

Which motion was carried, and the report was read by the Secretary.

Mr. GORMAN moved to substitute the subject matter of report of the Committee for the Constitution heretofore adopted.

Mr. SETZER here raised a point of order upon said motion.

Which point of order was overruled by the President.

Whereupon Mr. SETZER appealed from the decision of the Chair, and the yeas and nays being called for and ordered upon said appeal.

There were 31 votes to sustain the decision, and 7 votes against sustaining the decision.

Those who voted to sustain the decision of the Chair were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Becker, Burns, Brown, Curtis, Chase, Davis, Emmett, Flandrau, Gorman, Holcombe, Kingsbury, Murray, Meeker, McGrorty, McMahan, Norris, Nash, Prince, Sanderson, Sherburne, Stacey, Shepley, Sturgis, Streeter, Swan, Tuttle and Warner—31,

Those who voted against sustaining the decision were;

Messrs. Baasen, Gilbert, Gilman, Setzer, Taylor, Tenvoodre and Wait—7.

So the decision of the Chair was sustained.

Pending the question on Mr. GORMAN's motion to substitute, Mr. BAASEN moved to adjourn.

Which motion was lost.

Mr. CURTIS moved to amend the motion by striking out the Judicial Districts as reported, and to insert the report heretofore made.

Pending the consideration of which, on motion of Mr. A. E. AMES, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.

FORTIETH DAY.

FRIDAY, Aug. 28, 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. MEEKER offered the following resolution :

Resolved, That any member of this Convention who may not be present to sign the Constitution now in the process of completion may sign the same in the office where it may be lodged for safe keeping any time after adjournment of *sine die*.

Which resolution was adopted.

On motion of Mr. A. E. AMES, a call of the Convention was ordered.

And the following gentlemen were found absent.

Messrs. Baker, Bailly, Brown, Day, Gilman, Holcombe, Kingsbury, Sherburne, Shepley, Streeter, Tenvoorde, Tuttle, Wait, and Wilson.

On motion of Mr. CURTIS the gentlemen composing the Committee of Conference were excused for ten minutes.

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

On motion of M. E. AMES, all further proceedings under the call were dispensed with.

On motion of Mr. M. E. AMES, the rules were suspended so as to allow the introduction of a resolution.

Which motion was carried and Mr. M. E. AMES introduced the following resolution :

Resolved, That the President of this Convention be directed to procure on such terms as he may deem just and reasonable, the publication of two thousand copies of Debates and Proceedings of the Constitutional Convention, as taken by the official Reporter, including the Organic Act of the Territory, the Enabling Act of Congress, the Act of the Territorial Legislature relative to this Convention, and an abstract of the vote of the people on the adoption of the Constitution, with a full and complete index to the same, to be paid for as a part of the expenses of this Convention, provided that said copies shall be furnished subject to the order of the President on or before the first day of January, 1858.

Resolved, That five copies of said Debates and Proceedings be furnished for the use of each member and officer of this Convention, and that the remaining copies be deposited in the Library of the Territory or future State.

Which resolution was adopted.

Mr. GORMAN, on leave, introduced the following resolution :

Resolved, That in making up accounts with the Official Reporter, the President of this Convention be instructed to allow such additional sum as may be necessary to realize in cash, the full amount designated in the contract with said Reporter without discount.

Which resolution was adopted.

Mr. GILMAN offered to amend the Fourth Judicial District as reported by the Committee of Conference by striking out the counties enumerated in the same, inserting the following counties, to wit:

"Anoka, Sherburne, Benton, Morrison, Crow Wing, Mille Lac, Todd, Cass, Pembina, Stearns, Wright, and Meeker Counties."

And the yeas and nays being called for and ordered thereon, there were yeas 20, nays 30.

Those who voted in the affirmative were,

Messrs. Becker, Baasen, Curtis, Cantel, Gilman, Jerome, Leonard, Murray, McGrorty, McFetridge, Nash, Rolette, Setzer, Shepley, Sturgis, Taylor, Tenvoorde, Vasseur, Wait, and Warner—20.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Barrett, Burns, Burwell, Brown, Chase, Davis, Day, Emmett, Flandrau, Gilbert, Gorman, Holcombe, Kingsbury, Kennedy, Keegan, Lashelle, Meeker, McMahan, Norris, Prince, Sanderson, Sherburne, Stacey, Streeter, Swan, and Mr. President—30.

So the amendment was rejected.

Mr. BAASEN moved to amend the report of the Committee of Conference of the Elective Franchise, by striking out Sec. 1 as reported by them, and substitute Sec. 1 of said Article, as ordered to be enrolled by the Convention.

And the yeas and nays being called for and ordered thereon, there were yeas 7, nays 42, as follows:

Those who voted in the affirmative were,

Messrs. Baasen, Murray, McMahan, Nash, Setzer, Shepley, Taylor—7.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Becker, Barrett, Burns, Burwell, Brown, Curtis, Cantell, Chase, Davis, Day, Emmett, Flandrau, Gilbert, Gorman, Gilman, Holcombe, Jerome, Kingsbury, Kennedy, Keegan, Leonard, Meeker, McGrorty, McFetridge, Norris, Prince, Rolette, Sanderson, Sherburne, Stacey, Sturgis, Streeter, Swan, Tenvoorde, Vasseur, Wait, Warner, and Mr. President—42.

So the amendment was rejected.

Mr. WARNER moved to strike out of the report "Rice County," in the 5th Judicial District, and insert the same in the 3d Judicial District.

Which motion was lost.

Mr. STURGIS moved to strike out of the report "Hennepin Coun-

ty," in the 4th Judicial District, and insert the same in the 2d Judicial District.

Mr. FLANDRAU moved to amend the amendment by inserting "Dakota County," also in the 2d Judicial District.

Which amendment to the amendment was rejected.

The question recurring on the original motion of Mr. STURGIS.

It was rejected.

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

Mr. McGRORTY moved to amend the schedule by striking out in the second Senatorial and Representative District the figures "3" and "6," and inserting "4" and "7" in lieu thereof.

Pending the consideration of which,

On motion of Mr. BECKER, the Convention adjourned until 2½ 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. WARNER, a call of the House was ordered and the following members found absent:

Messrs. Baker, Bailly, Faber, Flandrau, Gilman, Nash, Sherburne, Tuttle, and Wilson.

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

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

The question recurring on Mr. McGRORTY's motion.

It was decided in the negative.

Mr. MURRAY moved the previous question upon the adoption of the subject matter of the report of the Committee on Conference.

And the yeas and nays being called for and ordered, there were yeas 31, nays 15, as follows:

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Barrett, Burns, Burwell, Bailly, Curtis, Chase, Davis, Day, Emmett, Gilbert, Gorman, Holcombe, Kennedy, Keegan, Leonard, Lashelle, Murray, Meeker, McGrorty, McMahan, Norris, Prince, Sherburne, Stacey, Streeter, Swan, Ten Voorde and Mr. President—31.

Those who voted in the negative were,

Messrs. Butler, Becker, Brown, Baasen, Cantell, Jerome, Kingsbury, McFetridge, Rolette, Setzer, Shepley, Sturgis, Taylor, Vasseur, and Wait—15.

So the previous question was ordered.

The question recurring on adopting the subject matter of the report of the Committee on Conference, and ordering the same enrolled,

Mr. SETZER having called for a division of the question,

The yeas and nays being called and ordered there were yeas 38, nays 13, as follows:

Those who voted in the affirmative were,

Messrs. A. E. Ames, M. E. Ames, Armstrong, Butler, Becker, Barrett, Burns, Burwell, Bailly, Brown, Curtis, Chase, Davis, Day, Emmett, Flandrau, Gilbert, Gorman, Gilman, Holcombe, Kingsbury, Kennedy, Keegan, Leonard, Lashelle, Meeker, McGrorty, McMahon, Norris, Nash, Prince, Sanderson, Sherburne, Stacey, Streeter, Swan, Warner, and Mr. President—38.

Those who voted in the negative were,

Messrs. Baasen, Cantell, Jerome, Murray, McFetridge, Rolette, Setzer, Shepley, Sturgis, Taylor, Ten Voorde, Vasseur, and Wait—13.

So the report was adopted.

The question recurring upon ordering the same enrolled.

It was decided in the affirmative, and the same was ordered to be enrolled,

On motion of Mr. KINGSBURY, the articles were ordered to be enrolled in the following order:

- " 1. Preamble and Bill of Right.
- " 2. Names and Boundaries.
- " 3. Distribution of the Powers of Government.
- " 4. Legislative Department.
- " 5. Executive Department.
- " 6. Judiciary.
- " 7. The Elective Franchise.
- " 8. School Funds, Education and Science.
- " 9. Finances of the State, Banks and Banking.
- " 10. Corporations having no Banking Privileges.
- " 11. Counties and Townships.
- " 12. The Militia.
- " 13. Impeachments and Removals from Office.
- " 14. Miscellaneous Provisions.
- " 15. Schedule."

On motion of Mr. BROWN, the Secretary of the Convention was ordered to inform the Secretary of the body in the east wing of the Capitol of the passage of the report of the Committee on Conference.

Mr. BAASEN moved to adjourn.

Which motion was lost.

On motion of Mr. GORMAN absent members were allowed to record their votes upon the question of adoption of the report of the Committee on Conference.

Mr. BAASEN moved to adjourn.

Which motion was lost.

On motion of Mr. GORMAN the SECRETARY was allowed to procure such assistance as will procure the enrollment of the Constitution by to-morrow.

On motion of Mr. M. E. AMES the vote by which the Secretary was instructed to inform the Secretary of the body in the east wing of the capitol of the passage of the report, was reconsidered.

Mr. AMES then moved that the President of the Convention be instructed to inform the presiding officers of the Convention in the east wing of the Capitol of the passage of the report of the Committee on Conference which motion was substituted for the motion of Mr. BROWN and it was so ordered.

Mr. MURRAY, on leave, introduced the following resolution:

"Resolved, That the President and Auditing Committee be instructed to add a sufficient sum to the bill of the Territorial Printer so as to make their claim equivalent to Cash."

And the yeas and nays being called for and ordered, there were yeas 16, nays 21.

Those who voted in the affirmative were,

Messrs. Becker, Burns, Davis, Day, Gilbert, Gorman, Gilman, Kingsbury, Keegan, Lashelle, Murray, Stacey, Shepley, Sturgis, Taylor and Warner—16.

Those who voted in the negative were,

Messrs. A. E. Ames, Armstrong, Butler, Bailly, Brown, Curtis, Chase, Emmett, Holcombe, Kennedy, Meeker, McGrorty, Norris, Prince, Sanderson, Sherburne, Streeter, Swan, Ten Voorde, Wait and Mr. President—21.

So the resolution was rejected.

Mr. BECKER offered the following resolution:

"Resolved, That the sum of \$100 be appropriated for translating the Constitution into the German language, and that H. Petzold of St. Paul, be employed to make the translation."

Which resolution was adopted.

The following communication and resolution was received, read and ordered to be entered upon the Journal.

" ST. PAUL, August 28, 1857:

"To the Hon. H. H. Sibley, President:

" I have the honor to communicate that the Convention over which I preside, this day passed the Report of the Joint Committee on Conference on the subject of the formation of a Constitution without any amendment, and also the enclosed resolutions.

" Yours, most respectfully,

St. A. D. BALCOMBE, President."

"Resolved, That the report of the Committee on Conference, as read a third time and passed by this Convention, is hereby referred to said Committee, to be by them carefully compared with the report as adopted in the other body; and that the Committee on Conference be instructed to arrange and number the Articles of the Constitution in their proper order, and immediately cause the whole Constitution to be correctly enrolled for its due verification and authentication by this Convention.

"Resolved, That the President of this Convention communicate the fact of the adoption of the report of the Committee on Conference without amendment, and the passage of the above resolution, to the President of the Convention sitting in the Council Chamber of this Capitol."

Mr. BUTLER offered the following resolution:

"Resolved, That \$100 be appropriated for translating the Constitution into the Swedish language, and that some competent person be employed, under the direction of the President, to effect the translation."

Mr. STURGIS moved to amend the resolution so as to insert the "French language," and doubling the appropriation so as to make compensation for both of \$100 each.

Which amendment prevailed.

The question recurring on the adoption of the Resolution as amended, it was decided in the affirmative.

Mr. CURTIS offered the following Resolution:

"Resolved, That fifteen thousand copies of the Constitution, when enrolled, be printed under the direction of the Secretary of this Convention, of which five thousand copies shall be printed in the German language and two thousand in the Swedish language, and two thousand in the French language; and when printed, each Delegate shall be entitled to two hundred and fifty copies of the whole number, for distribution."

Which Resolution was adopted.

Mr. BECKER moved to reconsider the vote by which the Report of the Committee on Conference was ordered to be enrolled.

Which motion was carried.

Whereupon Mr. BECKER offered the following Resolution as a substitute for the motion:

"Resolved, That the Conference Committee be instructed to act in conjunction with the Conference Committee from the east end of the Capitol, in superintending the enrollment of the Constitution as proposed by the Resolution enclosed in the communication just received."

Which Resolution was adopted.

Mr. GORMAN offered the following Resolution:

"Resolved, That if the Auditor and Treasurer of this Territory decline to recognize the organization of the Convention presided over by Hon. St. A. D. BALCOMBE, that Hon. H. H. SIBLEY, President, and J. J. NOAH, Secretary, sign certificates for such members of that Convention as were elected to the Constitutional Convention, provided they be presented for such purpose, and to include the printing for that body."

Mr. BAASEN moved to indefinitely postpone the said Resolution, but withdrew his motion prior to its being put.

Mr. BAASEN then moved to refer the Resolution to a special committee of three.

Mr. A. E. AMES moved to amend the motion by referring the Resolution to the Committee on Conference.

Pending the consideration of which, Mr. McMAHAN moved to adjourn.

Which motion prevailed.

And the Convention adjourned.

Attest:

H. H. SIBLEY, President.

J. J. NOAH, Secretary.

FORTY-FIRST DAY.

SATURDAY, August 29, 1858.

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. WARNER, a call of the Convention was ordered, and the following gentlemen were found absent: