

## FOURTEENTH DAY.

Sioux Falls, Dak., July 17, 1889.

Two o'clock P. M.

Convention re-assembled pursuant to adjournment.

President Edgerton in the chair.

Prayer by Mr. Clough as follows:

Almighty God, our Heavenly Father, we thank Thee for the privilege of greeting Thee this day. Now we ask of Thee wisdom and understanding, for the duties of this hour. Give us discretion in all our affairs. May Thy blessing attend us for Christ's sake.

AMEN.

Journal of the preceding day was read and no corrections suggested.

The President: I have a long communication here with reference to the liquor question, and Prohibition; I refer it to the Committee on Schedule.

Also a ten page communication in reference to the name of the State; I refer it to the Committee on Name and Boundary.

Communication from T. D. Kanouse was read to the Convention as follows:

Sioux Falls, S. D., July 15th, 1889.

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE SOUTH DAKOTA CONSTITUTIONAL CONVENTION, IN SESSION AT SIOUX FALLS:

GENTLEMEN:—

If it would be your pleasure as a body, or as individuals, at any time during your sojourn in the city to visit this institution, you have my most cordial invitation so to do. With highest consideration,

Very respectfully,

THEO. D. KANOUSE, Warden.

The President: Reports of standing committees; the Clerk will read the list as ordered, yesterday.

Mr. Hole: Before we commence reading this list, I would suggest that the Chairman of the various committees report their idea when their reports will come before the Convention. The Schedule Committee must necessarily somewhat depend upon the condition of the other work and would like the information.

Mr. Jolley: Under the order of business Reports of Standing Committees, the Committee on Rules without making a formal report, have drawn up a form and suggested that each Committee use this form in making their report to this Convention. The form of the report is now in the hands of the gentleman from Hutchinson. It is substantially as follows:

Sioux Falls, Dak., July ....., 1889.

MR. PRESIDENT:

Your Committee on....., to whom was referred Section ....., entitled....., have considered the same and have compared said section with the Sioux Falls Constitution and the Act of Congress known as the "Omnibus Bill" and have instructed me to report the following section..... of Article..... and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the "Omnibus Bill".

The Committee on Rules thought the reports had better be uniform and that the record had better be made upon the Journal of this Convention at what date they passed.

Under the call of business Reports from Standing Committees, the following reports were made:

The Judiciary Committee submitted the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred the resolution requesting said Committee to examine and report to the Convention whether or not, in their judgment, any portion of the \$20,000 appropriation may be used to defray the expense of the May or October elections, beg leave to report: That it is the judgment of this Committee that no part of the said appropriation can be used for the purpose of defraying the expenses of such elections.

THOMAS STERLING,  
H. A. HUMPHREYS,  
CHAUNCEY L. WOOD,  
W. T. WILLIAMS,  
C. G. SHERWOOD,  
S. G. RAMSEY,  
C. J. B. HARRIS,

GEO. C. COOPER,  
H. F. FELLOWS,  
H. W. EDDY,  
S. B. VAN BUSKIRK.

of the Judiciary Committee.

The Committee on Rights of Married Women submitted their report as follows:

Mr. President:

Your Committee on Rights of Married Women, to whom was referred Section (5) of Article (21) twenty-one, entitled, "Rights of Married Women", have considered the same and have compared said section with the Sioux Falls Constitution and the act of Congress known as the "Omnibus Bill", and have instructed me to report the following as Section Five (5) of Article (21) Twenty-one of the Constitution, and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the Omnibus Bill.

#### **Rights of Married Women.**

SECTION 5. The real and personal property of any woman in this State, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled shall be her separate property, and shall not be liable for the debts of her husband.

L. V. WILLIS,  
Chmn. of Com.  
S. A. WHEELER,  
T. F. DIEFENDORF,  
T. W. THOMPSON,  
J. G. DAVIES,  
DAVID HALL.

Mr. Spooner: I move that the report of the Committee on the Rights of Married Women be adopted. (Motion seconded.)

Mr. Sherwood: I move as an amendment that the report be made a special order for tomorrow.

Which motion prevailed.

Under the order of business, Presentation of Resolutions and the Propositions Relating to the Constitution:

Mr. Sherwood: I have a resolution here I would like to offer. Which was read by the Clerk as follows:

WHEREAS: It appears that several members of the Constitutional Convention, which convened in the city of Sioux Falls on the 8th day of September, A. D. 1885, did not, through error or accident, sign the Constitution adopted on November 3rd, 1885 and,

WHEREAS: Some of the said members of said Convention

who have been heretofore prevented from signing said Constitution, are now desirous of signing the same.

RESOLVED: That the President of this Convention be authorized to permit any duly and elected and qualified member of said Constitutional Convention of 1885, who has not heretofore signed said Constitution to attach his signature to the same.

The President: Do you ask its reference to the Judiciary Committee?

Mr. Sherwood: Yes, Sir.

The President: It is so referred.

The President: The hour has arrived for the special order; the consideration of the two reports.

Mr. Sherwood of Clark, called to the chair.

Mr. Dickinson: I move that the report of the Committee on Executive and Administrative and the Committee on Amendments and Revision of the Constitution, and made a special order yesterday, be re-committed to the respective Committees in order that they may be made to conform to the uniform form that is recommended by the Committee on Rules.

The Chairman: Do I understand that refers to all the business made the special order for today.

Mr. Dickenson: Yes, Sir; those two reports.

Said motion prevailed.

Mr. Sterling: I move you that the Committee now arise and report the action of the Committee.

The Chairman: Do I understand we are now in Committee of the Whole?

Mr. Sterling: If I am mistaken I withdraw the motion.

Mr. Lee: I do not so understand it, that we were in Committee of the Whole.

Mr. Young: If it is in order I would introduce the following resolution:

WHEREAS: The Fiftieth Congress, by the Enabling Act for South Dakota, North Dakota, Montana and Washington, make several new grants of lands, moneys and buildings to South Dakota, upon its admission into the Union, to be used exclusively for specific purposes; and

WHEREAS: It is a mooted question with some members of the Convention as to whether it is obligatory on this Convention and fitting for it to acknowledge and accept said grants by a resolution of the Convention. Therefore, be it

RESOLVED: That the Committee on Judiciary be requested to report on the necessity of such a resolution.

Mr. Jolley: I rise to the point of order, over the gentleman from Lake; we are in Committee of the Whole.

Mr. Wood: We are not in Committee of the Whole.

Mr. Jolley: Did the Chairman rule that? I subside. (Laughter.)

The resolution as presented by the gentleman from Lake, was adopted.

The Chairman: It is referred to the Committee on Judiciary.

Mr. Sterling: I move we adjourn. (Motion duly seconded.)

Mr. Spooner: I rise to the point of order. Are we considered as in Committee of the Whole? (Laughter.)

The Chairman: The Chair will state that perhaps he had better be advised in regard to this matter.

Mr. Spooner: There is a difference of opinion among the members.

The Chairman: I understood that no special motion to go into Committee of the Whole was made; that is what I passed upon; that no special motion was made to go into Committee of the Whole.

Mr. Spooner: Does the Chair pass upon the question whether we are in Committee of the Whole or not?

The Chairman: I think we are.

Mr. Spooner: I move that the Committee rise.

Mr. Edgerton, of Davison: There may be some misapprehension; I understand that there were special orders to be considered in the Convention today; the time had arrived for those special orders, and we commence the consideration of the special orders. I called the gentleman from Clark to the Chair as presiding Officer of the Constitutional Convention.

The Chairman: The motion to adjourn is before the Convention

Which motion prevailed, and the Convention was declared adjourned.

