

Mr. Brown in the Chair,

Having under consideration the report of the Committee on "Militia Organization."

Mr. AMES withdrew his amendment to section one thereof.

Mr. BAASEN offered the following substitute for the first five sections of the report of the Committee on "Militia."

"SEC. 1. Laws shall be passed providing for the organization and discipline of the Militia of the State, at the first session of the Legislature."

Mr. GILMAN offered the following amendment to the substitute:

"The Governor of this State shall be Commander-in-Chief of the Militia; and the Legislature thereof shall, as soon as possible, provide suitable laws for the organization of the Militia of the State."

Which amendment was rejected.

The question then recurring on the substitute of Mr. BAASEN, it was adopted.

On motion of Mr. BECKER, section six of said report was struck out.

The Committee rose, reported back the report of the Committee on "Militia," with amendments.

Mr. BROWN offered to amend the report of the Committee of the Whole by striking out all after the words "section one," and add:

"It shall be the duty of the Legislative Assembly to pass such laws for the organization, discipline and service of the Militia of the State as may be deemed necessary."

Which amendment was adopted.

The question then arising on the report of the Committee of the Whole, it was concurred in.

Mr. SETZER moved to adopt the article on "Militia," and to refer the same to the Committee on Revision and Phraseology.

Which motion was carried.

Mr. TENVOORDE moved to adjourn.

Which motion prevailed, and the Convention adjourned until Monday.

H. H. SIBLEY, President, *pro tem*.

Attest:

J. J. NOAH, Secretary.

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EIGHTEENTH DAY.

Monday, August 3, 1857.

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

The Journal of Saturday was read and approved.

Mr. SETZER moved a call of the Convention.

The Sergeant-at-arms was directed to report absent members in their seats.

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

On motion of Mr. WARNER, Mr. KENNEDY was excused from attendance this day.

Mr. KINGSBURY offered the following resolution:

*"Resolved, That the Secretary be requested to ascertain why the copies of the Enabling Act, and the Act which passed the last Legislature relative to the Constitutional Convention, have not been furnished this body in pursuance of a resolution passed on the 27th ultimo."*

Which resolution was adopted.

Mr. GORMAN offered the following resolution:

*"Resolved, That the Reporter be instructed, under the direction and supervision of the President, to report in full the debates and proceedings of the Convention relating to its organization and the formation of a Constitution and State Government; and to furnish an abstract of such other debates as may arise upon the various incidental motions and propositions which shall be submitted."*

Which resolution was adopted.

Mr. DAVIS offered the following resolution:

*"Resolved, That a Committee of three be appointed to ascertain upon what terms the proceedings and debates as officially reported, can be published from day to day."*

Which resolution was adopted.

Mr. SETZER moved that the Convention resolve itself into Committee of the Whole upon the report of the Committee on "Bill of Rights."

Which motion was decided in the negative.

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

Mr. A. E. AMES in the chair,

Having under consideration the report of the Committee on "Distribution of the Powers of Government."

Mr. BROWN moved to strike out the first section of the report, but withdrew his motion before the question was taken.

Mr. BROWN moved to add to Section 1 the following:

*"But this article shall not be construed to exclude a Judge of Probate, or a Justice of the Peace, from the right to hold a seat in the Legislative Assembly, or an Executive office."*

Mr. WAITE moved to amend the section by striking out all after the word "Judicial."

Which suggestion was accepted by Mr. BROWN in lieu of his motion, and the prior motion was therefore withdrawn.

But the same was rejected.

Mr. BROWN moved to strike out the words, "except in the instances expressly provided in the Constitution."

Which motion was decided in the negative.

On motion of Mr. SETZER, the Committee rose, reported the article back to the Convention, without amendments, with a recommendation that the same be adopted and referred to the Committee upon Revision and Phraseology.

The report of the Committee was then concurred in.

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 Committee on the "Bill of Rights."

On motion of Mr. SETZER, the report was ordered to be read section by section.

Mr. BROWN offered the following as a substitute for the "preamble :"

"The people of Minnesota Territory, having the right of admission into the Federal Union, consistent with the Constitution of the United States, and the laws of Congress, approved March 3d, 1857, entitled 'an Act to enable the people of Minnesota to form a Constitution, and State Government preparatory to their admission into the Union on an equal footing with the original States,' in order to establish justice, promote the welfare and secure the blessings of liberty to themselves and to their posterity, do ordain and establish the following Constitution and form of Government—and do mutually agree with each other to form themselves into a free and independent State by the name of the 'State of Minnesota.' And they do hereby ratify the boundaries assigned to such State by the Act of Congress aforesaid, which are as follows, to wit: Beginning at the point in the centre 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 de Sioux River; thence along the main channel of said river to Lake Traverse; thence up the centre of said Lake to the southern extremity thereof; thence in a direct south line the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the State of Iowa; thence 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 of the State of Wisconsin, until the same intersects the St. Louis River; thence down the said river to and through Lake Superior on the boundary line of Wisconsin and

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-