BISMARCK WEEKLY TRIBUNE: FRIDAY, AUG. 23, 1889,

THE ADJOURNMENT.

the debate.

the court.

completed.

morrow morning.

Wednesday.

son, Camp, Wallace.

and not to the university.

vas adopted.

EVENING SESSION.

recommended by the committee. Article 9, school and public lands, was

Forty-Fourth Day.

Memorials were read both denouncing

commencing with the startling announce-

The committee on township and county

organization to whom was recommitted sections 174-177. Article ten, reported

tion 180, which relates to the taxation of municipal corporations, the intent of which

The Constitutional Convention of North Dakota Pass a Pleasant Day and Adjourn.

A Feeling Farewell Address From President Fancher to the Corvention's Members.

Great Enthusiasm and a General **Good** Feeling Exhibited During the Closing Hours.

Forty-Third Day.

[From Friday's Daily.] Convention met at 10:20 a. m. After prayer by the chaplain and reading and approving the journal of Tuesday, memorials from Hope township, Pembina, Richland and Walsh counties protesting against the Constitutional Convention locating the public institutions in general and the Capital in particular were read, with the threats of endeavor to defeat the ratification of said constitution by the people if adopted in its present form were read, and referred to the special committee appointed

yesterday. Mr. Spalding moved an amendment to the resolution relating to the printing of debates, regarding the matter as it now stood as unsettled. His amendment proposed striking out the words "six hund-red" and inserting the words "eight hund-red," and that each member receive eight

red," and that each member receive eight copies in lieu of six. Mr. Stevens understood that one thous-and copies had been ordered printed. Mr. Parsons, of Morton, seemed to be under the impression that no sufficient record of the proceedings of the whole had been provided for and that a stenographer to take down the proceedings had been to take down the proceedings had been employed at a great expense without any provisions for publishing the same. On changing the number from six hund-red to eight hundred the roll call was de-manded, which resulted, yeas 21, nays 45.

Mr. Stevens moved a reconsideration of the vote for the purpose of saving the ques-tion for future consideration, he having

Mr. Purcell moved to reconsider and to lay that motion on the table which motion prevailed.

On motion the convention proceeded to the consideration of Article 5 of the pro-

posed constitution of Article 5 of the pro-posed constitution it being under the sub-division head of "elective franchise." Section 121 was adopted and 122 as amended by recommendation of the com-mittee. Sections 123 to 127 inclusive were adopted without ichains an another section 127 inclusive were adopted without debate, non compus men-

Section 128 which provides that "any woman having the quaifications enumer-ated in section 1 of this Article." etc., "may vote at any election held solely for school purposes" was amended on motion of the gentleman from Dickey so as to give the right to vote on any question pertaining to school matters and be eligible to hold any

office pertaining to the same. The question as to how women could vote for a state superintendent of schools, and preserve the secrecy of the ballot was raised by Mr.Rolfe. Mr.Stevens said that the legislature could provide a way by giving the women a separate box for this purpose, and that it was not consistent to give the right to vote upon a limited portion of a subject only in which women were so deeply interested. The privilege should be

municipal corporations, the intent of which was to reserve to the legislative assembly the power to alter and regulate by the legislative enactment the taxing of rail-roads, involving of "gross earnings" feat-ure contended for. Mr. Colton moved to lay Mr. Scott's amendment on the table which motion extended to all branches of the subject. Mr. Moer suggested that in view of the fact that Mr. Stevens was already so popu-lar with the ladies that his present speech was uncalled for. After a somewhat prolonged debate Mr.

Bartlett, of Griggs, moved the previous question, which was seconded and the main question being put, the section as amended was adopted. Mr. Parsons, of Morton, moved to amend section 129 by adding thereto what is known as the "Australian ballot bill." Mr. Spalding moved to law the section.

Pembina that plowing should not be con-sidered an improvement for taxation was A call of the house was ordered on motion of Mr. Lauder, and the sergeant-at-arms was directed to bring in absentees. Resuming, consideration of Mr. Purcell's amendment was continued, Mr. Johnson and Mr. Stevens following Mr. Purcell in the dubate Section 182 was adopted, also section 188 as amended by Mr. Miller and in concur-rence with the recommendation of the com-

Mr. Parson, opposed the amendment by Mr. Parson, and offered a substitute pro-viding for an appeal, but leaving the question of rates in the hands of the railmittee.

mittee. The remaining sections were also adopted with amendments, and article 11, became a part of the constitution. Article twelve—Public debt and public works, after a recess of ten minutes, was considered and sections 186 was adopted with an amendment oad commissioners pending a decision by Mr. Lauder advocated Mr. Parson's sub-

Section 188 was substituted for 187 and 183, under the head of Municipal Corpora-tions, 189 192 adopted as recommended by the committee, and the entire article com-Mr. Lauder advocated Mr. Parson's sub-stitute, and the debate was prolonged and some parts of it decidedly in earnest on the part'of Messrs. Purcell and Lauder. Mr. Bartlett of Griggs, Messrs. Scott, Stevens and others also took a hand in the discussion. Mr. Parson's substitute was adopted by a vote of 59 to 18. Mr. Stevens presented a resolution enpleted.

Article 13, relating to the militia without debate and with one slight amendment. Article 14, relating to impeachment and rem val from office went through without Mr. Stevens presented a resolution en-dorsing the proposal to hold a world's fair at Chicago in preference to any other part of the globe which was unanimously adopted. Adjourned. any friction.

Future amendments under article 15 was also adopted without amendments. Mr Williams moved to substitute "two-thirds" Section 145 of article seven was adopted

Article 16, "Compact with the United Article 16, "Compact with the United States," being iron clad in its construction, had no use for amendments, and was adopted on sight. and 146 striken out as recommended by the committee. The remaining sections were adopted with amendments and the article

In considering article 17, "miscellane-ous," Mr. Carland moved to amend sectiou 46, relating to flowing streams, by adding Article 8, education, being the next sub-division was disposed of by adopting all but section 153, which was striken out as

46, relating to flowing streams, by adding thereto "for mining, irrigating and manu-facturing purposes." The word "natural" was also inserted before "waterways," and "ways" was changed to "courses." Section 217, the oath section, was changed in the final to read "so help me God," in the case of an oath being administered, and the "pains and penalties of perjury" in case of affirmation. A substitute offered by Mr. Johnson was rejected. Mr. Parsons of Morton offered and ad-ditional section prohibiting the exchange of "black lists" by employers, which was adopted by a vote of \$2 to 30. Mr. Moer also offered an additional sec tion prohibiting the receiving of railroad Article 9, school and public lands, was, after considerable debate and several amendments, adopted. Article 10, county and township bound-aries, led directly into a storm center, but sections 170 to 173 were adopted with sev-eral amendments, and sections 174-177 were recommitted. Convention adjourned to 10 o'clock to-morrow morning.

adjourned

Mr. Allen moved as an amendment that the town of Park River be added to the third legislative district. Carried.

On motion of Mr. Merrinan the city of Grafton was included in the Fourth dis-

On motion of Mr. Allen the village of democratic county committee. The pre-"Minto" was added, and on motion of Mr. ponderence of names seemed to be in favor of sustaining location in the consti-Bell the "village of Ardoek" was added to tution by the convention. The Young the Fourth distrct.

Men's republican club of Grand Forks On motion of Mr. Miller fractional townpromised defeat of the constitution unless ship 138-48 was added to the Ninth disthe locating article was stricken. This trict.

was supposed to apply only to the capital The legislative apportionment having been adopted, Mr. Miller moved that the convention proceed to consider the next article-that locating the public institututions.

substitute for section 174, which contained among other provisions, one for doing away with county commissioners, which Mr. Johnsonmoved that the report of the committee to which was referred the telewas adopted. Mr. Bartlett of Griggs, presented a sub-stitute for section 175, which was also adopted. Section 176 was stricken out and section 177 being amended by adding after the last word "suppression". "under this grams regarding the public institutions. be read before the article was considered. Mr. Miller explained that he, as chairman, had his report ready, but he did not the last word "succession," "under this Constitution," the entire article ten as amended was adopted. Article eleven, on "Revenue and Taxa-tion," was then taken up and sections 178 and 179 were adopted. Mr. Scott offered an amendment to sec-tion 190 which relates to the taxators of know that the other members were ready to report.

Mr. Johnson then said that he had a minority report which hs desired to submit.

Mr. Spaulding rose to a point of order. Under the rules special committee reports could not be adopted at this time.

The point of order was sustained. Mr. Bartlett, of Griggs, moved that Mr ohnson's minortty report be received. Mr. Stevens said that he, as a member of the committee, would like to know what is

going on before a report is submitted. He had not even heard of a meeting of the committee. He moved that Mr. Bartlett's motion be laid on the table.

O'Brien, Pollock, Stevens, Turner and Wallace explaining their vote.

Mr. Bean explained his vole, saying that when he came to the convention he was opposed to locating public institutions and his first two votes on the question demon-strated that fact. When the third vote came he saw the question was carried any-how and he voted in the affirmative so that he might have a chance to reconsider if he desired. After that one of the mem-bers of the convention saw fit to have an Indignation meeting at Lakota, where he (Mr. Bean) was especially condemned. Since coming back to Bismark he had seen Since coming back to Bismark he had seen more political trickery going on in the ranks of the minority than he had ever seen before. He had seen members of the minority striving to form themselves into rings and cliques to beat the majority. It seemed to him that the only question to consider was whether the capital should be located at the city of Bismarck or the city of Grand Forks. Taking this into

city of Grand Forks. Taking this into consideration he decided to vote aye. Mr. Bennett arose to to explain charging Mr. Bean with stating what was false re-garding Grand Forks' aspirations for the apital. Mr. Purcell wanted it distinctly under-

stood that the caucus of the minority held that afternoon at which Mr. Bean was that afternoon at which Mr. Bean was present was called by Jamestown parties and friends of the Jamestown delegates. The minorty had been willing to submit to the will of the majority if they could not defeat it fairly and squarely. If the gentleman charged that the minority had been guilty of anything wrong, then he (Mr. Purcell) didn't know anything about

Mr. Camp explained his vote. He spoke of the result of the indignation meeting at Jamestown and stated that the Stutsman county delegates were unnecessarily in-structed and urged to put forth every honorable effort to secure the capital of North Dakota at least temporarily at Jamestown. One of the delegates from Grand Forks was present at Jamestown and stated that he could secure a certain number of votes to locate the capital temporarily at Jamestown if we could secure a sufficient number to make with them a majority. We undertook the task, aided by majority. We undertook the task, aided by a lobby from Jamestown but had not met with success. When at our caucus to-day it was found that he and his Stutsman county friends were in a hopeless minority, they left the caucus, the caucus adjourned sine die and it was understood that every church was from to work upon the mass

delegate was free to vote upon the meas-ure as he saw fit. Therefore with the delegate was need to the period with the consent and under the advice of the people of the city he represented he recorded his vote as before, aye. Mr. Johnson disclaimed all responsibility

Mr. Johnson disclaimed all responsibility for the indignation meeting held at Lakota referred to by his colleague, Mr. Bean. Mr. Lauder said that he voted with the combination, which saw fit in its gener-osity to locate a public institution at Wah-peton, no donbt with the expectation that the Richland county delegation would sup-port the measure. His two colleagues from Richland county refused to support it, con-curring with him that it was unwise and wrong in principle. As it was presented to him the alternative was to support the measure or the institution in contemmeasure or the institution in contem-plation would be taken away. He had but a short time to consider the matter and voted for it, but since that time he had been home and talked with his constitu-ents and he was now determined to notify his people and at the same time exting he his people and at the same time satisfy his own judgement by voting on this question as he believed he should from the stand-

as he believed he should from the stand-point of principle. He therefore voted no. Mr. Parsons of Morton said he voted aye because his judgment moved him in that direction, although he was sorry the west-ern portion of the state was deprived of an educational institution. He believed both combinations had acted honorable in the matter, and he knew of no jobbery or chi-canery on either side.

matter. and he knew of no jobbery or chi-canery on either side. Mr. Pollock said he favored Bismarck for the capital—had all along, but he did not like the idea of locating all the other institutions. He would therefore have voted to give Jamestown the temporary capital, not with an idea of carrying the proposition but simply to break the com-bination. Mr. Stevens said: I vote ave on this

bination. Mr. Stevens said: I vote aye on this proposition so that the city of Bismarck may sit on her seven hills and be the most beautiful capital of the four new states. Mr. Turner said he was for Bismarck for the capital but opposed to the locating the other institutions. He had voted in caucus for Jamestown simply to break the com-bination.

ination.

Forty-F fth Day. [From Sunday's Daily.

Convention called to order at 2:45 p. m. Prayer by the chaplain. Reading of the journal ommitted. A memorial from the Grand Forks' re-

oublican league club was read by the elerk, protesting against locating the capital.

Mr. Williams offered an additional article providing for the publication of the constitution in connection with other documents.

A resolution that the constitution be printed in newspaper and \$20 be paid therefor was, on motion of Mr. Miller. amended to read ten dollars and adopted The committee on accounts and expenses. made a supplemental report. Mr. Harris stated that no action had been taken on the former report of the committee and on motion both were adopted.

The select committee to whom was re. ferred communications and telegrams relating to the location of the capital made what was represented to be a majority report.

Mr. Moer moved that the reading of the report be dispensed with as the subject matter had been acted upon. Messrs. Stevens, Harris and Williams concurred.

Roll call was demanded and the motion to dispense with the reading was defeated, yeas, 24; nays, 42.

The majority report was read and Mr. Johnson moved its adpotion. Mr. Williams suggested that the minority report, as there was one, be read and the reading pro-

was one, be read and the reading pro-ceeded. Mr. Stevens moved that the motion of Mr. Johnson to adopt the report signed by Johnson and two others be laid on the table. The roll being called, the yeas were 88 and nays 81, so the motion prevailed. Mr. Spalding said there was no majority report, it appearing that no committee had made any report and suggested returning the report to the delegate who had pre-sented it. Mr. Williams moved the adoption of the minority report on which the yeas and nays were demanded and the report was adopted by a vote of 41 to 28.

the table. He could not see why the con-vention should again fight over a question which has already been contested twice. If the convention began to work in this way it would never get through. Tho roll call on the motion to lay on the table was interrupted when Mr. Bean's name was reached Mr. Bean voted aye, and Messrs. Coiton and Lauder raised the point that he was paired with Mr. Paulson. Mr. Bean stated that he did not know who paired him as this was the first he had heard of it. He had paired with no one. The roll call proceeded on the motion to lay on the table, but before it was completed a call of the house was ordered.

PRESENTATION TO PRESIDENT FANCHER. During the call of the house Mr. Stevens called for the attention of the convention and stepping to the center aisle he spoke as follows:

as follows: Mr. President: It is to me a pleasant duty that I am now to perform. In behalf of Messrs. Leach. Chaffee, Gray, Turner, Richardson, McKenzie, Wallace, Bartiett of Dickey and Wallace, whose gray hairs and years of experience have lent dignity to this convention; in behalf of brothers Carothers. Sandager, and Brown and Lin-well and Glick, whose youth has lent fire to this convention; in behalf of Messrs. Miller, Williams, Lander, Purcell, Moer, Bartlett of Griggs, Johnson, Rolfe, Flem-ington, McHugh. Fay, Carland, Camp, Spalding, O'Brien, Noble and Parsons of Morton, whose voice has been heard more Spalding, O'Brien, Noble and Parsons of Morton, whose voice has been heard more times than that of all other members; in behalf of Messrs. Griggs, Marrinan and Budge, who have sat silent, but who have of each and every one, of not only mem-bers, but clerks and the faithful pages who have responded to the call when asked to bers, but clerks and the faithful pages who have responded to the call when asked to perform their duty; in behalf of the 81 who have participated in this convention, we present you with this token of our es-teem and regard. [Here Mr. Stevens pre-sented the president with a large magnifi-cently framed photographic group of the convention, amid loud applause.] THE PRESIDENT'S RESPONSE.

amendment or substitute and Mr. Camp, of Stuteman, by arrangement, presented a substitute embodying the principle of "gross earnings" for railroads. Mr. Wallace, of Steele, took the floor in opposition, with a determination to keep it, and succeeded in doing so for the best part of an hour, amidet a shower of "points of order," "privileged questions," and some unprivileged ones, talking as the speaker admitted against time. He finally sub-sided under the pressure brought to bear withont saying anything damaging to the other side of the question. A resolution of condolence to Delegate John Almen, of Waish county, in his bereavement in the death of his daughter was presented by Mr. Stevens and unani-mously adopted. A motion to adjourn was negatived. After further additions and amendments

After further additions and amendments to Mr. Camps substitute for amendments to section 180, a final vote was reached and section 180, a final vote was reached and the gross earnings feature of taxation for railroads was adopted. The ground was fought over inch by inch and every cou-ceivable dilatory motion and amendments were indulged in. The substitute was adopted on roll call by yess, 45; nays, 28. The adoption of the section as amended was by viva voce vote. Mr. Turner offered an amendment that the legislative assembly be authorized to enact a law exempting all buildings or farm lands necessary in cultivating the land, be exempt from taxation. A delegate regarding the amennment as a joke, moved to tax the gross earnings of the former.

to tax the gross earnings of the former. A vote on Mr. Turner's amendment being insisted upon the yeas and nays were demanded. Yeas, 22; nays, 38. Adjourned until 8 o'clock in the evening.

EVENING SESSION.

The committee appointed to superintend the engrossment of the constitution presented a partial report which was accepted by the convention and the corrections of the committee approved.

A recess was taken after which the committee completed their report and the constitution as reported was adopted by the convention. A roll call being demanded the vote

Mr. Spalding said there was no majority report, it appearing that no committee had made any report and suggested returning the report to the delegate who had pre-sented it. Mr. Williams moved the adoption of the minority report on which the yeas and adopted by a vote of 41 to 28. Mr. Moer moved that the vote by which section 180 of Article X1 (railroad taxation) was adopted be reconsidered. The article he desired reconsidered. The article property should be taxed alike and the motion was made in the interest of the proposition to have the subject of railroad taxation left with the legislature. Mr. Colton moved to lay the motion on the table. He could not see why the con-vention should again fight over a question During an interim in the proceedings of the constitutional convention, Saturday evening, an elegantly framed plate of pho-tographs of the members of the convention was presented to Chief Clerk Hamilton in appreciation of the faithful and efficient manner in which he had performed the duties of his office. Maj. Hamilton re-sponded in a felicitious speech of thanks, and everybody cheered and said "served him right." When Mr. Mathews, of Grand Forks, came forward and signed the constitution, he was cheered to the echo, having been a constant opposer throughout, but possess-ing the manliness to attach his name to a document endorsed by the majority.

Mr. Budge, of Grand Forks, was also one of those who did not permit "the sun to go down on his wrath." Amid much enthusiasm and hilarity the convention adjourned sine die at 11 o'clock.

Slaughter Items.

The rainstorm Friday night did no dam-

Mrs. F. Erickson entertained a party of friends on Sunday last.

The little son of Mr. Ole Anderson is very ill with scarlet fever.

The wheat harvest is about over and the oats will be tackled this week. All O. K. Harvest did not keep any voters away from the election S sturday evening.

The coal question continues to agitate our eastern friends. Wait and see what will become of it.

Mr. G. W. Newton, of Bismarck, ad-dressed a public meeting of our citizens on Friday evening and favored the people with his ability.

Our game laws need revising. The farmer who has a score or two of prairie chickens infesting every grain field, should have the privilege of killing a few of the fowls that ing the law, if he needs a little fresh meat in harvest.

The Territorial Assessment.

The board of equalization has completed

its labors. The levy made is three mills,

and the grand total of assessed valuation

is \$164,199,876.90, an increase of \$10,000,000

over last year. The classified assess-

2,574,641 00

 $\begin{array}{c} 158,567 & 00 \\ 5.228,877 & 00 \\ 444,474 & 00 \\ 2,557,953 & 25 \\ 78,759 & 00 \\ 122,454 & 20 \\ 1,129,451 & 60 \end{array}$

1,118,078 75

138,820 00 1,029,685 00 2,875,220 00

Total \$ 66,857,436 30 \$ 97,342,440 60 The grand total is \$164,199,876.90, which will be the amount to be raised—by direct tax about a half a million dollars. This, of

course, is exclusive of taxes from rail-

roads, express companies or other corpor-

IN NUMBERS.

North Dakota. South Dakota. The number acres of land

A Card From Ex-Governor Ordway.

To the members of the Constitutional

GENTLEMEN:-- I am advised on my re-

turn to the capital on yesterday, the 15th

inst., that copies of the Grand Forks

Herald, (whose proprietor claims to have a

personal grievance) were laid upon your

desks, in which was printed an anonymous.

brutal and cowardly attack upon myself

and others, in the shape of a letter, pur-

porting to have been written at Bismarck.

this compound of falsehoods, is plain, and

so far as they relate to any conferences, between members of the convention and myself, every member, individually, can ex-onerate me from attempting in the slighest degree, to unduly influence their action upon any question relating to preparation for county statehood.

for county statehood. Inasmuch, however, as Mr. George B. Winship proprietor of the Grand Forks. Herald, about the only newspaper in North Dakota that rehashes South Dakota's slush with the object of defaming myself and others thereby hoving to misled con-

with the object of defaming myself and others, thereby hoping to mislead, con-tinues to run his mud-mill. I make this open challenge, that I will meet him in a public discussion here at the capital, at Grand Forks in any other county in North Darota he may select, and will piedge my-self to prove beyond question, that every allegation, charge, or assult which he has made himself, or through his anonymous henchmen are false, malicious and wicked. N. G. ORDWAY.

N. G. ORDWAY.

for county statehood.

The animus of the thug who dictated

48,644 46,428

The figures are as follows:

North Dakota, South Dakota

.\$ 40,061,175 65 \$ 51,475,558 50 9,354,429 50 19,175,949 50

3,664,472 00

682,709 00 7,631,228 00

319,611 00 4,734,618 50

164,175 00

484,117 60 1,024,415 00

1,380,539 00

146,681 00

1,658,619 00 4,848,747 00

- 12,610,049,90

101,557 7,489 448,234 134,823 209,194

ment is as follows:

Swine

Swine Carriages, etc..... Moneys and cre-dits..... Household furni-tare...... Stocks or shares... All other property

ations.

Sheep . Swine .

Convention:

in

[From Saturday's Daily.] Mr. Moer also offered an additional sec tion prohibiting the receiving of railroad passes by members of the Legislative As-sembly or any state officer which was adopted. Yeas, 42; nays, 20. A motion to reconsider by Mr. Scott was on motion of Mr. Williams laid on the Convention met at 4 o'clock. Prayer by the chaplain and reading of the journal of The president announced as the com mittee to superintend the engrossing of the constitution, Messrs. Spalding, John-Article XVII adopted and convention

EVENING SESSION. and approving the convention for locating the public institutions, one of the former

ment that the constitution had already been burned in effigy by some patriotic citizens headed by the chairman of a trict.

Mr. Spalding moved to lay the motion on the table.

The previous question having been ordered the motion to lay on the table re-sulted, ayes 49, nayes 14, Mr. Williams offered a substitute relating to the secrecy of the ballot and registration of voters.

Mr. Lauder moved to lay it on the table, it being legislation.

Mr. More supported Mr. Williams' substitue and pending discussion the conven-tion adjourned, a roll call having been called for.

AFTERNOON.

The pending question being upon the laving of Mr. Williams substitute for sec-

tion 129 on the table, a call of the house was ordered, and it appearing there were

but three absentees, further proceedings under the call were dispensed with. The vote to lay on the table was years

67, nays 16, Mr. Williams then offered another amend-ment, to which Mr, Steyens offered a substitute, which was rejected. Roll call on the Williams amendment

was called for. Mr. Bartlett. of Grigs, offered a substitute

which was also rejected and section 129 was finally adopted as reported by the comwittee and article 5 as a whole was ap-mroved and ordered into the hands of the engrossing clerk.

Special orders for 2 o'clock being the consideration of section 103, relating to the jurisdiction of district courts, on the motion of Mr. Carland to strike out "each within its territorial limits."

Mr. Lauder proposed an amendment that Mr. Lauder proposed an amendment that all proceedings in the first instance shall be instituted in the county where the de-fendant resides, and that any suit other-wise instituted should not be legally recog-

Mr. Rolfe said the amendment secures all that is desired to protect the defendant, and if a change of venne is desired the burden of the change should be thrown upon the plaintiff.

upon the plantiff. The question was further discussed by Messrs. Spalding, Lauder, Carland and Scott, and the motion to strike out was de-cided in the negative—yeas, 29; nays, 34. Mr. Williams moved to recommit to the

Judiciary committee which motion pre-vailed—yeas, 38; nays, 16—and, the commit-tee was instructed to report a section to-morrow without in tructions. Section 116 being included in the special order was adopted withot alteration.

Mr. Spalding moved that the vote by hich section 129, article 9 was adopted be which reconsidered and a motion by Mr. Parsons. of Morton, to lay that motion on the table

as adopted. Mr. Moer moved that all prorosed amendments to section 129 be laid on the table. Mt. Williams demanded a roll call. Result,

yeas 59, nays 10. Mr. Williams offered another amendment Mr. within othered another amendment which was ruled out of order and article 5 was adopted with section 129 unchanged. Article 7—Municipal corporations—was next considered and section 180 adopted. The balance of this article was stricken out

as recommended by the committee. Article 7—Corporations other than Mu-niclpal—was taken up and sections 183 to 143 inclusive were approved as recom-mended by the committee without debate. Mr. Purcell offered an amendment to sec-

tion 144 providing for appeal to the courts in the matter of railroad rates fixed by the Legislative Assembly, and also providing that during the pendency of any issue the c urts should establish the rate.

Mr. wanace opposed the amendment, He was not in favor of leaving it in the power of any future legislative assembly to change the system of taxation, and claimed there might be injustice done

A motion to lay on the table did not

A motion to lay on the table did not prevail—yeas 33; nays 35. Mr. Moer addressed the convention; re-ferring to the status of the North Pacific railroad grant, and the danger there might be in discarding the gross earnings provi-sion to the treasury by cutting off an im-

Mr. Colton was magnanimous and did not want the railroad taxed if not liable—

n his way. Mr. Bartlett of Griggs complimented the Northern Pacific railroad as being the most magnanimious soulless corporation he had exer heard of for having paid a tax,

if by law it was exempt. Mr. Moer replied that it paid on its gross earnings and not on its road bed and roll-

ing stock. Mr. Lauder inquired of Mr. Moer if it was not a fact that a gross earnings law had been declared unconstitutional by the

Supreme court of the United States. Mr. Moer having spoken twice on the subject was estopped from making a re-

ply. Mr. Carland was in favor of leaving to Mr. Carland was in favor of leaving to the legislative assembly the authority regulate taxation, but found some defen in the section amended as proposed, and at his suggestion Mr. Moer's amendment was prefixed to the section. On the adoption of the amendment the yeas were 17 and the

nays 51. Mr. Scott held that the lands of a railroad company should be taxed independ-ent of its gross earnings. Mr. Williams held that the whole mat-

ter of taxation should be left to the legisature.

Parsons of Morton, offered an amendment that the legislature may pro-vide for taxing all property used for raiload purposes

AFTERNON SESSION.

SECTION 180. Article 11 being under consideration Mr. Colton moved that the substitute and amendment be laid on the table.

Lost, 33 to 37.

The question being on the adoption of the substitute by the gentleman from Cass, Mr. Bell made a speech opposing any amendment to the section as it had been reported.

Mr. Parsons, of Morton, was at his best in a short speech in reply to Mr. Bell and favored the amendment.

Mr. Holton had another say against the

Mr. Holton had another say against the gooss earnings heresay. Mr. Bartlett, of Griggs, moved the pre-vious question which being seconded the main question was put and the substitute was rejected by a vote of 85 to 36. Mr. Spaulding's explanation of his vote, reading from notes. He voted "yes." Mr. Moer offered an amendment, "but this section shall not be construed as pre-venting the enacting of a law by the Legis-tive Assembly providing for the taxation of property used exclusively for railroad purposes." Rejected by a vote of 30 to 40. On the adoption of sec. 180 the roll was called, yeas 40, nays 81. Mr. Spaulding moved that section 181 be stricken out. Lost. An amendment by the gentleman from

The roll call was demanded and the motion to receive the report was laid on the table by a vote of 45 to 28.

Mr. Barlett moved that the minority report of the committee on public institutions be substituted for the majority report.

Mr. Williams moved to lay the motion on the table, which motion prevailed by a vote of 44 to 28.

Mr. Scott did not vote, explaining that he was paired with Mr. Almen who was ab-sent. It Mr. Almen were present he would vote nay and Mr. Scott would vote aye. Mr. Bartlett of Griggs, then renewed his motion of several days ago that the article locating public institutions be submitted

as a separate proposition to a vote of the Mr. Miller moved that the motion be

laid on the table, which motion prevailed by a vote of 41 to 81. Mr.Williams moved the previous question,

being the motion of Mr. Miller to consider the article locating the public institutions, and the previous question was ordered by vote of 49 to 24.

The clerk then read the article, which was adopted.

Mr. Purcell moved that that part locating a normal school at Valley City be stricken out

Mr. Williams raised the point of order that the section had not yet been read. Sustained.

Mr. Turner moved that all be stricken out save that part locating the capital at Bismarck. Mr. Williams moved to lay the motion

Mr. Spalding moved the previous ques-tion on Mr. Miller's motion to adopt the section, and the previous question was ordered.

The section was then adopted by a vote of 48 to 28.

The following being the vote: Those who voted in the affirmative were:

Messrs-	Meesrs-
Bartlett of Dickey,	Lowell,
Bean,	Meacham.
Blewett,	McHugh.
Brown,	McKenzie,
Camp,	Miller,
Carland,	Miner,
Cariana,	Moer,
Chaffee,	Parsons of Mort
Clapp,	Parsons of Role
Clark,	Paulson,
Elliott,	Powles,
Fay,	Bay.
Flemington, *	Bolfe.
Gayton,	Howe,
Glick,	Nandager,
Gray,	Bandager,
Gray,	Shuman,
Griggs,	Spalding,
Harris,	Stevens,
Hegge,	Wellwood,
Holmes,	Whipple,
Hoyt,	Williams,
Leach,	Mr. President.
Lohnes,	and a source of the
a set is the set of a part of a	and the second second second
Those who voted	in the negative w

Meesrs-Allin, Applete Messrs-Marrinan Mathews,

Dar uow or Grigge,	mednue,
Bell,	Noble,
Bennett,	Nomiand,
Best	O'Brien,
Budge,	Fowers,
Carothers.	Purcell,
Colton.	Polloes.
Douglas,	Richardson,
Hangen.	Robertson.
Johnson.	Hlotten,
end er.	Turner,
Linwell,	Wallace.
	The Party of a party spectrum and

Absent and not voting: Mr. Peterson, Mr. Selby.

Messrs. Almen and Scott being paired. Messrs. Bean, Camp, Johnson, Lauder

After a recess of ten inutes a discussion ensued on the section in the schedule provid-ng for the appointment of the clerk of the ensued on the section in the schedule provid-ing for the appointment of the cierk of the court in the various districts for the ensu-ing year. The section was stricken out and the cierk will therefore be elected this

Mr.Stevens brought up the subject of railroad fees prohibition passed as a section of article 17 in the afternoon session. He said he believed the members were playing horse when they passed it and moved its

norse when they passed it and moved its reconsideration. Mr. Bartlett, of Dickey, said that if mem-bers went there to play horse they should be allowed to do so and stand by their fun. He believed that the section was just

right. Mr. Stevens, after the motion to recon-sider had passed, moved the section be

struck out. Mr. Moer said he did not know why

ture.

Mr. Wallace said he had the honor of being the only member of the convention who had been foolish enough to return his passes. On receiving certain passes he consulted some of his constituents and they thought it would be a bad move for him to take a pass. He considered after looking the ground over and seeing that every member had passes, that it was tom-foolery for him to send his back, therefor he would vote aye on proposition to strike out. Mr. Parsons of Morton said he also re-turned his pass received from the North ern Pacific. It was a B pass, good only in Dakota, and as he had an A pass, good from St. Paul to Portland, he sent the B pass back. The section was struck out by a vote of 45 to 21. Mr. Johnson introduced the following

WERRAS, It is an honor d and beautiful cus-tom on the final adjournment of deliberative as-semblies offthis character to donate by resolution to honored and respected presiding officers, the chair they have occupied and the gavel they have wheided; therefore, be it Besolved, That as a token of our respect and confidence, we hereby order that the chair he has so honorably filled and the gavel he has so ably and impartially weilded, be and is hereby pre-sented to Hon. F. B. Fancher, president of the constitutional sonvention of North Dakota, as-sembled at Bismarck, July 4, 1889. Mr. Nohe moved to incude size the per-

manent officers of the convention. Which amendment prevailed and the

resolutions as amended were adopted. Mr. Carland offered the following and

(25) of the schedule: This constitution shall, after its enrollment, be signed by the president of this convention and the chief clerk thereof and such delegates who desire to sign the same, whereopon it shall be deposited in the office of the secretary of the ter-ritory, where it may be signed at any time by any delegate who shall be prevented from signing the same for any reason at the time of the ad-journment of this constitution. Which within a manufiled and the am

Which motion prevailed, and the proor the section was adopted. Mr. Purcel made another attempt to secure the separate subdivision of a minor-ity representation clause but it was voted down.

down. The convention then adjourned to 2 o'clock p. m. Saturday.

President Francher responded as follows:

Mr. Moer moved that when the conven-tion adjourned it adjourn to meet at 8

The yeas and nays being demanded, the

vote stood yeas 6, nays 62. Mr. Rolfe moved to adjourn till 8 o'clock.

Lost. The roll call on the motion to lay on the table Mr. Moer's motion to reconsider the vote by which section 180 was adopted was ordered by a ruling of the president and re-sulted yeas 31, uays 38. The motion before the house being to reconsider the vote by which section 180 was adopted, the yeas and nays being de-manded, resulted yeas 36, nays 29. Mr. Holmes offered as an amendment an addition to section 180 that the legislative assembly be empowered to regulate taxa-tion of railroads. Mr. Lauder offered a substitute providing that a tax be placed on gross earnings in

that a tax be placed on gross earnings in lieu of all other taxes, on such property as is used by railroads in operating their

Recess of ten minutes. After recess Mr. Lauder withdrew his

President Francher responded as follows: GENTLEMEN OF THE CONVENTION:--Like the pilgrim of the olden times, who having journeyed in many countries, gathering wisdom and knowledge by the way, ascends at last the summit of the east hill, and bending on his staff surveys afar the highest place of all-so have we, after a long, interesting and varied ex-perience, reached the end of our labors and behold, gleaming into light, that Jerusalem of our souls-a completed con-stitution. Gentlemen of the convention, believing as I do, that this constitution, which you have formed is the peer of any constitution in the land; believing as I do, that the people of North Dakota will ratify it by a magnifi-

Mr. moer said no did not know why they, as members of the constitutional con-vention, should have been favored with passes, but he certainly thought that the temptation offered by a pass should be taken away from members of the legisla-

Mr. Wallace said he had the honor of hand; belleving as I do, that the people of North Dakota will ratify it by a magnifi-cent vote. [Applause.] I congratulate you on the completion of your labors. For this elegant token of your esteem, and for the uniform kindness, courtesy and patience, which all of you and each of you have extended to me as your presiding officer, there are no words in our language strong enough to express my thanks. The remembrance of your kindness, and the work of this convention must ever be to me a queen spot memory's waste. And when part to go out again to our various oc-

cupations, it is peculiarly gratifying to me to feel that should I ever meet you again there is not a man on the floor of the con-Mr. Johnson introduced the following resolution and moved its adoption: vention to whom I cannot stretch out the good right hand of fellowship and sit down and talk to as a brother. Gentlemen of the convention, I am not able to make a speech, and I will close with just one word to one and all-God speed yeu, and good bye.

with.

sine die.

ds.

Lost.

WHEREAS, The Hone F.B. Fancher, president of this convention, has in his trying position as our presiding officer, a situation of great deli-cay and responsibility, acquitted himself with uniformscourtesy, eminent fairness and infinite patience; and WHEREAS, It is an honor d and beautiful cus-tom on the final adjournment of deliberative se-[Applause.] It appearing that only one member was absent, and he having returned. further proceedings under the call were dispensed

tion adjourned it aljourn to meet at o o'clock in the evening. On this question the previous question was moved and seconded. Mr. Bartlett of Griggs moved to adjourn

Mr. Noble moved to include also the per-

moved its adoption as section twenty-three (28) of the schedule: