

THIRTY-SEVENTH DAY.

TUESDAY, Aug. 25, 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. CHASE, from the Committee on Phraseology and Revision, presented the following report:

"The Committee on Phraseology and Revision have had under consideration the different Articles of the Constitution, and report the same back to the Convention with some verbal corrections.

Your Committee recommend the following classification and arrangement of the different Articles of the Constitution:

PREAMBLE.

Article 1st.

NAME AND BOUNDARIES.

2d.

BILL OF RIGHTS.

3d.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

4th.

LEGISLATIVE DEPARTMENT.

5th

EXECUTIVE DEPARTMENT.

6th.

JUDICIARY.

7th.

THE ELECTIVE FRANCHISE.

8th.

SCHOOL FUNDS, EDUCATION AND SCIENCE.

9th.

FINANCES OF THE STATE, BANKS AND BANKING.

10th.

CORPORATIONS HAVING NO BANKING PRIVILEGES.

11th.

COUNTIES AND TOWNSHIPS.

12th.

THE MILITIA.

13th.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

14th.

THE ACCEPTANCE OF THE PROVISIONS OF CONGRESS.

15th.

MISCELLANEOUS PROVISIONS.

16th.

AMENDMENTS TO THE CONSTITUTION.

17th.

SCHEDULE.

All of which is respectfully submitted.

C. L. CHASE, Chairman.

B. B. MEEKER.

W. R. McMAHAN.

} Committee.

Which report was accepted and the recommendation of the same were adopted.

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

Mr. MURRAY in the Chair.

Having under consideration the report of the Committee on the "Schedule."

After sometime spent therein, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

Upon motion of Mr. SETZER, the Convention resolved itself into Committee of the Whole.

Mr. BECKER in the Chair.

Having under consideration the report of the Committee on Phraseology and Revision.

Mr. MEEKER moved to insert the word "navigable" in the fifth line of section two, of the "Name and Boundaries," before the word "waters."

Mr. EMMETT moved that the section be passed over for the present informally.

Which motion was lost.

Mr. A. E. AMES moved to amend the amendment in line five, section two, by erasing the letter "s" from the word "rivers," and insert after the word "waters," the words "and the navigable waters."

Which proposition was accepted by Mr. MEEKER, and the amendment was carried.

Mr. EMMETT moved to amend by adding the following to the section :

"The Legislature may also from time to time on such terms as may be just, declare any stream or streams used in the transportation of lumber to be common highways for lumbering purposes."

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

*"Provided, That riparian proprietors shall be recompensed for any damages that may arise from such appropriation of private streams."*

Which amendment to the amendment did not prevail.

The question recurring on the original amendment,

It was decided in the negative.

Mr. FLANDRAU moved to strike out the word "original," in the fourth line of the ninth section of the "Bill of Rights."

Mr. MEEKER moved to amend the motion by inserting the word "criminal" in lieu of the word "original."

Which amendment was rejected.

The question recurring on Mr. FLANDRAU'S motion.

It was carried.

Mr. EMMETT moved to amend the ninth article, by striking out from the word "all" in the fourth line, to the word "and" in the eighth line, and insert the following in lieu thereof:

*"Actions for libel or slander whether civil or criminal, the truth may be given in evidence as a bar to the action."*

Mr. FLANDRAU moved to amend the amendment by striking out the words "or indictments," and leaving the section to stand as it is.

Which amendment was lost.

Mr. CURTIS moved to amend the amendment by striking out the word "indictments" and insert the words "civil actions," and to insert the words "or slander" after the word "libel."

Which motion was lost.

The question recurring on Mr. EMMETT'S motion,

It was decided in the negative.

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

Leave was granted.

Mr. SETZER moved that the rules be suspended so as to allow the introduction of a resolution.

The motion was carried.

Mr. SETZER then introduced the following resolution:

*"Resolved, That where amendments have been adopted or rejected on a previous occasion, such subject shall not be again considered."*

Mr. MEEKER moved that the resolution be laid upon the table.

Which motion prevailed.

And the resolution was tabled.

Mr. TAYLOR moved to adjourn until half past two o'clock, p. m.

Which motion was lost.

Mr. BAASEN moved a call of the Convention.

Which motion was lost.

On motion of Mr. MEEKER the Convention adjourned until half-past two 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. BAASEN, a call of the Convention was ordered.

The Sergeant-at-Arms was ordered to report the absent members in their seats.

Mr. EMMETT moved that the Committee on Conference be excused from attendance this day.

Which motion was lost.

Mr. SETZER moved that Mr. McGRORTY be excused from attendance for twenty minutes.

Which motion was not agreed to.

On motion of Mr. A. E. AMES, Mr. McGRORTY had leave of absence for half an hour.

On motion of Mr. A. E. AMES, further proceedings under the call were dispensed with.

Mr. A. E. AMES, on leave, introduced the following resolution :

*“ Resolved, That on the call of the Convention, the names of the absent members shall be entered on the Journal.”*

Which resolution was adopted.

Mr. WAIT moved a suspension of the rules in order to allow the introduction of a resolution.

Which motion was carried.

Mr. WAIT then offered the following resolution :

*“ Resolved, That no discussion shall be in order in Convention or in Committee of the Whole, on Articles or Sections reported back by the Committee on Phraseology and Revision, which have been heretofore passed upon and adopted by this Convention, except when an apparent discrepancy in such Article or Sections may make explanation necessary.”*

Pending the consideration of which, on motion of Mr. EMMETT, a call of the Convention was ordered.

After the roll had been called, on motion of Mr. A. E. AMES, further proceedings under the call were dispensed with.

The question recurring on the adoption of the resolution, it was decided in the affirmative.

Mr. WAIT moved a suspension of the rules so as to allow the introduction of a resolution.

Which motion was carried.

Mr. A. E. AMES then offered the following resolution:

*"Resolved, That the engrossed articles shall be only considered as amended in Convention."*

But the resolution was withdrawn prior to taking the question thereon.

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

Mr. BECKER in the Chair.

Having under consideration the report of the Committee on Phraseology and Revision.

After sometime spent therein, on motion of Mr. M. E. AMES, the Committee rose, reported back the Article to the Convention with amendments, and asked concurrence therein.

The amendments of the Committee of the Whole were concurred in.

On motion of Mr. CURTIS, the letter "s" was struck off the words "oaths" and "affirmations" in the 11th section of Bill Rights.

On motion of Mr. MEEKER, the word "said" was struck out of 4th line, section 13, and the word "a" inserted in lieu thereof.

Mr. BECKER moved to strike out of the 14th section, the words "first paid or secured."

Which motion was carried.

On motion of Mr. BECKER, the words "to meet" were inserted in the 4th line 6th section of the Article on the Legislative Department, before the word "without."

On motion of Mr. MEEKER, the words "Senate or" were inserted in the 5th line, section 7 of the same article.

Mr. STACEY moved to strike out the word "three" in 2d line, section 7, and insert "five."

Which motion was lost.

Mr. STACEY moved to insert "four" instead of "three."

Which motion was lost.

On motion Mr. MEEKER, the word "and" was inserted in the 4th line, section 8, before the word "for."

On motion of Mr. CURTIS, the words "until two years," were struck out in 7th line of section 9.

Mr. CURTIS moved to strike out the word "shall" in the eighth line, section 11, and insert the word "may."

Which motion was lost.

On motion of Mr. MEEKER, lines ten and eleven of section 23, were stricken out.

Mr. SWAN moved that section 28 be stricken out.

Which motion was lost.

Mr. EMMETT moved to amend section 29 by substituting the following for the two first lines:

"Each member and officer of the Legislative Assembly shall, before entering upon the duties of his trust or office."

Which motion was carried.

On motion of Mr. M. E. AMES, the word "electing" was stricken out of section 15, and the line amended so as to read "the elective franchise, or of being elected to any office."

Mr. EMMETT moved to amend section 15 so that the same will read "the privilege of being elected to any office."

Which motion was carried.

On motion of Mr. SETZER, further consideration of the report was postponed until to-morrow.

On motion of Mr. SETZER, the Committee on Enrollment were instructed to have the Articles so far definitely acted upon, enrolled at their earliest convenience.

On motion of Mr. SETZER, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

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### THIRTY-EIGHTH DAY.

WEDNESDAY, Aug. 26, 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 Convention was ordered and the following members were found absent:

Messrs. M. E. AMES, Baker, Bailly, Brown, Baasen, Cantell, Chase, Flandrau, Gilbert, Gorman, Holcombe, Jerome, Kingsbury, Murray, McGrorty, McFetridge, Nash, Rolette, Setzer, Sanderson, Sherburne, Shepley, Sturgis, Tuttle, Vasseur, and Wilson.

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