

TWENTY-SIXTH DAY.

WEDNESDAY, August 12, 1857.

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

Prayer by the Rev. Mr. PENMAN.

The Journal of yesterday was read and approved.

On motion of Mr. KINGSBURY, Mr. SAMUEL SELBY was elected Assistant Secretary of the Convention, *vice* Mr. GASOWAY, declined.

Mr. SELBY then appeared, and was sworn in.

Mr. A. E. AMES submitted the following report:

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

"Executive Department.

A. E. AMES, Chairman."

The question arising upon concurring in the amendments of the Committee of the Whole to the report of the Committee on Finances of the State, Banks and Banking.

And the yeas and nays being called for and ordered, there were yeas 18 and nays 21, as follows:

Those who voted in the affirmative were,

Messrs. Barrett, Bailly, Curtis, Davis, Gorman, Holcombe, Kingsbury, Leonard, McGroarty, McMahan, Norris, Nash, Prince, Setzer, Sanderson, Stacey, Ten Voorde and Warner—18.

Those who voted in the negative were,

Messrs. A. E. Ames, Butler, Becker, Burwell, Brown, Baasen, Cantell, Day, Faber, Gilman, Jerome, Kennedy, Keegan, Lashelle, Meeker, Rolette, Streeter, Tuttle, Vasseur, Wait and Mr. President—21.

So the amendments of the Committee of the Whole were not concurred in.

Mr. BECKER moved to amend the 2d line of second Section, after the words "estimated expenses," insert the words "of the State."

Which amendment was carried.

Mr. BECKER moved to amend the 3d line of Section 2, before word "expenses," by inserting the words "such ordinary."

Which amendment was adopted.

Mr. CURTIS moved to amend by inserting in 5th line of Section 3, after word "Churches," the words "Church property used for religious purposes and houses of public worship."

Which amendment was adopted.

Mr. A. E. AMES moved to amend 9th line of Section 3, by striking out "may by general laws," and insert the word "shall."

Which amendment was adopted.

Mr. McGRORTY moved to amend the 4th line of Section 3, after the words "Public School houses," by inserting the words "Public Hospitals."

Which amendment was adopted.

Mr. CURTIS moved to strike out of Section 4, in 5th line, the words "be on," and insert the words "be subject to."

Which amendment was adopted.

Mr. MURRAY moved to strike out of Section 4, the words "without deduction."

Which motion was carried.

Mr. CURTIS moved to amend Section 5, by striking out the word "house," and insert "each branch of the Legislature."

Which amendment was adopted.

Mr. BECKER moved to amend Section 5, 3d line, by striking out the words "singly nor."

Which motion was carried.

Mr. PRINCE moved to amend Section 5, 11th line, by striking out the word "seven," and insert "ten."

Which motion was adopted.

Mr. PRINCE moved to amend Section 6, 3d line, by inserting the word "ten," in lieu of "seven."

Which motion was adopted.

Mr. A. E. AMES moved to amend Section 6, in line 5, after the word "sold," by inserting the words "by the State."

Which amendment was adopted.

Mr. MURRAY moved to strike out Section 13 entirely.

Which motion was carried.

Mr. STREETER moved to amend Section 14, by striking out the word "may" in the first line, and insert the word "shall."

Mr. MURRAY moved to amend the amendment by striking out Section 14, and insert as follows :

"SEC. 14. The Legislature may, by a two-third vote, pass a general Banking Law, with the following restrictions and requirements, viz :

And the yeas and nays being called for and ordered, there were yeas 31 and nays 10, as follows:

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Butler, Becker, Burns, Burwell, Bailly, Brown, Baasen, Curtis, Chase, Davis, Emmett, Faber, Flan-

drau, Gorman, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Murray, Meeker, McGrorty, McFetridge, McMahan, Norris, Nash, Prince, Sanderson, Tuttle and Wait—31.

Those who voted in the negative were,
Messrs. Baker, Barrett, Day, Gilman, Lashelle, Stacey, Streeter, Tenvoorde, Warner and Mr. President—10.

So the amendment to the amendment was adopted.

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

Mr. MURRAY moved to amend Section 14, by inserting in the 13th line, after the word "specie," the following: "and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks," and insert the five restrictions following.

Which amendment was adopted.

Mr. STACEY moved to amend by striking out in the fourteenth section all after the word "liable" in the seventeenth line and the eighteenth and nineteenth lines, and insert the words "for all debts of such corporation."

Which amendment was adopted.

The Article was then ordered to be engrossed.

On motion of Mr. BECKER, Mr. SHERBURNE was excused from attendance this day.

On leave, Mr. GORMAN introduced the following Resolution:

"Resolved, That the Sergeant-at-Arms report each member of the Convention in his seat at the earliest day possible."

Which Resolution was adopted.

The PRESIDENT announced the receipt of the following communication:

"CONSTITUTIONAL CONVENTION, HALL OF THE H. OF R. }
St. Paul, Aug. 11, 1857. }

"HON. H. H. SIBLEY, Presiding officer of that portion of the Delegates to the Constitutional Convention assembled in the Council Chamber, of this Capitol:

SIR,—The Constitutional Convention assembled in the Hall of the House of Representatives have this day passed the following Resolution, viz:

"Resolved, That the Secretary of this Convention is hereby directed to communicate to the presiding officer of that portion of the Delegates to the Constitutional Convention assembled in the Council Chamber of this Capitol an attested copy of the preamble and resolution in reference to a Committee of Conference, adopted on the 10th inst. and the official action of the Convention thereon.

"I have therefore the honor to communicate the enclosed attested Preamble and Resolution as the same passed this body on the 10th inst.

Respectfully,

"L. A. BABCOCK, Secretary of Convention.

PREAMBLE AND 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 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,

"Resolved, That a committee of five be appointed by the President of this Convention to confer with a committee of an equal number—if appointed, of duly elected members—of that portion of them who are acting separately from us, and that it shall be the duty of such committee to consider and agree upon, if practicable, and report some plan by which the two bodies can unite upon, a single Constitution to be submitted to the people."

"CONSTITUTIONAL CONVENTION, HALL OF THE H. OF R. }
St. Paul, Aug. 11, 1857. }

"I hereby certify the foregoing to be a true copy of a Preamble and Resolution which unanimously passed this body on the 10th instant.

Attest:

L. A. BABCOCK, Secretary."

On motion of Mr. BROWN, it was ordered that the same be referred to a select committee of five.

On motion of Mr. MURRAY, the Convention resolved itself into Committee of the Whole—Mr. KINGSBURY in the Chair—having under consideration the Report of the Committee on Elective Franchise.

Mr. CURTIS moved to amend section one by striking out the word "be" and inserting "have been for ten days."

Which motion was carried.

Mr. FLANDRAU moved to amend by inserting the words "have been" for the word "be," and adding to the section the following:

"—for such district: but this section shall not be construed to prevent a person legally qualified to vote, or from voting for a state officer or district officer in any part of the state or district of which he shall be an inhabitant."

Which amendment was rejected.

Mr. EMMETT moved to insert the word "four" in lieu of the word "six" in the third line, first section."

Which amendment prevailed.

Mr. BROWN moved to amend by striking out of section one, eleventh line the words "of Indian blood, and persons."

Which motion was carried.

Mr. BROWN moved to insert the following as a fourth classification:

"4th. Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before a District Court of the State, in such manner as may be provided by law, and shall have been pronounced by said Court capable of enjoying the rights of citizenship within the State."

Mr. CURTIS moved to amend the same by striking out "District Court" and inserting "Court of Record."

Which amendment was lost.

The question arising on the original amendment, it was adopted.

Mr. EMMETT moved to amend by striking out the words "who have," in the twelfth line, and inserting the words "who shall have dissolved all tribal relations, and"—

Which amendment was rejected.

On motion of Mr. SIBLEY, section seven was stricken out.

Mr. BROWN moved to amend section eight by adding thereto "except as otherwise provided in this Constitution or the Constitution and laws of the United States."

Which amendment prevailed.

On motion of Mr. FLANDRAU, the Committee rose, reported back the Article with amendments, and asked the concurrence of the Convention therein.

On motion of Mr. KINGSBURY, the amendments were concurred in in gross.

The report of the Committee was then concurred in and ordered to be engrossed.

By leave, Mr. WAIT from the Committee on impeachments and Removals from Office, presented the following report, the reading of which was suspended:

"Sec. 1. The Governor, Secretary of State, Treasurer, Auditor, Attorney-General, and the Judges of the Supreme and District Courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, in this State. The party convicted thereof shall nevertheless be liable, and sub-

ject to indictment, trial, judgment, and punishment, according to law.

"SEC. 2. The Legislature of this State may provide for the removal of inferior officers from office, for malfeasance, or misfeasance in the performance of their duties.

"SEC. 3. No Judicial officer shall exercise the duties of his office after he shall be impeached and before his acquittal.

"SEC. 4. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the Court.

"SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

"All of which is respectfully submitted.

HENRY C. WAIT, B. B. MEEKER, W. W. KINGSBURY, E. C. STACEY, WILLIAM P. MURRAY,	}	Committee."
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The PRESIDENT appointed the following gentlemen as a special Committee of five, pursuant to the order of the Convention, to wit:

MESSRS. GORMAN, SETZER, BROWN, HOLCOMBE, and KINGSBURY.

On motion of Mr. CURTIS, the Convention adjourned until half past 2 o'clock, P. M.

AFTERNOON SESSION.

2 1-2 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. CURTIS in the Chair, having under consideration the report of the Committee on School Funds, Education and Science.

Mr. BAASEN moved to strike out the Preamble.

Which motion was lost.

Mr. KINGSBURY moved to amend by striking out the word "are" in the first line, and insert "being."

Which motion was carried.

Mr. McMAHAN moved to amend section 2 by inserting in the third line before the word "said," the words "more than one half of."

Mr. SETZER moved to amend the amendment by striking out the paragraph and insert the following: For and during the term of ten years after the adoption of this Constitution, said lands shall only be disposed of by lease not to continue for a longer period than ten years.

Which amendment to the amendment was rejected.

Mr. KINGSBURY moved to amend the amendment by striking out the paragraph and inserting in lieu thereof the following: "For the term of ten years, said lands shall not be disposed of otherwise than by lease."

Which amendment to the amendment was carried.

Mr. MURRAY moved to amend the amendment by adding to the paragraph the following: "Except they can be sold for a sum not less than \$6 per acre."

Which amendment was rejected.

Mr. KEEGAN moved to amend the amendment by inserting "twenty" in lieu of "ten."

The amendment was rejected.

Mr. STREETER moved to amend the amendment by inserting "five" instead of "ten."

Which motion was lost.

The question recurring on the section as amended,

It was rejected.

Mr. STREETER moved to strike out the paragraph from 3d to 5th line of section 2.

Which amendment was lost.

Mr. GILMAN moved to amend section 2 by inserting after the word "undiminished," in the 8th line, the following: "And the proceeds arising from the rent or sale of school lands, shall be divided equally among the different townships supporting schools throughout the State."

Which amendment was rejected.

Mr. GORMAN moved to amend section 2, by striking out in the 10th line the words "by each township respectively."

Which amendment was adopted.

Mr. WAIT moved to amend by inserting after the word "undiminished," in 8th line, the words "and the income arising from the lease or sale of said school lands shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township between the ages of five and twenty-one years."

Which amendment to the amendment was adopted.

Mr. EMMETT moved to amend section 2, by striking out the second paragraph, and inserting in lieu thereof, the following: "For the term of ten years, not more than one-fourth of said lands in any one township shall be disposed of otherwise than by lease."

Which amendment was rejected.

Mr. GORMAN moved to amend section 2, by striking out the second paragraph, and substitute the following:

"And not more than one-third of said lands may be sold in two years, one-third in five years, and one-third in ten years."

Which substitute was adopted.

Mr. DAVIS moved to amend by adding after the above, "but the lands of the greatest valuation shall be sold first."

Which amendment was adopted.

Mr. EMMETT moved to strike out the first two paragraphs in section 2, and insert in lieu thereof, the following:

"Not more than one-fourth of said lands shall be disposed of otherwise than by lease for the first ten years."

Which amendment was lost.

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

Leave was granted.

Mr. EMMETT from the Committee on Counties and Towns, on leave submitted the following report, the reading of which was dispensed with :

"The Committee to whom was referred the subject of Counties and Towns, and the organization thereof, herewith submit the following report :

"Sec. 1. The Legislature may, from time to time, establish and organize new counties, but no new county shall contain less than four hundred square miles ; nor shall any county be reduced below that amount ; and all laws for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be effected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors.

Sec. 2. Laws shall be passed providing for the organization, for municipal and other purposes, of each Congressional township or fractional township in the several counties in the State, provided that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships, for the purposes aforesaid.

Sec. 3. Provision shall be made by law for the election of such county or township officers as may be necessary.

"Sec. 4. Each county and township organization shall have such powers of local taxation as may be prescribed by law, but the credit of neither shall ever be given or loaned in aid of any individual, association or corporation.

"Sec. 5. No money shall be drawn from any county or township treasury, except by authority of law.

L. EMMETT,
W. R. McMAHAN,
J. C. DAY,
R. H. SANDERSON, } Committee."

On motion of Mr. GORMAN, the Convention resolved into Committee of the Whole, Mr GILMAN in the Chair, having under consideration the report of the Committee on "Amendments to the Constitution."

After some time spent therein, the Committee rose and reported back the Article to the Convention, without amendment, and recommended its adoption.

The report of the Committee was then concurred in, and the Article ordered to be engrossed.

On motion of Mr. PRINCE, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

TWENTY-SEVENTH DAY.

THURSDAY, Aug. 13, 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.

Mr. A. E. AMES, from the Committee on Enrollment, presented the following report :

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

"On Name and Boundaries and Acceptance and Ratification."

A. E. AMES,
C. J. BUTLER, } Committee.

Mr. NORRIS, from the Committee upon the Seal of the State, &c., presented the following report, the reading of which was dispensed with :

"The committee upon the Seal of the State, Coat of Arms, and Design of the same, respectfully submit the following report :

"In the opinion of your Committee, it is the appropriate work of the Legislature of the State, to prepare a Seal, and determine upon a design of the same, and therefore present the following proposition to take such place in the Constitution as the Convention may direct :

SEC. — There shall be a seal of the State, which shall be kept