

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.

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.

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

Mr. WAIT moved to insert the word "Circuit" in lieu of "District," in section 1, second line of the "Judicial" Article.

Which motion was lost.

Mr. CURTIS moved to strike out the words "Seat of Government," in the ninth line of section 2.

Which motion was lost.

Mr. EMMETT moved to amend section 2, by striking out from the word "Government" in the ninth line to the end of the paragraph in the eleventh line.

Which amendment was not agreed to.

Mr. CURTIS moved to strike out of section 3, line first, the word "Judges," and insert the word "Justices."

Which motion was carried.

Mr. M. E. AMES moved to strike out of section 4, sixth line, the word "seven," and insert in lieu thereof, the word "five."

Which motion was carried.

On motion of Mr. A. E. AMES, the word "Justices" was inserted in section 6, first line, in lieu of the word "Judges," and the words "Judges of the" inserted before the word "District" in said first line.

On motion of Mr. M. E. AMES, the words "and general probate powers," were inserted in the thirteenth line of section 7.

On motion of Mr. M. E. AMES, the word "over" was struck out of the eighth line of section 8.

Mr. WARNER moved to strike out the word "one" in sixth line, section 8, and insert "two."

Which motion was lost.

Mr. TAYLOR moved to strike out the word "two" in third line, section 8, and insert "one" in lieu thereof.

Which motion was lost.

Mr. STURGIS moved to insert the words "and fifty" in sixth line, section 8.

Which motion was lost.

On motion of Mr. M. E. AMES, the word "seven" was struck out of the fourth line, section 9, and "five" inserted in lieu thereof.

On motion of Mr. A. E. AMES, the word "Justice of the Supreme Court, or" were inserted in the first line of section ten.

On motion of Mr. STREETER, the words "or appointed" were struck out of the fourth line of section 10.

On motion of Mr. WAIT, the words "Judges of," were inserted in first line, section 11.

Mr. CURTIS moved to strike out of section 11, the words "given by the Legislature of the people."

Which motion was lost.

Mr. TAYLOR moved to insert the word "two" in lieu of "four," in the fourth line, section 13.

Which motion was lost.

Mr. A. E. AMES moved to strike out of section 14, the words "but they shall be in substance according to the common law."^a

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

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Becker, Barrett, Burns, Burwell, Curtis, Cantell, Chase, Day, Flandrau, Gilman, Jerome, Kennedy, Keegan, Lashelle, Murray, McFetridge McMahan, Rolette, Sturgis, Streeter, and Swan—25.

Those who voted in the negative were,

Messrs. Baasen, Davis, Emmett, Faber, Gorman, Leonard, Meeker, Norris, Nash, Prince, Setzer, Sherburne, Stacey, Taylor, Ten Voorde, Wait, Warner, and Mr. President—18.

So the motion was carried, and the words were stricken out.

Mr. M. E. AMES moved that the rules be suspended so as to allow the introduction of an amendment to a passed section.

Which motion was lost.

On motion of Mr. WAIT, the word "any" was struck out of section 2, 3d line of the Article on Elective Franchise.

Mr. STREETER moved to strike out Section 5 of said Article.

Which motion was lost.

Mr. BAASEN moved to strike out the Preamble of the Article on School Funds, Education and Science.

Which motion was lost.

Mr. BUTLER moved to insert the words "investigation in," in the 7th line of section 1.

Which motion was lost.

Mr. EMMETT moved to strike out the the Preamble, and also to strike out the words "in literature and science and," in the 4th line, section 1 ; also, the words "for the promotion of agriculture, arts, science, trade, manufactures and natural history."

And the yeas and nays being called for and ordered, there were yeas 19 and nays 23, as follows:

Those who voted in the affirmative were,

Messrs. Butler, Becker, Baasen, Curtis, Emmett, Flandrau, Gorman, Jerome, Kennedy, Keegan, Norris, Nash, Rolette, Setzer, Sanderson, Sherburne, Stacey, Swan and Ten Voorde—19.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Barrett, Burns, Burwell, Chase, Davis, Day, Faber, Gilman, Leonard, Lashelle, Meeker, McFetridge, McMahan, Prince, Sturgis, Streeter, Taylor, Wait, Warner and Mr. President—23.

So the amendment was rejected.

Mr. CHASE moved to add after the 7th line of section 2, the words "for less than five dollars per acre."

Which motion was lost.

Mr. EMMETT moved to strike out the words "but the lands of the greatest valuation shall be sold first."

Which motion was lost.

Mr. WARNER moved to strike out section 3.

Which motion was lost.

Mr. TAYLOR moved to strike out of Section 5 of the Article on Finances of the State, Banks and Banking, in 11th line, the word "ten" and insert "five."

Which motion was lost.

On motion of Mr. BECKER, the words "at any one time," were inserted in the 3d line of Section 5 of said Article.

On motion of Mr. M. E. AMES, the words "singly nor" were struck out in the said section 5.

On motion of Mr. EMMETT, the words "an appropriation by," were struck out of section 9.

On motion of Mr. CURTIS, the word "whom," was struck out of section 11, and the words "what source," inserted in lieu thereof.

Mr. TAYLOR moved to strike out section 13.

Which motion was lost.

Mr. BECKER moved to strike out of section 2, 4th line, the word "two," and insert "ten" in lieu thereof, and strike out all to the colon following.

Which motion was lost.

Mr. M. E. AMES moved to amend section 14, 3d subdivision, by striking out all after the word "liable" in the 17th line, and insert, in lieu thereof, "Over and above the stock by him or her owned, to a further sum at least equal in amount to such stock."

And the yeas and nays being called for and ordered, there were yeas 25, nays 18, as follows:

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Becker, Barrett, Curtis, Cantell, Chase, Day, Emmett, Flandrau, Gilman, Jerome, Leonard, Lashelle, Meeker, McFetridge, McMahan, Prince, Rolette, Setzer, Sturgis, Taylor, Ten Voorde, Tuttle and Wait—25.

Those who voted in the negative were,
Messrs. Armstrong, Butler, Burns, Burwell, Baasen, Davis, Faber, Kennedy, Keegan, McGrorty, Norris, Nash, Sanderson, Stacey, Streeter, Swan, Warner and Mr. President—18.

So the amendment was adopted.

Mr. M. E. AMES moved to amend the second clause of section 14, by inserting after the words "stocks" in 13th line, the words "railroad bonds."

Mr. BECKER moved to amend the amendment by striking out the words "United States Stock or State Stocks."

And the yeas and nays being called for and ordered, there were yeas 4, nays 38, as follows:

Those who voted in the affirmative were,

Messrs. Becker, Emmett, Setzer and Tenvoorde—4.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Barrett, Burns, Burwell, Baasen, Curtis, Chase, Davis, Day, Faber, Flandrau, Gorman, Gilman, Jerome, Kennedy, Keegan, Leonard, Lashelle, Meeker, McPetridge, McMahan, Norris, Nash, Prince, Rolette, Sanderson, Stacey, Sturgis, Streeter, Swan, Taylor, Tuttle, Wait, Warner and Mr. President.

So the motion was lost.

Mr. BAASEN moved to amend the amendment by adding after the words "State Stocks," the words "or first mortgage bonds on Rail Roads in this State; said bonds not to exceed the amount of \$10,000 for each mile of roads in running order."

And the yeas and nays being called for and ordered, there were yeas 5, nays 39, as follows:

Those who voted in the affirmative were,

Messrs. M. E. Ames, Barrett, Baasen, Chase and Setzer—5.

Those who voted in the negative were,

Messrs. A. E. Ames, Armstrong, Butler, Becker, Burns, Burwell, Curtis, Davis, Day, Emmett, Faber, Flandrau, Gorman, Gilman, Jerome, Kennedy, Keegan, Leonard, Lashelle, Murray, Meeker, McGrorty, McPetridge, McMahan, Norris, Nash, Prince, Rolette, Sanderson, Stacey, Sturgis, Streeter, Swan, Taylor, Tenvoorde, Tuttle, Wait, Warner and Mr. President—39.

So the amendment to the amendment was rejected.

The question recurring on the original amendment,

And the yeas and nays being called for and ordered, there were yeas 2, nays 43, as follows:

Those who voted in the affirmative were,

Messrs. M. E. Ames and Setzer—2.

Those who voted in the negative were,

Messrs. A. E. Ames, Armstrong, Butler, Becker, Barrett, Burns, Burwell, Baasen, Curtis, Cantell, Chase, Davis, Day, Emmett, Faber, Flandrau, Gorman, Gilman, Jerome, Kennedy, Keegan, Leonard, Lashelle, Murray, Meeker, McGrorty, McFetridge, McMahan, Norris, Nash, Prince, Rolette, Sanderson, Stacey, Sturgis, Streeter, Swan, Taylor, Ten Voorde, Tuttle, Wait, Warner and Mr. President —43.

So the amendment was rejected.

Mr. KEEGAN moved to amend section 1, fifth line, of the Article on "Corporations having no Banking Privileges," by striking out the word "natural" and insert the word "other."

Which motion was lost.

Mr. CURTIS moved to insert the word "individuals" in lieu of the words "natural persons" in section 1.

Which motion was lost.

On motion of Mr. WAIT, the quotation marks in the first section were struck out.

On motion of Mr. EMMETT, the word "all" was inserted in lieu of the word "the," in seventh line, section 4.

On motion of Mr. EMMETT, the words "already organized," in the 5th line of section 1 of Article on Counties and Townships, were struck out and the word "organized" inserted in the 4th line, before the word "Counties."

On motion of Mr. EMMETT, the word "such" was struck out of the 8th line of section 1, and the words "in each County" added after the word "electors."

Mr. SHEPLEY moved to strike out all after the word "Counties" in the 2d line of section 1.

Which motion was lost.

Mr. TAYLOR moved to strike out the word "twenty" in 2d line of section 3, and insert "eighteen" instead.

Which motion was lost.

Mr. A. E. AMES moved to insert in the 2d line of section 3, after the word "purposes," the words "by general laws."

Which motion was lost.

Mr. EMMETT moved to add the following to section 5:

"But its credit shall never be given or loaned in aid of any individual, association or corporation."

Mr. BAASEN moved a call of the Convention.

Which motion was lost.

Mr. TAYLOR moved to adjourn.

Which motion was lost.

Mr. STACEY moved to adjourn until half-past two.

Which motion was lost.

The yeas and nays being called for and ordered upon Mr. EMMETT's amendment, there were yeas 21, nays 21.

Those who voted in the affirmative were,

Messrs. A. E. Ames, Butler, Barrett, Curtis, Chase, Day, Emmett, Flandrau, Gorman, Leonard, Lashelle, Murray, McGrorty, Norris, Prince, Setzer, Sanderson, Shepley, Sturgis, Swan and Taylor—21.

Those who voted in the negative were,

Messrs. M. E. Ames, Armstrong, Becker, Burns, Burwell, Baasen, Davis, Faber, Gilman, Kennedy, Keegan, Meeker, McFetridge, McMahan, Stacey, Streeter, Ten Voorde, Tuttle, Wait, Warner and Mr. President—21.

So the amendment was rejected by a tie vote.

Mr. TAYLOR moved that the Convention adjourn.

Which motion was lost.

Mr. MURRAY moved to adjourn until 2½ o'clock P. M.

Which motion was lost.

Mr. STACEY moved that the report of the Committee be deferred for the present.

Which motion was lost.

Mr. STACEY moved that the Convention adjourn until half-past two P. M.

Mr. BAASEN moved a call of the Convention.

Which motion was lost.

Mr. A. E. AMES moved to amend section 1 of the Article on Impeachments and Removals from Office, by striking out the word "Judges," in the 2d line, and insert the word "Justices," and insert before the word "District," in the 2d line, the words "Judges of."

Which motion was carried.

Mr. EMMETT moved to amend section 5 by inserting after the word "copy," in the 2d line, the words "of the articles."

Which motion was carried.

On motion of Mr. CHASE, the Convention adjourned until half-past two P. M.

2½ O'CLOCK P. M.

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

On motion of Mr. TENVOORDE, a call of the Convention was ordered, and the following gentlemen were found absent:

Messrs. Baker, Burns, Chase, Faber, Flandrau, Gilbert, Holcombe

Kingsbury, Kennedy, Leonard, McGrorty, Norris, Nash, Prince, Rolette, Sherburne, Shepley, Warner and Wilson.

Mr. EMMETT moved to insert the words, "Territory for the use of the" in the eleventh line of section three of the Article on Miscellaneous Subjects.

Which motion was lost.

Mr. SETZER moved to add the following to section 4:

"And the right of suffrage and holding office shall also be secured to married women."

Which amendment was rejected.

Mr. SETZER moved to strike out section 5.

Which motion was lost.

Mr. SETZER moved that the further consideration of the Article on amendments be dispensed with until to-morrow.

And the yeas and nays being called for and ordered, there were yeas 21, nays 23, as follows:

Those who voted in the affirmative were,

Messrs. A. E. Ames, Armstrong, Burns, Cantell, Davis, Day, Gilman, Jerome, Keegan, Lashelle, McGrorty, McFetridge, Prince, Rolette, Setzer, Stacey, Sturgis, Streeter, Taylor, Vasseur, and Wait—21.

Those who voted in the negative were,

Messrs. M. E. Ames, Butler, Becker, Barrett, Burwell, Baasen, Curtis, Chase, Emmett, Gorman, Kennedy, Leonard, Murray, Meeker, McMahan, Norris, Sanderson, Shepley, Swan, Ten Voorde, Tuttle, Warner and Mr. President—23.

So the motion was lost.

Mr. GILMAN moved to take a recess of one hour.

Which motion was lost.

Mr. ROLETTE moved the Convention adjourn.

Which motion was lost.

On motion of Mr. M. E. AMES the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.