

Committee of the Whole for the consideration of the report of the Committee on Miscellaneous Subjects and such other business as may be on the Clerk's desk.

Which motion prevailed, and

Mr. President called Mr. Camp to the chair.

Mr. Flemington moved to adjourn.

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.

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THURSDAY, August 8, 1889.

The Convention assembled at 2 o'clock p. m., pursuant to adjournment.

The President presiding.

Prayer was offered by the Chaplain.

The roll was called. All members absent were excused.

The Journal was read, corrected and approved.

The report of the Committee of the Whole for August 7th, was read as follows:

When the committee rose the following report was presented:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration the report of the Committee on Miscellaneous Subjects and recommend that File No. 36 be amended by striking out the words "General Assembly" wherever they occur in the file and inserting in lieu thereof the words "Legislative Assembly;" also strike out the word "Legislature" in the sixth line of section one (1) and insert in lieu thereof the words "Legislative Assembly;" also recommend that the further consideration of the following proposed substitute for section one be indefinitely postponed:

It shall be the duty of the Governor every seven years after the adoption of the Constitution to submit to the qualified voters of the state the following question: "Shall a Convention be called to revise the Constitution?"

If it shall appear that the sense of the people has been taken, and that in the opinion of a majority of the qualified voters in the state, voting at said election, there is a necessity for a revision of the Constitution, it shall be the duty of the Governor to call a Convention for that purpose.

The delegates to be chosen in the same manner and proportioned as the members of the house of representatives in the Legislative Assembly; *providing* that no amendment shall be made to this Constitution before the same shall be submitted to the people.

Also recommend that the further consideration of the following proposed amendment to section one (1) be indefinitely postponed: In lines three and ten strike out the words "a majority," and insert the words "three-fifths."

Also recommend that section one (1) be adopted as amended.

Also recommend that section two (2) be adopted.

The Committee have also considered File No. 59 and recommend that Section one (1) be amended so as to read: "The name of this state shall be North Dakota," and that as so amended the Section be adopted.

Also recommend that Section two (2) be adopted.

The Committee have also considered File No. 86, and the recommendations of the Committee on Miscellaneous Subjects thereon, and recommend

that Section one (1) be amended by adding at the close thereof the following: "This Section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as shall be prescribed by law."

And that as so amended the Section be adopted.

Also, recommend that the report of the committee as to sections two (2), three (3) and four (4) be adopted.

The committee have also considered File No. 141 and recommend that it be adopted.

The committee have also considered File No. 142 and recommend that it be amended in the eighth line by making the words "now and forever" precede the words "one and inseparable." And that as so amended it be adopted.

The committee have also considered File No. 92 and recommend it be amended by striking out the word "Legislature" in the first line and substituting therefor the words "Legislative Assembly;" also that the following be added after the word "ability" in line eight, the words "so help me God."

The committee have also considered File No. 72 and recommend that section one (1) be amended by striking out the word "fifteen" in line one and inserting therefor the word "twelve" and that as so amended it be adopted.

The committee reports progress and asks leave to sit again.

EDGAR W. CAMP,  
Chairman.

Mr. Wallace moved that the report of the Committee of the Whole be adopted and that it be referred to the Committee on Revision and Adjustment.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

Your Committee on Accounts and Expenses respectfully report that owing to the absence of the Secretary of the Territory, it will not be possible to report to the Convention an article covering the expenses to be paid by the state of North Dakota. We understand that a proportion of the per diem to be paid to the members and officers of the convention must be assumed by the state, but how much is an unknown quantity until the Secretary of the Territory reports to the committee.

O. G. MEACHAM,  
Chairman.

Your Committee on School and Other Public Lands to whom File No. 130 was referred for reconsideration report as follows:

In section 1, line 12, strike out the words "which may in any manner occur." In sec. 4, line 2, after the word "state" insert the words "State Auditor." In line 4, strike out the word "commissioners."

In sec. 5, line 4, strike out the word "commissioners."

In Section seven, line 12, we recommend that the words "that shall in any manner occur" be stricken out and the word "therefrom" be changed to "thereof."

Also recommend that the following amendment be added after the last word of Section (10), viz: "Or in first mortgages, on farms, lands, in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal."

Also recommend that in section 13, line 4, all after the word "them" be stricken out and the following be substituted therefor: "No officer shall deposit any of said moneys or funds in any bank in his own name or otherwise than in the name of the state of North Dakota."

H. M. CLARK,  
Chairman.

## SECOND READING OF ARTICLES.

File No. 145 was read the second time.

Mr. Parsons, of Morton, moved that File No. 144, being the report of the Committee on Apportionment, be adopted,

Mr. Wallace moved as an amendment that the name of the counties be mentioned in the report and that where the same is not mentioned it be inserted

Which amendment prevailed.

Mr. Johnson moved to amend File No 144 that each district shall commence as follows: "The . . . district shall consist of."

Which amendment was adopted.

Mr. Mathews moved as a substitute, that the Convention proceed to consider the file section by section.

Which motion was lost.

The original motion of Mr. Parson of Morton was adopted.

Mr. Camp moved that the Article recommended by the Committee on Equitable Division of the Territorial Property and Indebtedness to become a part of the schedule, and printed on page six of this report, be read the second time.

Which motion prevailed and the Article was read the second time.

Mr. Camp moved that the Convention resolve itself into Committee of the Whole for the consideration of any business upon the Clerk's table.

Which motion prevailed,

And the President called Mr. Harris to the Chair.

Mr. Camp moved to adjourn,

Which motion prevailed.

## EVENING SESSION.

The Convention assembled at 8 o'clock p. m. pursuant to adjournment.

Mr. Lauder moved that the report of the Committee of the Whole be adopted.

Mr. Wallace moved to amend by adopting the report, except so far as refers to section 13 of File 130.

Which amendment was adopted and the original motion as amended prevailed.

The report of the Committee of the Whole of August 8th, afternoon session, was read as follows:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration File No. 145, being the article reported by the Committee on Equitable Division of Territorial Property and Indebtedness, and recommend that the article be adopted and referred to the Committee on Revision and Adjustment.

Your committee have also had under consideration that part of the agreement of the same committee which relates to the division of the archives, records and books, and recommend that the same be adopted.

Also, recommend the adoption of the following recommendations of the Joint Committee:

Should the counties containing land which form a part of the grant of lands made by congress to the Northern Pacific Railroad company be compelled by law to refund moneys paid for such lands, or any of them by purchasers thereof, at tax sales thereof based upon taxes illegally levied upon said lands, then and in that case the state of North Dakota shall appropriate the sum of \$25,000, or so much thereof as may be necessary to reimburse said counties pro rata, for the amount so received from said illegal tax sales and paid by said counties into the treasury of Dakota Territory.

We further recommend that the shorthand notes of the proceedings of the said Joint Commission be transcribed and printed with the debates of the Convention, inasmuch as, so far as the committee is informed, said Joint Commission is the first body of the kind ever convened.

Your committee have also had under consideration Files No. 130 and 138, being the reports of the Committee on School and Other Public Lands, and recommend that the words "which may in any manner occur" be stricken out of line twelve of section one (1) of File No. 130 and that as so amended the section be adopted.

Also recommend that sections two (2) and three (3) of File No. 130 be adopted.

Also recommend that section four (4) be amended by inserting in line two the words "and state auditor"; also in line four strike out the word "commissioners"; and that as so amended the section be adopted.

Also recommend that Section five (5) be amended by striking out in line four the word "commissioners." Also strike out the period (.) and word "they" in line six and insert therefor the word "and;" and strike out the words "take care" and the word "to" in line seven; also strike out the letter "s" from the word "boards" in line two; and that as so amended the section be adopted.

Also recommend that Section six (6) be amended by adding at the end of the section, as it appears in the printed bill, the following:

*Provided*, That all lands contracted to be sold by the state shall be subject to taxation from date of such contract. In case the taxes assessed against any of said lands for any year, remain unpaid until the first Monday in October of the following year, there and thereupon the contract of sale for such land shall become null and void."

Also strike out the words "hundred and sixty acres" and insert in lieu thereof the words "quarter section;" and that as so amended the section be adopted.

Also recommend that section seven be amended as follows; Strike out in lines twelve and thirteen the words "that shall in any manner occur;" also in line twelve strike out the word "therefrom," and insert therefor the word "thereof" and that as so amended the section be adopted.

Also recommend that section eight (8) of File No. 130 be adopted.

Also recommend that section nine (9) of File No. 130 be stricken out and section nine of File No. 138 be substituted therefor.

Also recommend that Section ten (10) of File No. 130, be amended by adding thereto the following: "Or in first mortgages on farm lands in the state not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the Board of Appraisal and School Lands," and that as so amended the section be approved.

Also recommend that Sections eleven (11) and twelve (12) be approved.

Also recommend that Section thirteen (13) be amended by striking out all after the word "them" in line four and substituting therefor the following: "No officer shall deposit any of said moneys or funds in any bank in his own name or otherwise than in the name of the State of North Dakota," and that as so amended the section be adopted.

HARVEY HARRIS,  
Chairman.

Mr. Parsons of Morton, presented the following resolution and moved its adoption:

*Resolved*, That the Committee on Revision and Adjustment be instructed to report the following as section 18 of the report of the Committee on Corpo-

rations Other than Municipal, and that the same become a part of the article on corporation.

SECTION 1. Whenever a difference shall arise between any corporation other than municipal and its employes or an industrial society incorporated under the laws of the state, any of whose members are employes of such corporation, if the disagreement cannot be adjusted by conference, it shall be submitted to arbitration under such rules as may be prescribed by law.

Mr. Bartlett of Griggs moved that the resolution be laid on the table.

Ayes and nays were demanded:

The roll being called there were ayes 39, nays 31.

Those who voted in the affirmative were:

Messrs—

Allin,  
Almen,  
Appleton,  
Bartlett, of Dickey,  
Bartlett of Griggs,  
Bean,  
Bell,  
Bennett,  
Blewett,  
Brown,  
Carland,  
Carothers,  
Chaffee,

Messrs—

Clapp,  
Colton,  
Douglas,  
Elliott,  
Gayton,  
Hegge,  
Holmes,  
Johnson,  
Leach,  
Linwell,  
Marrinan,  
Mathews,  
Meacham,

Messrs—

McBride,  
Noble,  
Nomland,  
O'Brien,  
Paulson,  
Peterson,  
Powers,  
Purcell,  
Pollock,  
Robertson,  
Scott,  
Selby,  
Whipple.

Those who voted in the negative were:

Messrs—

Camp,  
Clark,  
Fay,  
Flemington,  
Glick,  
Harris,  
Haugen,  
Hoyt,  
Lauder,  
Lohnes,  
Lowell,

Messrs—

McHugh,  
McKenzie,  
Miller,  
Moer,  
Parsons of Morton,  
Parsons of Rolette,  
Powles,  
Ray,  
Rolfe,  
Rowe,

Messrs—

Sandager,  
Shuman,  
Slotten,  
Spalding,  
Stevens,  
Turner,  
Wallace,  
Wellwood,  
Williams,  
Mr. President.

Absent and not voting—

Messrs—

Best,  
Budge,

Messrs—

Gray,  
Griggs,

Mr. Richardson.

And so the motion to lay on the table prevailed.

Mr. Lauder introduced the following resolution and moved its adoption:

*Resolved*, That the Committee on Revision and Adjustment be requested to report the following as a section of the article on incorporations other than municipal: Laws shall be passed by the Legislative Assembly providing for the amicable settlement of difference between employers and their employes by arbitration.

Mr. Stevens moved that the resolution be laid on the table.

Ayes and nays demanded.

The roll being called there were ayes 39; nays 30.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Allin,	Flemington,	Noble,
Almen,	Gayton,	Nomland,
Appleton,	Griggs,	O'Brien,
Bartlett, of Griggs,	Hegge,	Parsons, of Rolette.
Bean,	Holmes,	Paulson,
Bennett,	Johnson,	Peterson,
Brown,	Leach,	Purocell,
Camp,	Linwell,	Pollock,
Carland,	Marrinan,	Sandager,
Carothers,	Mathews,	Scott,
Chaffee,	Meacham,	Selby,
Colton,	McBride,	Stevens,
Elliott,	McHugh,	Whippie.

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bartlett, of Dickey,	Lowell,	Rowe,
Blewett,	McKenzie,	Shuman,
Clapp,	Miller,	Slotten,
Clark,	Moer,	Spalding,
Glick,	Parsons, of Morton,	Turner,
Gray,	Powers,	Wallace,
Harris,	Powles,	Wellwood,
Haugen,	Ray,	Williams,
Hoyt,	Robertson,	Mr. President.
Lauder,	Rolfe,	

Those absent and not voting were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Bell,	Budge,	Lohnes,
Best,	Douglass,	Richardson.

And so the resolution was laid on the table.

Mr. Parsons of Morton, introduced the following resolution:

*Resolved*, That the following be reported to the Revision and Adjustment Committee with the request that the same be reported as adopted as an article or section of the Constitution.

All flowing streams and water ways shall forever remain the property of the state.

Mr. Camp moved that the rules be suspended and the resolution be read the first and second times.

Which motion prevailed.

Mr. McHugh moved that when the Convention adjourn it take a recess until Wednesday, August 14th.

Mr. Flemington moved to amend by substituting Tuesday, August 13th for Wednesday, August 14th, which amendment Mr. McHugh accepted.

Mr. Lauder moved to amend by substituting August 24th for Tuesday, August 13th.

Mr. Wallace moved as a substitute that when the Convention adjourn it take a recess until Wednesday, August 14th, at 2 o'clock p. m.

Which amendment was lost.

The amendment of Mr. Lauder was lost, and the original motion prevailed.

Mr. Camp moved that the resolution relating to the water ways be referred to the Committee on Revision and Adjustment.

Which motion prevailed.

Mr. McHugh moved to adjourn.

Which motion was lost.

Mr. Camp moved that the chairman of the Committee on Schedule be required to hand in his report to the chairman of the Committee on Revision and Adjustment to-morrow at 9 o'clock a. m.

Which motion prevailed.

Mr. Moer moved the previous question.

Which motion prevailed.

And the main question being put prevailed.

Mr. Selby moved to adjourn.

Which motion was lost.

Mr. Appleton presented the following resolution, and moved its adoption:

*Resolved*, That the Committee on Revision and Adjustment be requested to report the following as an article of the Constitution:

The State Treasurer shall invest all funds that may come into his hands as such treasurer belonging to the State of North Dakota in Government bonds, except the sum of fifty thousand dollars. All interest collected from said bonds to go to the state, and shall sell said bonds whenever the funds shall be needed.

Mr. Williams moved to adjourn.

Which motion was lost.

Mr. Wallace moved that Section 13 of File 130 as printed be adopted and referred to the Committee on Revision and Adjustment

Which motion prevailed.

Mr. McHugh moved that the further consideration of the resolution be indefinitely postponed.

Mr. Williams moved to adjourn.

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.