SETZER moved to strike out of Section 10, all after the word "Press."

Which motion did not prevail.

Mr. FLANDRAU moved to amend by striking out the word "criminal" in the 10th Section.

Mr. EMMETT moved to amend the amendment by striking out all after the word "press."

Which motion did not prevail.

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

Mr. EMMETT moved to amend Sec. 10, by striking out all after the word "press," and insert the following :

"But the Section shall not be construed to authorize the publisher or publishers of any newspaper or periodical to print or publish the testimony of any witness or witnesses given during the progress of any criminal trial or examination, until after the defendant therein shall have been convicted or acquitted."

Which motion did not prevail.

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

Which motion was lost.

Mr. FLANDRAU moved to strike out of Section 10, the word "indictments."

Which motion was lost.

Mr. SWAN moved to amend Section 12, by inserting after the word "State" the words "and shall have declared their intentions to become citizens of the United States."

Prior to the disposition of the question, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. A. E. AMES, the convention adjourned until 2½ o'clock, P. M.

AFTERNOON SESSION.

2½ O'CLOCK, P. M.

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

Mr. KINGSBURY made the following announcement on behalf of the Secretary :

"I am requested, in behalf of the Secretary, to inform the Convention that he has employed R. L. Thompson, as Enrolling Clerk, at a compensation of three dollars per day, in pursuance of a resolution yesterday adopted by this Convention."

Mr. KINGSBURY moved that JOHN BELL be elected Sergeant-at-Arms, *vice* Mr. TESAROW.

Mr. SETZER moved that the motion be laid on the table.

Which motion was lost.

On motion of Mr. MURRAY, Mr. BELL was declared elected Sergeant-at-arms.

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

Mr. EMMETT in the Chair,

Having under consideration the Report of the Committee on "Name and Boundaries,"

Mr. FLANDRAU offered the following amendment to Section 1 of said report, to wit:

"To strike out after the words 'to wit,' and insert 'beginning at the point where the forty-sixth parallel of north latitude crosses the main channel of the Missouri River, thence down the main channel of said river to the mouth of the Big Sioux River, thence up the Big Sioux River to the north line of the State of Iowa, thence along the north line of Iowa 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 said forty-sixth parallel of north latitude, thence west on said line to the place of beginning.'"

Mr. SETZER moved to amend the amendment by striking out the words, "and following the boundary line of the State of Wisconsin."

Which amendment to the amendment did not prevail.

The question being taken on the original amendment, it was decided in the negative.

Mr. WAIT moved to amend Section 1, by adding thereto the following:

"The seat of government of this State shall be established at St. Cloud, in the county of Stearns."

Which amendment was lost.

Mr. BUTLER moved to amend Section 1 in the 11th line, by inserting after the word "river" the following, "to the Saint Croix River and thence up the main channel of said river."

Which motion was lost.

On motion of Mr. BECKER, the Committee rose, reported the

article back to the Convention without amendment, and recommended that the report of the Committee be concurred in.

Mr. FLANDRAU moved to amend the report of the Committee as follows:

To strike out after the words "to wit," and insert "Beginning at the point where the forty-sixth parallel of north latitude crosses the main channel of the Missouri River, thence down the main channel of said river to the mouth of the Big Sioux River, thence up the Big Sioux River to the north line of the State of Iowa, thence along the said line of the State of Iowa 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 said forty-sixth parallel of north latitude, thence west on the said line to the place of beginning."

The yeas and nays being called for and ordered, on Mr. Flandrau's amendment, there were yeas 6, nays 36.

Those who voted in the affirmative were,

Messrs. Baasen, Day, Flandrau, Stacey, Streeter and Swan—6.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Butler, Becker, Baker, Barrett, Burns, Burwell, Bailly, Brown, Curtis, Chase, Emmett, Gilbert, Gorman, Gilman, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Lashelle, Murray, M'Grorty, M'Fetridge, M'Mahan, Norris, Nash, Prince, Setzer, Sanderson, Taylor, Ten Voorde, Wait, Warner and Mr. President—36.

So the amendment was lost.

Mr. FLANDRAU moved to amend by inserting 45 deg. 30 min. in his prior amendment.

Mr. WIAT moved to amend the amendment by inserting in lieu thereof 45 deg. 15 min.

And the yeas and nays being called for and ordered, there were yeas 10, nays 32.

Those who voted in the affirmative were,

Messrs. Baasen, Day, Flandrau, Gilman, McFetridge, Stacey, Streeter, Swan, Ten Voorde and Wait—10.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Butler, Becker, Baker, Barrett, Burns, Burwell, Bailly, Brown, Curtis, Chase, Emmett, Gilbert, Gorman, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Lashelle, Murray, McGrorty, McMahan, Norris, Nash, Prince, Setzer, Sanderson, Taylor, Warner and Mr. President—32.

So the amendment to the amendment did not prevail.

Mr. SETZER moved to amend the amendment by inserting 43 deg. 30 min.

Which motion did not prevail.

Mr. STREETER moved to amend the amendment by inserting 45 deg. 10 min.

Which motion did not prevail.

The question recurring on the original amendment, and the yeas and nays being called for and ordered, there were yeas 9, nays 33.

Those who voted in the affirmative were,

Messrs. Baasen, Day, Flandrau, Gilman, Stacey, Streeter, Swan, Ten Voorde and Wait—9.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, M. Butler, Becker, Baker, Barret, Burns, Burwell, Bailly, Brown, Curtis, Chase, Emmett, Gilbert, Gorman, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Lashelle, Murray, McGrorty, McFetridge, McMahan, Norris, Nash, Prince, Setzer, Sanderson, Taylor, Warner and Mr. President.—33.

So the amendment did not prevail.

The question being upon concurring in the report of the Committee of the Whole, and the yeas and nays being called for and ordered, there were yeas 32, nays 9.

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Butler, Becker, Baker, Barrett, Burns, Burwell, Bailly, Brown, Curtis, Chase, Emmett, Gilbert, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Lashelle, Murray, McGrorty, McFetridge, McMahan, Norris, Nash, Prince, Setzer, Sanderson, Taylor, Warner and Mr. President—32.

Those who voted in the negative were,

Messrs. Baasen, Day, Flandrau, Gilman, Stacey, Streeter, Swan, Ten Voorde and Wait—9.

So the report of the Committee of the Whole was concurred in.

Mr. BECKER, on leave, introduced the following resolutions:

“Resolved, That a Committee of three be appointed to audit the expenses of this Convention, and that the Treasurer of the Territory be authorized and directed to pay out of the funds appropriated for the use of the Constitutional Convention, warrants signed by the President and countersigned by the Secretary of this body.

“Resolved, That the Secretary be directed to furnish the Territorial Treasurer with an authenticated copy of these resolutions.”

Which resolutions were adopted.

On motion of Mr. SETZER, the Convention adjourned.

H. H. SIBLEY, President.

J. J. NOAH, Secretary.