

attempted to deprive him of his seat in the Convention, and in endorsement of the resolutions.

Mr. HOLCOMBE followed in support of the Resolutions.

Mr. WAIT of Stearns County, rose to a personal explanation of his political position, and in favor of the resolutions.

Mr. BROWN next spoke in favor of their passage.

Mr. SHERBURNE then followed supporting the Preamble and Resolutions, as did

Mr. CURTIS of Washington County.

Mr. BAKER spoke in favor of their passage, and on his motion the Convention adjourned until Monday at 10 o'clock, A. M.

H. H. SIBLEY, President, *pro tem.*

Attest:

R. F. HOUSEWORTH, Secretary, *pro tem.*

TWELFTH DAY.

MONDAY, July 27, 1857.

The Convention met at 10 o'clock, A.M., pursuant to adjournment and was called to order by the President, *pro tem.*

The proceedings of Friday were read and approved.

The first business in order being the consideration of the Resolutions offered by Mr. FLANDRAU on a previous day,

Mr. BUTLER spoke in favor of their passage.

Mr. STACEY followed in support of the Resolutions.

Mr. SIBLEY also addressed the Convention, expressing his hearty concurrence in the sentiments embodied in the Resolutions under discussion.

The Preamble and Resolutions were then adopted as follows:

"Whereas, There is official evidence, through the report of the Committee on Credentials, that there is a majority of the legally elected members to the Constitutional Convention who claim, and are entitled to seats in this Convention,

"And whereas, The members ascertained to be legally elected from the official documents before this Convention, represent more than sixteen hundred majority of the popular vote of the Territory,

"And whereas, There is now a body of men who have taken possession of one of the Halls of this Capitol, and call themselves the Constitutional Convention—without any legal authority or right, although some of those connected with that assemblage may be

entitled to seats in this Convention, but who have not seen proper as yet to present their credentials or to attend the meetings of this body, since the regular adjournment of the Convention on Monday the 13th instant; therefore,

"Resolved, That the assemblage of persons now occupying the Representatives Hall, of this Capitol, styling themselves the 'Constitutional Convention,' is without the authority of law or of parliamentary usage, and revolutionary in its character, and therefore should not be recognized by the electors of this Territory, nor the officers of the General or Territorial Government.

"Resolved, That a copy of the above Preamble and Resolutions, together with a copy of the Report of the Committee on Credentials, be forwarded to the President of the United States, each of the heads of the Departments of the General Government, each of the members of the Senate and House of Representatives of the United States, and to the Governor, Secretary, Marshal, Librarian, Auditor and Treasurer of the Territory of Minnesota."

Mr. STACEY submitted the following as a form for oaths of Delegates, which was adopted by the Convention:

"I do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and will faithfully and impartially discharge all the duties incumbent on me as a Delegate to the Constitutional Convention of Minnesota, according to the best of my ability; so help me God."

Mr. BROWN moved that the evidence of the election of Mr. ARMSTRONG, as Delegate to the Convention from the county of Mower, be referred to the Committee on Credentials, with instructions to report at the earliest possible period.

And the vote being taken the motion prevailed.

Mr. SETZER moved the members of the Convention be now sworn in.

Which motion prevailed.

Mr. FLANDRAU moved the members all be sworn in at once, they rising in their places for that purpose; the oath to be administered by Judge NELSON; which motion prevailed.

The oath as adopted was then administered to the members of the Convention in attendance.

Mr. GILMAN moved the roll of members be now called.

The motion was carried.

The roll was then called by the Secretary, and the following gentlemen answered to their names:

Messrs. A. E. Ames, M. E. Ames, Baker, Bailly, Barrett, Baasen, Becker, J. R. Brown, Burns, Burwell, Butler, Chase, Cantell, Curtis, Day, Wm. A. Davis, Emmett, Faber, Flandrau, Gilbert, Gorman, Gilman, Holcombe, Jerome, Keegan, Kennedy, Kingsbury, Lashelle,

Leonard, Meeker, M'Grorty, M'Fetridge, M'Mahan, Murray, Nash, Norris, Prince, Rolette, Sanderson, Sherburne, Setzer, Stacy, Street-er, Sturgis, Swan, Shepley, Sibley, Taylor, Ten Voorde, Tuttle, Vasseur, Wait, Warner and Wilson.

Mr. SETZER moved the Convention adjourn until two o'clock P. M.

The motion was lost.

Mr. BECKER offered the following resolution, which was adopted.

Resolved, That there be printed for the use of the members of the Convention, one hundred copies each of the Enabling Act, and the Act which passed the last Legislature relative to the Constitutional Convention."

Mr. STACEY then moved the Convention adjourn until two o'clock P. M.

The motion prevailed.

AFTERNOON SESSION.

The Convention met at two o'clock P. M.

Journal of the forenoon session read and approved.

Mr. BECKER offered the following resolution, which was adopted :

Resolved, That the oath of office be administered by the Hon. H. C. Waite, to such members of the Constitutional Convention as were not present during the morning session.

Mr. SETZER then moved the Convention proceed to the election of permanent officers.

The motion was carried.

Mr. SETZER offered the following resolution, which was adopted:

Resolved, That Henry H. Sibley be elected President of the Convention; and also, that J. J. Noah be elected Secretary; David Kinghorn, Assistant Secretary; Francis H. Smith, Official Reporter; Joseph Tesarow, Sergeant-at-Arms; Wm. Sabury, Assistant Sergeant-at-Arms; John Bell and Peter Zoller, Messengers, and Rev. Mr. Riheldaffer Chaplain."

Mr. A. E. AMES moved that a Committee of three be appointed to draft rules for the government of this body.

The motion was adopted.

The PRESIDENT appointed as such Committee, Messrs. A. E. AMES, HOLCOMBE and BECKER.

Mr. GORMAN moved that a Committee of three be appointed to contract with the Official Reporter elect of the Convention, for his services in reporting the doings of the same.

The motion was carried.

The President appointed as such Committee, Messrs. GORMAN, FLANDRAU and GILMAN.

Mr. SHERBURNE offered the following preamble and resolutions:

"Whereas, By an Act of the Congress of the United States, passed on the third day of March, 1857, the inhabitants of the Territory of Minnesota, embraced within the limits mentioned in the first section of said Act, were authorized to form for themselves a Constitution and State Government, by the name of the State of Minnesota, and to come into the Union on an equal footing with the original States according to the Federal Constitution; and

"Whereas, In pursuance of said Act of Congress, and in accordance with its provisions, this Convention was duly elected by a majority of the legal voters in said proposed limits of said Territory mentioned in said Act, and is now ready to proceed to the formation of a Constitution to be proposed to the people. Therefore,

"Resolved, That it is the wish of the people embraced within the limits mentioned in the first section of said act, to be admitted into the Union as a State at this time."

Mr. MURRAY moved they be committed to a Special Committee of three, with instructions to report as soon as possible.

The motion was lost.

The preamble and resolutions were adopted.

Mr. BROWN offered the following additional resolutions, which were adopted.

"Resolved, That the Secretary of the Interior be requested to instruct the United States Marshal to cause a census to be taken of the population included within the limits of the State without delay.

"Resolved, That the Secretary of the Interior be also requested to instruct the Marshal to furnish to the Secretary of the Territory, a statement of the population of each county immediately after the same shall have been returned to the Marshal.

"Resolved, That a copy of the foregoing resolutions be properly attested by the President and Secretary of the Convention, and forwarded to the Secretary of the Interior immediately.

The following resolution offered by Mr. SHERBURNE was then adopted:

"Resolved, That a Committee of seven be appointed by the President of the Convention to consider and report upon the best method of proceeding in forming a State Constitution.

The PRESIDENT appointed as such Committee, Messrs. SHERBURN, MEEKER, FLANDRAU, NORRIS, KINGSBURY, DAVIS and STREETER.

Mr. HOLCOMBE moved that a Committee of three be appointed to inform the officers elect of their election.

Which motion was adopted.

The PRESIDENT appointed Messrs. HOLCOMBE, BAILLY and SWAN as such committee.

Mr. GORMAN moved that the Secretary make a contract for \$150 worth of stationery for the use of the Convention.

Mr. MEEKER moved to amend by inserting \$250 worth of stationery.

Which amendment was lost.

Mr. BECKER moved to amend by allowing each member one dollar's worth of stationery.

Which amendment was lost.

The vote then recurring on the original motion, it was adopted.

The Secretary elect then came forward and was sworn in.

On motion of Mr. KINGSBURY the Convention then adjourned until to-morrow at ten o'clock, A. M.

H. H. SIBLEY, President, *pro tem*.

Attest:

R. F. HOUSEWORTH, Secretary, *pro tem*.

THIRTEENTH DAY.

TUESDAY, July 28, 1857.

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

The Journal of yesterday was read and approved.

Rev. Mr. RHELDAPPER, having declined the office of Chaplain, and JOHN BELL, having declined the office of Messenger,

Mr. KEEGAN moved that HUGH A. GANNETT be chosen Messenger in place of JOHN BELL. Carried.

Mr. MURRAY moved that the Rev. JOHN PENMAN be chosen Chaplain in place of Rev. Mr. RHELDAPPER. Carried.

The Sergeant-at-arms, Assistant Sergeant-at-arms, and Messenger elect, appeared and were sworn in.

Mr. WARNER offered the following resolution: