

SOUTH DAKOTA CONSTITUTIONAL CONVENTION.

Sioux Falls, D. T., July 4th, A. D., 1889.

At the hour of twelve o'clock, meridian, on this 4th day of July, 1889, the day and hour appointed by law, the members-elect of the Constitutional Convention of South Dakota, assembled in Germania Hall and were called to order by Hon. Dighton Corson, of Lawrence, one of their number.

Mr. Corson, of Lawrence: Gentlemen of the Constitutional Convention of South Dakota: The Act of Congress providing for this Convention has made no provision for any particular officer to call the Convention to order. At the request of several gentlemen, I now call you to order.

We will first invoke the blessing of Almighty God. The Convention will rise.

Prayer by Rev. L. N. Stratton, of Sioux Falls:

Great and Eternal Father, Thou King of Kings and Lord of Lords, before whom angles bow and to Whom nations must submit, we pray Thee to let Thy blessing rest upon this gathering this day. Grant, we pray, O God, to assist the members of this Convention in all of their deliberations, in all of their plans, and business, and duties and arrangements, and help them to realize that Thy mercy is upon them. We thank Thee that Thou hast sent them here. We thank Thee that they have at last reached this stage in their history as citizens of a new state. Grant, O God, that Thy blessing may rest richly down upon them. Give them wisdom, knowledge and understanding, and lead them to know that the God of this nation is their God, and that they must trust in Him and rely upon Him in all their duties and plans, Bless the Presiding Officer of this Convention, whomsoever he may be. Bless all the officers in any degree or grade below him; and grant that in all of the business arrangements and duties of this gathering there may be a realization of the presence of God.

We ask it in the name of Jesus, our King,
AMEN.

Mr. Corson, of Lawrence: I will ask Mr. Caldwell to read the Proclamation of the Governor.

Mr. Caldwell, of Minnehaha: I will say that there are some typographical errors in the proclamation as printed, and that I will correct them so far as I may know them to be such. In the Tenth District there appears a name which is entirely wrong—the name “Albert Hall”. The certificate of election for the third member from that district has been issued to Charles H. Price.

Mr. Corson, of Lawrence: Perhaps you will read it as proclaimed, as it will have to be corrected by the Convention.

Mr. Caldwell, of Minnehaha: All right.

Mr. Caldwell here proceeded to read the Proclamation of the Governor, entitled,

PROCLAMATION

—of the—

Election of Delegates to the Constitutional Conventions

—of the—

States of North Dakota and South Dakota.

But only such names of delegates were read as were by the Proclamation declared elected delegates to the Constitutional Convention of South Dakota.

Mr. Corson, of Lawrence: For the purpose of knowing how many members are present in this Convention I will direct now the roll to be called, and each member as his name is called will announce the fact, if he is present.

(The roll as contained in said proclamation, after being corrected, was called by Mr. Caldwell.)

Mr. Corson, of Lawrence: There are five absentees: Charles M. Thomas, J. G. Davies, R. C. Anderson, E. E. Clough, and Clark G. Coates, are absent. All the members elected to this Convention being present, excepting five, and there being more than a quorum, the Convention can proceed to the election of the president of the Convention. Nominations for President are now in order.

Mr. Neill, of Grant: I think the proper order in this Convention now is to proceed to take the oath of office.

Mr. Corson, of Lawrence: You are correct. I beg your par-

don. The members of the Convention will now proceed to take the oath of office. The Hon. Bartlett Tripp, Chief Justice of the Supreme Court of the Territory, will now come forward and administer the oath. The members of the Convention will all rise.

The Hon. Bartlett Tripp, Chief Justice of the Supreme Court: You and each of you do solemnly swear that you will support the Constitution of the United States, and that as members of this Convention, you, under the Act of Congress enabling South Dakota to be admitted as a State of this Union, will well and faithfully discharge the duties of that office according to your best learning and discretion, with all good fidelity to yourselves as well as to the people. So help you God.

Mr. Corson, of Lawrence: Before leaving the hall, the members of the Convention will attach their signatures in order that Judge Tripp may affix the jurat to the oath.

Nominations for President of this Convention are now in order.

Mr. Spooner, of Kingsbury: Mr. Chairman, In view of the fact that we are about to proceed to inaugurate statehood, real, and also that we wish to recognize the services of those who have assisted us in making this possible, I beg leave to present the name of the Honorable A. J. Edgerton, of Davison County, for President of this Convention.

Mr. Sherwood, of Clark: Mr. Chairman, I rise to second the nomination of this tried captain and skillful pilot of our ship of state, recognizing that for four years the ship which he lanuched, as captain, upon the stormy sea, has been honored in every port, and that now as we are entering into the harbor, we can have no surer guarantee that we will reach that harbor safely than to place this skillful captain at the helm. I therefore second the nomination of Honorable A. J. Edgerton. (Applause).

Mr. Price, of Hyde: Mr. Chairman, I take pleasure, Sir, in presenting the name of S. B. Van Buskirk, of Codington County, for permanent President of this Convention. Without derogating anything which has been said of the eminent jurist who has been placed in nomination, I can commend to you S. B. Van Buskirk as a man eminently qualified to fill the important duties of that station. A friend of statehood, he has labored in the past, he believes in the present, and is hopeful of the future, and would make this Convention an excellent president.

Mr. Corson, of Lawrence: Are there any other nominations?

There being no other nominations I declare the nominations closed. Judge A. J. Edgerton and Mr. S. B. Van Buskirk are nominated. How shall these gentlemen be voted for at this time?

A Voice: Roll call.

Mr. Corson, of Lawrence: The roll will be called and each member as his name is called will announce the candidate for whom he intends to vote; and I will ask Mr. Caldwell, of Minnehaha, and Dr. McGillicuddy, of Pennington, to step forward and take the names as they are called. As each gentleman's name is called he will announce the gentleman for whom he votes.

(Three delegates had voted when Mr. Van Buskirk took the floor.)

Mr. Van Buskirk, of Codington: Mr. Chairman: I desire at this time to decline the nomination, and will withdraw my name. (Great applause.)

Mr. Neill, of Grant: Mr. President, I move that the calling of the roll be dispensed with and that A. J. Edgerton be elected by acclamation as the President of this Convention.

Mr. Corson, of Lawrence: I think the motion is out of order, unless it is without objection. If any gentleman objects to our dispensing with the roll call he will now make it manifest. (Momentary pause). There being no objection, the motion is in order. It is moved and seconded that the roll call be dispensed with and that the Honorable A. J. Edgerton be declared the unanimous choice of this Convention for President. Are you ready for the question? (Question) (Question). As many of you as are in favor of that motion will signify it by saying aye. As many as are opposed, will say no. The ayes have it; and the Hon. A. J. Edgerton is unanimously elected President of this Convention. (Applause). I will appoint Dr. Spooner and Mr. Van Buskirk a committee to escort Judge Edgerton to the chair.

☞ The Honorable A. J. Edgerton, President elect, was escorted to the chair amid great applause.

Mr. Corson, of Lawrence: Gentlemen of the Convention: I have the pleasure and honor of presenting to you the gentleman whom you have selected as your President, the Hon. A. J. Edgerton. (Applause).

A. J. Edgerton: Gentlemen of the Convention I can not express to you upon this occasion the feeling that I en-

ertain not only by reason of your selection of myself to this place for the second time but in the manner in which it has been done. All that I can say to you now is that I shall endeavor to perform its duties to the full extent of my ability for the best interests of South Dakota, and I know that you will aid me in presenting to the people of South Dakota and the world a constitution unrivaled, and that we may hereafter, under it, succeed to all of those rights that in the opinion of some of us we have been so long prevented from securing.

I thank you again, gentlemen, for this selection at the hands of this Convention.

What is the further pleasure of the Convention?

Mr. Wescott, of Deuel: Mr. President, I move that E. W. Caldwell of Minnehaha, be elected Temporary secretary.

A Voice: I second the motion.

By the President of the Convention: It is moved and seconded that E. W. Caldwell, of Minnehaha be elected Temporary Secretary of the Convention. Are you ready for the question? All those in favor of this motion will signify it by saying aye; contrary no. The ayes have it and Mr. Caldwell is unanimously elected the Temporary Secretary of this Convention.

Mr. Jolley, of Clay: Mr. President, I move that a committee of five be appointed by the Chair to provide rules for the government of this Convention.

A Voice: I second the motion.

By the President of the Convention: It has been moved and seconded that a committee of five be appointed by the Chair to provide rules for the government of this Convention. Are you ready for the question? As many as are in favor of this motion will signify it by saying aye; contrary, no. The ayes have it, and the motion prevails.

The President appointed and the Secretary read the following names of gentlemen appointed as the committee to provide rules: Mr. John L. Jolley, of Clay; Mr. Wood, of Pennington; Mr. Clough, of Codington; Captain H. A. Humphry, of Faulk; Mr. F. G. Young, of Lake.

Mr. Kellam, of Brule: Mr. President, after congratulating you, Sir, and the members of this Convention now assembled, and the people generally of South Dakota, I desire to move that the President of this Convention be authorized and requested to com-

municate by telegraph the greetings and congratulations of this Constitutional Convention to the Constitutional Conventions of North Dakota, Montana and Washington. (Applause).

Mr. Neill, of Grant: I second the motion, Mr. President.

The President of the Convention: You have heard the motion made by Mr. Kellam, of Brule. Are you ready for the question? As many as are in favor of the motion will signify it by saying aye; those opposed, no. The motion prevails.

Mr. Van Tassell, of Sanborn: Mr. President, I move you, Sir, that the President of this Convention nominate a Conference Committee of three to confer with the North Dakota Convention as to the size of a joint committee to be selected by the two Conventions, that being unsettled in the Act of Congress.

Mr. Lee, of Spink: Mr. President, I second the motion.

The President of the Convention: Gentlemen of the Convention, it has been moved and seconded that a committee of three be appointed by the Chair to confer with the North Dakota Convention as to the size of the Joint Committee to be selected by the two Conventions. Are you ready for the question?

Mr. Humphrey, of Faulk: Mr. President, being one of the Committee on Rules, I hesitate to speak on this question; but the facts are, it seems to me that it would be a part of the province of the Committee on Rules, and a part of its business to present this matter to the Convention for its action, and it does not seem to me that it should be a matter to delay our adjournment on this Fourth of July, and that there will be ample time to consider it after the report of the Committee on Rules.

Mr. Kellam, of Brule: Mr. President, my thought is this, that this is one of the first steps that this Convention should take preliminary to the act of the State's admission, provided for by the Omnibus Bill. I understand that this is simply the appointment of a committee to confer with the North Dakota Convention as to the number of gentlemen comprising this commission and the time as to when they will be prepared to meet with the commission from South Dakota. With no disrespect to the Committee on Rules—this is an exceptional committee, and I think that the judgment of this Convention would be that the sooner we can get this matter in the hands of the Commission, inasmuch as it is the only matter that will necessarily consume any great length of time,

the sooner this Commission will get to work, and the sooner they will be prepared to report. My judgment is that this is one of the first steps this Convention should take. It cannot be done until we have conferred with the North Dakota Convention.

Mr. Wescott, of Deuel: Mr. President, I move an amendment to the motion before the House, that this be left to the Committee on Rules—let them see to this matter and return their report after conferring together—after conferring with the Committee appointed by that Convention.

The President of the Convention: It is moved that a committee of three be appointed to confer with the North Dakota Constitutional Convention. It is now moved by the gentleman from Deuel that this question be left to the Committee on Rules. Are you ready for the question? (Cries of "Question"). The first question will be on the reference. Those of the opinion that this be referred to the Committee on Rules will say aye; those opposed say no. The Chair is unable to decide. Those in favor of the reference will rise and stand while the Secretary counts. You will now be seated. Those of the contrary opinion will rise while the Secretary counts.

The Secretary reported that there were 36 ayes, and 25 noes.

The President of the Convention: The reference moved by the gentleman from Deuel is carried, and the whole question is referred to the Committee on Rules.

Mr. Neill, of Grant: Mr. President, I move you that we now adjourn until two o'clock tomorrow afternoon.

Mr. Caldwell, of Minnehaha: Mr. Chairman, I desire to move that the rules of the Constitutional Convention of 1885, shall obtain so far as they may be applicable, until the report of the Committee on Rules is adopted.

A Voice: I second the motion.

The President of the Convention: Are you ready for the question? It has been moved and seconded that the rules of the Constitutional Convention of 1885, shall obtain so far as they may be applicable, until the adoption of the report of the Committee on rules. Those of the opinion that the motion prevail will say aye; contrary no. The motion is carried.

Mr. Neill, of Grant: Mr. President, I will now repeat my motion to adjourn.

Mr. Williams, of BonHomme: Mr. Chairman, in our gathering

(referring to Republican caucus) it was determined that the other temporary officers would be appointed at this time.

A Voice: No Sir; only such as were necessary.

By the President of the Convention: That has no force in this Convention. It has not been acted upon by this Convention. It has been moved to adjourn until tomorrow at two o'clock. Those of the opinion that the motion prevail will say aye; contrary no. The motion prevails and the Convention is adjourned until two o'clock tomorrow afternoon.

ADJOURNED.