

On motion of Mr. SHERBURNE, the word "town" was inserted in section 2, in 2d line, after the word "other."

Mr. SIBLEY moved the following as a substitute for section 4:

"SEC. 4. Each County and Township organization shall have such power of local taxation as may be prescribed by general laws, and the credit of a County may be given or loaned in aid of any association or corporation, to an extent not exceeding two-fifths of its taxable property."

Mr. BROWN offered the following amendment to the substitute: To insert after the word "credit" the following:

"Of no County shall be given or loaned in aid of an individual or corporation, without express authority of law authorizing the same by a vote of the taxable inhabitants of the County."

Which amendment was rejected.

The question recurring on the substitute, it was rejected.

On motion of Mr. A. E. AMES, the Committee rose and reported back the Article to the Convention, with amendments, and asked concurrence therein.

The amendments to section 1 were then concurred in.

On motion of Mr. MEEKER, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

TWENTY-EIGHTH DAY.

FRIDAY, August 14, 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:

"Amendment to the Constitution, Elective Franchise, Preamble and Bill of Rights.

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

Mr. GORMAN from the Select Committee of five, made the following report :

"MR. PRESIDENT: The Committee to whom was referred the Resolutions of that body of our fellow citizens calling themselves a Convention, now sitting in the other end of the Capitol, have had the same under consideration, and directed the following report :

"On the day of August, a member of this Constitutional Convention introduced the same resolutions now before us, with a slight variation, and the Convention by a decisive vote indefinitely postponed them, by which, the Convention simply meant to say, that we as a Constitutional Convention, could not, and would be utterly unjustifiable in recognizing the body proposed to be conferred with. Thereupon a caucus was called of the members of this body, to appoint a Committee as such, to confer with a similar Committee of a Republican caucus, to consider and devise some means if possible, to be reported to the respective bodies, by which but one Constitution should be submitted to the people for ratification, or if two Constitutions *must be* submitted to the people, that they should be voted upon on the same day, to avoid conflict like to be otherwise created.

"This caucus appointed your present Committee, in the most honorable and dignified manner possible, intending the utmost personal respect for the individuals of the Republican party now meeting daily in the other end of the Capitol. Your Committee informed the Hon. Mr. Galbraith, the mover, (as we see by the daily papers) of the Resolutions now before us, and others, that we had been so appointed; that we only expected to meet a similar Committee from a similar caucus. We also stated that we would wait a reply at the room of the Secretary of the Territory in this Capitol, where we patiently waited for two hours or more.

"Your Committee had reason to believe that they would be met in the same friendly spirit, in which we intended all our actions and proceedings. We have good reason to believe, from information derived from honorable gentlemen of the Republican party, that soon after we proceeded to the Secretary's room, the Republicans met in caucus, and refused to meet us, but proposed to send a communication to the Convention, directed to the President, enclosing the resolutions now before us. It is proper to say distinctly, that we adopted the policy of a caucus Committee, out of respect to the feelings and position taken by the Republican party on the question of organization.

"We sincerely and conscientiously believed from the first, and firmly believe now, that we are the only legally constituted body, to form a Constitution for the people.

"We had also been repeatedly informed that the Republican party assumed the same position as to their organization.

Therefore, to the end, that neither party should be placed in a position to be recognized by the other, and that neither should have the least cause of complaint. A caucus Committee was thought the most wise and prudent course, our object was respectful, our

conduct was gentlemanly and orderly, our invitation to them to meet us for purposes of conciliation was as polite and respectful as language could express it, and to be met by a flat refusal, has lead to a suspicion which is fast growing into a belief, that they do not intend to conciliate.

"We have appointed the first and as yet, the only Committee of conference and conciliation. The Republicans to our knowledge, have neither appointed a Committee as a caucus, or in any other capacity.

"We are ready to meet any Committee of the Republican party who have been elected to the Convention, *no matter how appointed*, if they propose to deliberate with us, as such Committee for the welfare of our future State, and to avert any threatened danger to our public or private tranquility, an end which is regarded as far above all party considerations.

"We have inaugurated the first proposal for consultation, conciliation and peace. We have the welfare of our Territory and future State at heart. We earnestly hope that no future calamity may befall our people. But we feel that we are the only rightful Constitutional Convention and we will not officially consent to recognize any other, but all can easily be reconciled if the Republicans will meet our caucus Committee by their caucus Committee, and when met, all amicable arrangements made and concluded, be reported to each party in caucus, and then acted upon calmly, and in that statesmanlike spirit which we hope and trust may characterize the deliberations of us all.

If each party act as a Convention, the most perfect equality must exist, each must be recognized by the other as a Constitutional Convention, which necessarily involves a contradiction of the position taken by each. Therefore, if this is not done, we are acting, at best, but as a caucus.

"Your Committee respectfully recommend the adoption of the following resolution :

"*Resolved*, That this Constitutional Convention cannot receive any communication of any body of men assuming to be the Constitutional Convention of this Territory, by which the legal character of this Convention can be called in question.

W. A. GORMAN,	} Committee."
JOSEPH R. BROWN,	
WILLIAM HOLCOMBE,	
HENRY N. SETZER,	
W. W. KINGSBURY,	

On motion of Mr. BECKER, the said report was unanimously adopted.

Mr. WARNER introduced the following resolution :

"*Resolved*, That the Secretary be authorized to purchase an additional amount of stationery to the amount of two hundred dollars."

Which resolution was adopted.

Mr. FLANDRAU presented the following petition from sundry half bloods and Indians of the Sioux nation :

"Petition of the Hazlewood Republic to the Convention assembled at Saint Paul for the purpose of forming a Constitution for the State of Minnesota :

To the Honorable, the Members of the Convention.:

"The undersigned, your petitioners, would respectfully represent,

"1st. That they are living on the Dakota Reservation, within the bounds of the proposed State of Minnesota.

"2d. That they are composed of half bloods of the Dakota nation, who by the organic act of the Territory, are constituted citizens ; and full blood Dakotas, who have not, by that instrument, been thus invested.

"3d. That their Republic has been formed on the principles of education and labor ; in other words, they have learned to read and write their own language, and some of them have obtained a partial knowledge of the English language, and they have adopted the dress and habits of civilized men.

"4th. That they have organized themselves into a civilized band for the purpose of fixing and extending civilization, education and the religion of the Bible among their people.

"Your petitioners therefore desire that all who are civilized and educated among the Indians, whether part or full blood, may be recognized by the Constitution as citizens of the State of Minnesota, and be entitled to all the immunities and privileges of the same.

PAUL MA-ZA-KU-TE-MA-NI,
HENOCK MAR-PI-YA-H-DI-NA-PI,
ENOS WA-SU-HO-WAX-TE,
SIMON ANA WAG-MA-NI,
LORENZO LAURENCE,
ELI WA-KI-YA-HDI,
AMOS EE-TO-KI-YA,
MICHEL RENVILL.
ANTOINE RENVILL,
ISAAC RENVILL,
JOSEPH KA-WAN-KI,
ROBERT CHASKE.

Hazlewood, M. T., July 4th, 1857."

The question arising upon the adoption of the additional Sec. 2 of the report of the Committee on Counties and Towns, as reported.

Ms. SETZER moved to recommit the same to the Committee, with instruction to report general and special laws on the subject of county organization to be embodied in the Constitution.

Which motion was lost.

The yeas and nays being called for and ordered, there were yeas 25, nays 16.

Those who voted in the affirmative were,

Messrs. Butler, Becker, Burns, Burwell, Bailly, Brown, Curtis, Chase, Gilman, Holcombe, Jerome, Kingsbury, Kennedy, Keegan, M'Grorty, Norris, Prince, Setzer, Sherburne, Stacey, Shepley, Sturgis, Tuttle, Warner, Mr. President.—25.

Those who voted in the negative were :

Messrs. A. E. Ames, Armstrong, Barrett, Baasen, Day, Emmett, Faber, Flandrau, Gorman, Lashelle, Meeker, McMahan, Sanderson, Streeter, Ten Voorde, Wait.—16.

So the additional section was adopted.

The amendments to section 3 as amended were all concurred in.

Mr. BAASEN moved to amend section 5 by striking out the last clause from the word "law," in the second line.

And the yeas and nays being called for and ordered, there were yeas 23, nays 19.

Those who voted in the affirmative were,

Messrs. Armstrong, Becker, Baker, Barrett, Burns, Burwell, Bailly, Brown, Baasen, Day, Faber, Flandrau, Gilman, Keegan, Meeker, McMahan, Stacey, Sturgis, Streeter, Tuttle, Wait, Warner and Mr. President—23.

Those who voted in the negative were,

Messrs. A. E. Ames, Butler, Curtis, Chase, Emmett, Gorman, Holcombe, Kingsbury, Kennedy, Leonard, Lashelle, M'Grorty, Norris, Prince, Setzer, Sanderson, Sherburne, Shepley, Ten Voorde—19.

So the amendment was adopted.

The Article was then ordered to be engrossed.

Mr. SETZER moved to reconsider the vote by which the amendment to section 2 of School Funds, Education and Science was adopted.

Which motion was rejected.

The Article on School Funds, Education and Science was then adopted and ordered to be engrossed.

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 the Judiciary.

Mr. EMMETT moved to amend by striking out section 3 and substituting the following:

"SEC. 3. The Judges of the Supreme Court shall be elected by the electors of the State at large, and their term of office shall be seven years and until their successors are elected and qualified."

Which motion prevailed.

On motion of Mr. SETZER, 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 half-past two 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.

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

Mr. A. AMES in the Chair,

Having under consideration the report of the Committee on the Judiciary.

Mr. MEEKER moved to amend section 3, as adopted, by striking out the word "seven" and insert "ten," and add to the section the following: "But the said Judges shall not be re-eligible to the same office."

Mr. WAIT moved to amend the amendment by striking out the last clause.

The question being taken on both amendments, they were rejected.

Mr. CHASE moved to strike out "seven" and insert "six" in lieu thereof, and add after the section the following:

"At the first election, one Supreme Judge shall be elected for two years, one for four years, and one for six years, after which, one Supreme Judge shall be elected every two years."

Which amendment was rejected.

On motion of Mr. WAIT, the word "four" in the fourth line, section 7, was struck out, and "two" inserted.

On motion of Mr. BROWN, the words "and whose term of office shall be four years," in section 7, 11th line, were struck out the words "term of office" inserted in the 10th line after the word "duties."

On motion of Mr. SHERBURNE, the words "and open at all times," in section 7, were struck out, and the following added in lieu thereof: "and be held at such time and places as may be prescribed by law."

On motion of Mr. STREETER, the word "three," in the 3d line of section 8 was struck out, and "two" inserted in lieu thereof.

On motion of Mr. EMMETT, the words "under this Constitution," were inserted after the word "office," in section 11, 4th line.

On motion of Mr. FLANDRAU, the 4th line in section 12 was struck out.

On motion of Mr. SIBLEY, section 15 was struck out.

On motion of Mr. STREETER, the words "appointed or" were struck out of the first line, section 16.

On motion of Mr. FLANDRAU, the words "to be called a Court Commissioner," were inserted in the 2d line, section 16, after the word "State."

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

Mr. A. E. AMES moved that the amendments be concurred in, in gross. Pending which question,

On motion of Mr. MEEKER, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

TWENTY-NINTH DAY.

SATURDAY, Aug. 15, 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. A. E. AMES, a call of the House was ordered, and the Sergeant-at-Arms was directed to report the absent members in their seats.

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

The question recurring on adopting the amendments of the Committee of the Whole to the report of the Committee on the Judiciary, in gross.

And the ayes and nays being called for and ordered, there were yeas 25, nays 18.