

Mr. M. E. AMES moved to amend the first section thereof by inserting after the word "free," in the first line, the word "white," and to strike out the words "negroes and mulattoes excepted."

Which motion was carried.

On motion of Mr. EMMETT,

The vote by which the above amendment was carried, was reconsidered.

Mr. BECKER offered the following substitute for the first section:

"SECTION 1. The Militia shall be composed of all able-bodied male inhabitants possessing the qualifications of voters, between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States; but all such citizens who from scruples of conscience, may be averse to bearing arms shall be excused therefrom upon such conditions as shall be specified by law."

Which substitute was rejected.

The question then recurring on Mr. M. E. AMES' amendment,

Was decided in the negative.

On motion of Mr. BECKER,

The Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. MEEKER, the Convention adjourned.

H. H. SIBLEY, President.

J. J. NOAH, Secretary.

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## SEVENTEENTH DAY.

SATURDAY, Aug. 1, 1857.

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

The Journal of yesterday was read and approved.

Mr. WARNER submitted a report of the Committee on Postage.

On motion of Mr. SETZER, the report was recommitted to the Committee, with instructions to amend the same by striking out the "suggestion."

Mr. M. E. AMES submitted the following report, which was laid over under the rule:

Your Committee to whom was referred the subject of Distribution of the Powers of Government, respectfully submit the following report:

# ARTICLE —.

## DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the Government shall be divided into three distinct Departments—the Legislative, Executive, and Judicial; and no person or persons belonging to or constituting one of these Departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this Constitution.

M. E. AMES,	} Committee.
J. H. SWAN,	
FRANCIS BAASEN,	

Mr. GORMAN asked and obtained leave to introduce the following

### PETITION:

*To the Honorable Officers and Members of the Constitutional Convention of the Territory of Minnesota, now in session at St. Paul.*

The undersigned, citizens and electors of the District composed of the counties of Winona and Wabashaw, would respectfully represent to your honorable body that the delegates from this district now claiming seats in the Convention, were not legally elected as members of said Convention, according to the construction of the law by the Republican party, requiring a designation for Council and House of Representatives.

Your petitioners, believing that, if the absence of such designation was sufficient to reject the Democratic delegates from Hennepin county, it must also suffice to reject the Republican delegates from this District; and would therefore humbly pray that your honorable body enquire into the legality of the election under which Messrs. Balcombe, Wilson, Baldwin, Kemp, Duley, and Cole, now claim seats in said Convention; and if your honorable body find that these members were not legally elected as required by law, it is the prayer of your petitioners that they may be rejected from seats in your Convention. And your petitioners, as in duty bound, will ever pray, &c.

ANTHONY DYER,  
JOHN B. DOUNER,  
H. J. SANDERSON,  
W. W. WRIGHT,  
GEORGE HARNCAME,  
M. B. LUTZ,  
CHARLES WEBB,

BENJ. CRIST,  
JOHN HITT,  
PHILO STONE,  
R. F. MORRIS,  
J. DUFOUR,  
E. W. HOWE.

On motion of Mr. GORMAN, the Petition was referred to the Committee on Credentials.

Mr. WARNER asked and obtained leave to introduce the report of the Committee on Postage, as amended, as follows:

We, the undersigned, your Committee to whom was referred the subject of Postage, would respectfully report:

That said Committee have conferred with the Postmaster of this city, Mr. C. S. CAVE, and have inquired of him what arrangement could be made with reference to the postage of members of the Convention.

Your Committee informed him that no other assurance could be given if he should permit letters and papers to be sent and received by members of the Convention, free of charge, than that he would be paid out of the funds raised to defray the expenses of the Convention.

In reply to which proposition he stated that it would be impossible for him to comply with the wishes of your Committee, or to make such an arrangement, but that he was ready to furnish stamps and envelopes, upon receiving payment for the same.

All of which is respectfully submitted.

FRANK WARNER, FRANCIS BAASEN, JAMES McFETRIDGE,	} Committee.
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On motion of Mr. WARNER, the report was accepted, and the Committee discharged from further duty.

On motion of Mr. KINGSBURY, the Committee resolved itself into Committee of the Whole, Mr. M. E. AMES in the Chair, having under consideration the second Section of the report of the Committee on Corporations having no Banking Privileges.

The question being taken upon Mr. STURGIS' amendment to the amendment, it was decided in the negative.

Mr. KINGSBURY moved to amend the amendment by striking out all after the word "purposes," and inserting in lieu thereof the words:

"The General Assembly shall have power to amend or repeal all laws for the organization or creation of Corporations granting special or exclusive privileges or immunities, by a majority of both branches of the General Assembly; and no exclusive privileges, except as in this Article provided shall ever be granted."

Which motion was decided in the negative.

Mr. WAITE moved to amend the amendment by striking out all after the word "laws" in the first line, and adding in lieu thereof the word "only."

Which motion was decided in the negative.

The question recurring upon Mr. BECKER's amendment, it was decided in the affirmative.

Mr. HOLCOMBE offered the following substitute for the second section:

"The Legislature shall provide for all corporations by general laws, and where the objects cannot be attained by the existing general laws, they shall be so amended that they can; but the Legislature shall not pass any special law authorizing Corporations."

Mr. BECKER offered the following amendment to the substitute:

SEC. 2. Corporations shall be formed under general law, and shall not be created by special act, except for municipal purposes.

All laws passed pursuant to this section may be altered, amended or repealed.

Which amendment prevailed.

The question recurring on the substitute as amended, it was decided in the negative.

Mr. BROWN offered the following substitute for the second section:

"SEC. 2. No Corporations, except for municipal purposes, shall be formed under special acts."

Mr. WAITE moved to amend the substitute by striking out therefrom the words "except for municipal purposes."

Which motion was decided in the affirmative.

Mr. MEEKER moved to amend the substitute by striking out the first paragraph and substituting as follows:

"Corporations shall be formed under general law, and shall not be created by special acts—except where the objects of the Corporation cannot be attained by a general law upon the subject."

Which motion was decided in the negative.

The question recurring on Mr. Brown's substitute as amended, it was adopted, and the second section reads as follows:

SEC. 2. No Corporation shall be formed under special acts.

Mr. GORMAN moved to strike out the third section entirely, and to substitute therefor the following:

"Provision shall be made, making each stockholder individually liable to the amount of the stock held or owned by him."

Which substitute was adopted.

Mr. FLANDRAU moved to strike out the fourth section entirely.

Which motion did not prevail.

On motion of Mr. EMMETT, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. BAASEN, the Convention resolved itself into Committee of the Whole,

Mr. Brown in the Chair,

Having under consideration the report of the Committee on "Militia Organization."

Mr. AMES withdrew his amendment to section one thereof.

Mr. BAASEN offered the following substitute for the first five sections of the report of the Committee on "Militia."

"SEC. 1. Laws shall be passed providing for the organization and discipline of the Militia of the State, at the first session of the Legislature."

Mr. GILMAN offered the following amendment to the substitute:

"The Governor of this State shall be Commander-in-Chief of the Militia; and the Legislature thereof shall, as soon as possible, provide suitable laws for the organization of the Militia of the State."

Which amendment was rejected.

The question then recurring on the substitute of Mr. BAASEN, it was adopted.

On motion of Mr. BECKER, section six of said report was struck out.

The Committee rose, reported back the report of the Committee on "Militia," with amendments.

Mr. BROWN offered to amend the report of the Committee of the Whole by striking out all after the words "section one," and add:

"It shall be the duty of the Legislative Assembly to pass such laws for the organization, discipline and service of the Militia of the State as may be deemed necessary."

Which amendment was adopted.

The question then arising on the report of the Committee of the Whole, it was concurred in.

Mr. SETZER moved to adopt the article on "Militia," and to refer the same to the Committee on Revision and Phraseology.

Which motion was carried.

Mr. TENVOORDE moved to adjourn.

Which motion prevailed, and the Convention adjourned until Monday.

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

Attest:

J. J. NOAH, Secretary.

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EIGHTEENTH DAY.

Monday, August 3, 1857.

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