

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:

Messrs. Baker, Burns, Burwell, Brown, Chase, Day, Flandrau, Gilman, Holcombe, Kingsbury, Leonard, McMahon, Nash, Rolette, Sturgis, Swan, Taylor, Tuttle, Wait and Wilson.

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

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

On motion of Mr. MURRAY, the Convention took a recess of half an hour.

After the recess had expired, the Convention was called to order by the PRESIDENT.

On motion of Mr. DAVIS, the Convention took a further recess of one hour.

After the recess had expired, the Convention was called to order by the PRESIDENT.

The PRESIDENT announced that he had received the following communication from the Superintendent of Indian Affairs, which communication was ordered to be inserted in the Journal :

"OFFICE OF NORTHERN SUPERINTENDENCY, }
ST. PAUL, August 28, 1857. }

"Hon. H. H. Sibley, President of the Constitutional Convention:

"SIR : I have the honor to acknowledge the receipt, through the Secretary of the Convention, of the following resolution of the Constitutional Convention, viz :

"Resolved, That the Secretary of this Convention be requested to obtain from the Superintendent of Indian Affairs, an exhibit of the amount of Indian lands within the limits of the proposed State ; the number of Indians therein, together with the amount of the annuities paid to them, and report the same to this Convention.

"In reply to the same, permit me to state that it affords me great pleasure to communicate, as far as the records of this office will furnish the data, the authentic information you desire. Though, from the fact, that the Reservations have not yet been surveyed, (with the exception of the Winnebago Reserve,) and the government surveys have not yet been made of the unceded Indian Territory, renders it impossible to determine the exact amount of Indian Lands, as desired by the resolution. The estimated amount, however, will not vary from the following, viz :

Winnebago Reserve,.....	324 square miles.
Sioux of the Mississippi Reserve,.....	3000 " " "
Chippewas and Pillagers of the Mississippi, say.....	700 " " "
Unceded Lands lying in the North of the State, East of the	
Red River of the North,.....	10,500 " " "

In Square miles,.....14,524

The number of Indians consisting of Annuity Indians as follows, viz :

Winnebagoes,.....	1,866
Chippewas of the Mississippi,.....	2,206
Pillager and Lake Winnebago Ostrich,.....	2,031
Sioux of the Mississippi, both Upper and Lower bands,.....	6,383
	<hr/> 12,486
New Annuitants—	
The Bois Fort or Red Lake Indians,.....	1,600
	<hr/> 14,080

The amount paid by the United States to the several tribes of Indians in the Territory of Minnesota within the limits of the proposed new State, as annuities in money, provisions and goods, is as follows, viz :

To the Chippewas, as per treaty stipulations, treaties of 1837, 1842, 1847, 1854 and 1855 : Money annuities,.....	\$29,733 34
Pillager and Lake Winnebegosish band of Chippewas in money,....	10,666 66
Provisions to both above,.....	5,500 00
Goods,.....	17,833 33
	<hr/> \$63,733 34

To Winnebagoes—

Money annuities,.....	\$48,000 00
Provisions,.....	10,000 00
Goods,.....	20,000 00
Tobacco,.....	1,500 00
	<hr/> \$79,500 00

Sioux of Mississippi—

Money annuities to Upper Sioux,.....	\$43,294 11
Money annuities to Lower bands,.....	46,784 48
Provisions,.....	16,400 00
Annuity goods,.....	16,000 00
	<hr/> \$122,478 59

"This does not include the various annuities paid by the United States for the purposes of education, agriculture, blacksmiths, support of the departments at the various Agencies, which is paid on account of the Indians, and for their benefit, but not to them. The above several amounts being directly paid to the Indians, I suppose covers the information desired by the Convention under the resolution.

"I have the honor to remain your obedient servant,

M. J. CULLEN,
Superintendent of Indian Affairs."

The question recurring upon the resolution offered by Mr. GORMAN yesterday,

Mr. MEEKER moved to postpone the consideration of the resolution until the 4th day of July next.

And the yeas and nays being called for and ordered, there were yeas 38, nays 7.

Those who voted in the affirmative were,

Messrs. Butler, Becker, Barrett, Burns, Bailly, Baasen, Curtis, Cantell, Chase, Day, Emmett, Faber, Flandrau, Gilbert, Gilman, Holcombe, Jerome, Kennedy, Keegan, Lashelle, Murray, Meeker, McFetridge, McMahan, Norris, Prince, Rolette, Setzer, Sanderson, Stacey, Shepley, Sturgis, Streeter, Taylor, Ten Voorde, Tuttle, Vasseur, Mr. President.—38.

Those who voted in the negative were,

Messrs. A. E. Ames, M. E. Ames, Davis, Gorman, Swan, Armstrong, Warner.—7.

So the resolution was ordered to be postponed until the 4th day of July next.

Mr. BUTLER offered the following resolution :

"Resolved, That ten thousand copies of the Constitution as enrolled, in addition to those previously ordered, be printed in pamphlet form, under the direction of the Secretary, for distribution by members of the Convention."

Which resolution was adopted.

Mr. HOLCOMBE offered the following resolution :

"Resolved, That the President of this Convention authorize a certificate to be given to Rev. J. PENMAN for services as Chaplain of this Convention, allowing him the same per diem as received by Delegates and for the same time."

Which resolution was adopted.

Mr. STREETER offered the following resolution :

"Resolved, That the 53 legally elected members occupying seats in the east wing of the Capitol, be requested to come forward and sign the Constitution agreed upon by the Committee on Conference, and adopted by the Constitutional Convention, that they may be entitled to pay as members of the Constitutional Convention, and that C. A. COE, of Houston, and ROBERT LYLE, of Mower County, be allowed mileage and per diem, as contestants."

Mr. TAYLOR moved that the resolution be indefinitely postponed.

Which motion was carried, and the resolution was indefinitely postponed.

Mr. TENVOORDE offered the following resolution :

"Resolved, That two thousand copies of the Constitution be printed in the Norwegian language, and that the sum of one hundred dollars be appropriated for the payment of an interpreter."

Which resolution was adopted.

Mr. SETZER offered the following resolution :

"Resolved, That two thousand copies of the Constitution be printed in the Irish language."

Which resolution, on motion Mr. FLANDRAU, was indefinitely postponed.

Mr. FLANDRAU offered the following resolution :

"Resolved, That the President of the Constitutional Convention be authorized to sign certificates for the mileage and per diem of those Delegates to the Convention who have been assembled in the House of Representatives, with the exception of four Delegates from St. Anthony, when said certificates shall be presented to him, and that he also be authorized to sign the certificates of Mr. Case of Houston, and Mr. Tyler of Mower, for per diem and mileage as contestants."

Mr. CURTIS moved to postpone the resolution indefinitely.

The yeas and nays being called for and ordered, there were yeas 33, nays 11.

Those who voted in the affirmative were,

Messrs. M. E. Ames, Armstrong, Butler, Becker, Barrett, Burns, Bailly, Brown, Baasen, Curtis, Chase, Day, Emmett, Faber, Holcombe, Kennedy, Keegan, Lashelle, Murray, Meeker, McFetridge, Prince, Rolette, Setzer, Sanderson, Sherburne, Shepley, Sturgis, Streeter, Taylor, Ten Voorde, Tuttle, Warner and Mr. President.
—33.

Those who voted in the negative were,

Messrs. A. E. Ames, Davis, Flandrau, Gilbert, Gorman, Kingsbury, McGrorty, McMahan, Norris, Stacey and Swan—11.

So the resolution was indefinitely postponed.

Mr. HOLCOMBE offered the following resolution :

"Resolved, That the President of this Convention be and is hereby authorized to have the enrolled Constitution, with the signatures attached, transcribed upon parchment, to be verified by his certificate, and that the same be deposited in the office of the Governor of the Territory, and that a sum not exceeding seventy-five dollars be appropriated towards defraying the expenses authorized to be incurred."

Mr. BROWN moved to amend the resolution, by striking out all before the compensating clause, and insert the following :

"Resolved, That if this Constitution shall be adopted by the people, that the Governor of the Territory be, and he is hereby requested to have a copy thereof transcribed on parchment, with the signatures attached, for preservation in the archives of the State."

Which amendment was rejected.

The question recurring on the original resolution, it was adopted.

Mr. BAASEN moved to reconsider the resolution, authorizing the President to have the Constitution enrolled on parchment.

Mr. BROWN then moved to substitute the following for said resolution:

"Resolved, That the sum of seventy-five dollars be appropriated for transcribing the Constitution on parchment, to be signed by the President, Secretary and members of this Convention."

Which motion was carried, and the substitute was adopted.

On motion of Mr. MEEKER, it was ordered that members sign the Constitution in duplicate.

Mr. BROWN from the Committee on Conference, submitted the following report:

"The Joint Committee of the two Conventions appointed to agree upon and submit one Constitution, to be presented to the people of the State of Minnesota for ratification or rejection, would respectfully report that in accordance with the instructions to said Committee, they have enrolled and now report a copy of the Constitution, carefully compared, and identical with the copy heretofore reported by the Committee and adopted by the two Conventions, and now ready for verification by the Convention."

M. SHERBURNE, Chairman.
L. K. STANNARD, Secretary.
JOSEPH R. BRWON,
W. HOLCOMBE,
CYRUS ALDRICH,
CHARLES M. CHASE,
THOS. J. GALBRAITH,
W. W. KINGSBURY."

Which report was accepted, and the Constitution, as reported by them finally adopted and ordered for signature.

Mr. A. E. AMES, on leave, offered the following amendment:

"Resolved, That a vote of thanks of the Constitutional Convention are eminently due and hereby tendered to the Hon. H. H. Sibley, for the dignified and impartial manner he has presided over this Convention."

Which resolution was adopted unanimously.

Mr. HOLCOMBE offered the following resolution:

"Resolved, That Mr. F. H. Smith, the Reporter of this Convention, is entitled to the thanks of this Convention, for the prompt and impartial manner with which he has discharged his duties."

Which resolution was adopted unanimously.

Mr. BROWN offered the following resolution:

"Resolved, That the thanks of this Convention be tendered to J. J. Noah, Esq., for the able manner in which he has performed the arduous duties of Secretary to this Convention."

Which resolution was adopted unanimously.

On motion of Mr. BECKER, the members were ordered to sign the Constitution in Council Districts.

On motion of Mr. BROWN, the members signing were ordered to affix the name of the county which they represent.

On motion of Mr. PRINCE, the Convention adjourned until half-past two o'clock.

AFTERNOON SESSION.

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

On motion of Mr. KINGSBURY recess was taken for half an hour.

After the recess had expired the Convention was called to order by the PRESIDENT.

The Auditory Committee presented their report; which report was adopted.

And the resolution reported by the said committee, was, on motion of Mr. A. E. AMES, adopted.

Mr. BROWN offered the following resolution :

"Resolved, That the Secretary of this Convention be authorized to prepare and superintend the printing of the Journal of this Convention, (other than the debates,) and indexing the same, and also to transcribe the same into a proper book for preservation."

Which resolution was adopted.

On motion of Mr. DAVIS, the resolution by which the Convention ordered the excess of pay to members was reconsidered.

On motion of Mr. A. E. AMES, the resolution was ordered expunged from the record.

Mr. FLANDRAU offered the following resolution :

"Resolved, That the Territorial Printer be designated by this Convention to do all the printing that is to be done for this Convention."

Which resolution was rejected.

Mr. TAYLOR moved to adjourn *sine die*.

Which motion was rejected.

Mr. FLANDRAU offered the following resolution :

“ *Resolved*, That all the printing of this Convention be done by some democratic printing office in this Territory.”

Mr. CURTIS moved to insert in same the words ‘in case it can be done in one year.’

Which motion was lost.

Mr. DAVIS offered the following substitute :

“ *Resolved*, That the printing of the journals and other public documents be distributed among the different democratic offices of this Territory ”

Which substitute was rejected.

The question recurring on the original resolution, and the yeas and nays being called for and ordered thereon, there were yeas 28, nays 14, as follows :

Those who voted in the affirmative were :

Messrs. A. E. Ames, Becker, Burns, Burwell, Bailly, Cantell, Faber, Flandrau, Gilman, Holcombe, Jerome, Kingsbury, Kennedy, Lashelle, Murray, McFetridge, McMahan, Nash, Rolette, Sherburne, Stacey, Shepley, Sturgis, Swan, Ten Voorde, Tuttle, Vasseur, Warner, Mr. President.—28.

Those who voted in the negative were :

Messrs. Butler, Brown, Curtis, Davis, Emmett, Gilbert, Keegan, Meeker, McGrorty, Norris, Prince, Setzer, Sanderson, Streeter.—14.

So the resolution was adopted.

Mr. STACEY moved to adjourn *sine die*.

Which motion was lost.

The Committee on Credentials presented the following report :

“ Your Committee on Credentials respectfully report that they have satisfactory evidence of the *legal election* of the following named Delegates to the Constitutional Convention, viz :

“ Messrs. St. A. D. Balcombe, Benj. C. Baldwin, G. A. Komp, Wm. F. Russell, N. B. Robbins, Jr., Simeon Hardin, W. H. C. Folsom, Wentworth Hayden, D. L. King, T. D. Smith, E. P. Davis, Thomas Wilson, E. N. Bates, Thos. Bolles, D. D. Dickerson, Thomas Foster, Lewis McKune, W. J. Duley, R. L. Bartholomew, N. P. Colburn, H. A. Billings, A. G. Hudson, Charles Gerrish, Frank Mantor, Amos Coggs well, L. K. Stannard, L. C. Walker, Charles McClure, Boyd Phelps, Joseph Peckham, Geo. Watson, Chas. F. Low, P. A. Cederstam, Charles P. Sheldon, David Morgan, James A. McCann, John A. Anderson, A. H. Butler, Chas. Hanson, John Clighorn, A. B. Vaughn, Henry Eschle, Cyrus Aldrich, F. Ayer, A.

W. Coombs, Thomas J. Galbraith, H. W. Holly, B. F. Messer, W. H. Mills, John W. North, O. E. Perkins, C. W. Thompson, Philip Winel.—53.

"THEREFORE, Your Committee offer for adoption the following resolution :

" *Resolved*, That the foregoing named Delegates to the Constitutional Convention, be paid three dollars per day for the session, together with mileage.

A. E. AMES,
J. S. NORRIS,
JOSEPH R. BROWN, } Committee."

Mr. MURRAY moved that the reading of the same be dispensed with, and laid on the table.

Which motion was carried.

Mr. BECKER moved that the Convention adjourn *sine die*.

Which motion was carried, and the Convention adjourned *sine die*.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.