

# CONSTITUTION OF THE STATE OF MINNESOTA

**Secretary of State's Note:** In accordance with the Enabling Act of February 26, 1857, an election was held on June 1, 1857, at which Republican and Democratic delegates were elected to the constitutional convention. When these delegates assembled in St. Paul on July 13, 1857, to draft the Minnesota constitution, bitterness between the two parties was so intense that Republican and Democratic delegates refused to meet in the same convention. As a result, each party held separate sessions in different rooms of the first capitol building.

The Democratic convention was presided over by Henry H. Sibley, later elected first governor of Minnesota. The Republican convention was presided over first by John W. North, and later by St. Andrew D. Balcombe.

The political discord was so great that the two bodies never acted in joint meeting during the entire constitutional convention which lasted from July 13 to August 29, 1857. The final work was done through a conference committee composed of five conferees from each of the conventions. The conferees, by reporting to and receiving advice from their respective conventions, were able to draft a constitution that would be acceptable to both bodies. On August 28, 1857, in spite of numerous protests by delegates, the report of the conference committee was adopted without amendment by both the Republican and Democratic conventions.

However, when it came time to sign the constitution, emotions were still so intense that Democrats would not sign a document that bore Republican signatures, and the Republicans objected to signing a document that bore the signatures of Democrats. The solution to this impasse: two constitutions. One constitution was written on white paper and signed by only Republicans. The other constitution was written on blue-tinted paper and signed by only Democrats.

Therefore, on the 29th day of August, after seven weeks of political dispute and disagreement, the two conventions adjourned after as many members as could bring themselves to do so signed the copy of the constitution enrolled for their particular convention.

The constitution provided for an election to be held on October 13, 1857. At this election the voters were to accept or reject the constitution. The ballots used for this purpose were printed to provide for only affirmative votes. A voter who wished to reject the constitution had to alter his ballot and write in a negative vote. The result: 30,055 for acceptance and 571 for rejection.

The procedure for acquiring statehood not only requires a constitution to be approved by the voters of the proposed state, but also that the constitution be approved by Congress. In December 1857, the Minnesota constitution was submitted to the U.S. Senate for ratification.

A certified copy of the Democratic constitution was transmitted to the Senate by the territorial secretary. This copy was attached to the bill for the admission of Minnesota into the Union. However, when the bill was reported back from the Senate, historians report that the Republican constitution was attached. In any event, there is substantial authority that both constitutions were before Congress when it approved Minnesota's Constitution; Minnesota was admitted to the Union on May 11, 1858.

In the election of October 13, 1857, in addition to voting on the constitution, the voters elected executive, legislative and judicial officers. The executive and judicial officers were content to wait for an act from Congress before assuming office. But the Legislature took the opposite view and convened on December 3, 1857, believing that under the Enabling Act, the statehood of Minnesota began when the voters approved the constitution. Even though the Legislature convened under an incorrect interpretation of the Enabling Act, they proceeded to enact laws which have remained undisturbed by the courts.

The first two acts passed by the Legislature were proposed amendments to the constitution. One amendment authorized a loan to railroads of \$5 million and the other related to the term of office of the first state officers. These amendments were ratified by the voters at a special election held April 15, 1858. It appears that the constitution approved by Congress on May 11, 1858, included these amendments.

The Minnesota Legislature in 1971 established a constitutional study commission to review the constitution and make recommendations to maintain its utility. After two years of study, the commission recommended that an amendment be prepared to restructure the constitution for easy reference and to rewrite it in modern language.

The amendment was introduced and passed in both houses, signed by the governor, and approved by the voters on November 5, 1974. The previous wording of the constitution can be found in the Minnesota Legislative Manual 1973-74. The amendment approved in 1974 did not alter the meaning of the constitution. In cases of constitutional law, the original document remains the final authority.

## CONSTITUTION OF THE STATE OF MINNESOTA

[Generally Revised November 5, 1974]

### Preamble

*We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.*

### ARTICLE I

#### BILL OF RIGHTS

Section 1. **Object of government.** Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.

Sec. 2. **Rights and privileges.** No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Sec. 3. **Liberty of the press.** The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Sec. 4. **Trial by jury.** The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict. The legislature may provide for the number of jurors in a civil action or proceeding, provided that a jury have at least six members.

Sec. 5. **No excessive bail or unusual punishments.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.