

THURSDAY, July 18, 1889.

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

The President *pro tempore* presiding.

The Chaplain being absent, prayer was offered by Rev. Ezra Turner.

The Journal of the preceding session was read and corrected by striking out the word "printing" in the last line on page 6, and inserting in lieu thereof the word "providing," and the word "translating" on page 7, first line, and in lieu thereof the word "transcribing," and with these corrections the Journal was approved.

Mr. Spalding moved that the members of the Commission from North Dakota be given permission to sit during the sessions of the Convention.

Which motion prevailed.

Mr. Camp introduced the following resolution and moved its adoption.

When the Committee of the Whole shall have recommended that any proposition or article be made a part of the Constitution, such proposition or article shall be referred to the Committee on Revision and Adjustment, whose duty it shall be to arrange in order and revise all such propositions so that no part of the Constitution shall conflict with any other, and to report a Constitution embracing all propositions and articles so referred, as so provided and adjusted, for final adoption as a whole by this Convention.

The resolution was adopted.

Mr. Stevens moved to amend the resolution of Mr. Camp to read:

*Resolved*, That each proposed article of the Constitution considered for the first time in the Committee of the Whole shall, if adopted, be considered as adopted only for the purpose of referring the same to the Committee on Revision and Adjustment, and that final action on such article be only taken upon the report of the last named committee.

Which amendment was lost and the original resolution was adopted.

#### FIRST READING OF ARTICLES, RESOLUTIONS, ETC.

Mr. Bartlett, of Griggs, introduced File No. 84—

Laws shall be passed taxing by uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and all real and

personal property, according to its true value in money, but improvements and cultivation of the soil shall not be considered in arriving at the cash value of lands, but all lands of the same quality and kind shall bear equal taxation, *provided*, That nothing herein shall exempt from taxation any buildings or like improvements. And *provided* further, That this section shall not apply to land lying within the limits of any incorporated city, village or town.

Which was read the first time.

Mr. Scott introduced File No. 85—

In acting on Executive nominations the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the Journal.

Which was read the first time.

Mr. Linwell introduced File No. 86—

#### EXEMPTIONS.

SECTION 1. The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws, exempting from forced sale a homestead, the value of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property; the kind and value shall be fixed by law.

SEC. 2. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debt contracted after the adoption of this Constitution in all cases during the minority of his children.

SEC. 3. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt, and the rents and the profits thereof shall accrue to her benefit during the time of her widowhood.

SEC. 4. Exemption shall not extend to any mortgage upon the homestead lawfully obtained; but such mortgage or other alienation of the homestead by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Which was read the first time.

Mr. McKenzie introduced File No. 81—

The grand jury may consist of any number of members, not less than five nor more than fifteen, as the General Assembly may provide by law; or the General Assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

Which was read the first time.

Mr. Fay introduced File No. 88—

No act of the General Assembly shall take effect until the first day of July next, after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall by a vote of two-thirds of all the members elected to each House otherwise direct.

Which was read the first time.

Mr. Parsons, of Morton, introduced File No. 89—

Every citizen of this state shall be free to obtain employment, wherever possible, and any person, corporation or agent thereof keeping a black list, interfering or hindering in any way a citizen from obtaining or enjoying employment already obtained, from the same or another corporation or person, shall be deemed guilty of conspiracy against the welfare of the state, which offense shall be deemed a felony.

Which was read the first time.

Mr. Douglass introduced File No. 90—

Any combination between individuals, corporations, associations, or either, having for its object or effect the controlling of the price of any product of

the soil or article of manufacture or commerce, or the cost of exchange is prohibited and hereby declared unlawful and against public policy; and that any and all franchises heretofore granted or extended, or that may hereafter be granted or extended in this state, whenever the owner or owners thereof violate this article, shall be annulled and declared void and their property within the state escheated.

Which was read the first time.

Mr. Parsons, of Morton, introduced File No. 91—

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 this state, any of whose members are employes of such corporation, if the disagreement cannot be adjusted by conference, either party may serve notice of arbitration upon the other, and each shall choose one person as arbitrators, the two to choose a third. The three shall constitute a board of arbitration, and shall forthwith proceed to hear and determine said difference or cause of grievance. The decision of said board of arbitration shall be binding upon both parties and be in force from the time of the decision.

SEC. 2. Appeal may be had to the Supreme Court from the decision of the arbitrators, but said decision shall be carried out pending the decision of the Supreme Court.

Which was read the first time.

Mr. Blewett introduced File No. 92—

#### OATH OF OFFICE.

SECTION 1. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Which was read the first time.

Mr. Hegge introduced File No. 93—

In case prohibition of the manufacture and sale of intoxicating liquor is not adopted and incorporated in the Constitution, then the Legislature shall provide a system of licensing the manufacture and sale of such liquors, fixing the license fee or fees for such liquor at a minimum of not less than one thousand dollars per annum.

Which was read the first time.

#### SECOND READING OF ARTICLES.

File No. 65 was read the second time and referred to the Committee on Legislative Department.

File No. 66 was read the second time and referred to the Committee on Apportionment and Representation.

File No. 67 was read the second time and referred to the Committee on Municipal Corporation.

File No. 68 was read the second time and referred to the Committee on Revenue and Taxation.

File No. 69 was read the second time and referred to the Committee on Preamble and Bill of Rights.

File No. 70 was read the second time and referred to the Committee on Legislative Department.

File No. 71 was read the second time and referred to the Committee on Miscellaneous.

File No. 72 was read the second time and referred to the Committee on Executive Department.

File No. 73 was read the second time and referred to the Committee on Executive Department.

File No. 74 was read the second time and referred to the Committee on Preamble.

File No. 75 was read the second time and referred to the Committee on Schedule.

File No. 76 was read the second time and referred to the Committee on Elective Franchise.

File No. 77 was read the second time and referred to the Committee on Public Debt.

File No. 78 was read the second time and referred to the Committee on Municipal Corporations.

File No. 79 was read the second time and referred to the Committee on Public Institutions.

File No. 80 was read the second time and referred to the Committee on Legislative Department.

File No. 81 was read the second time and referred to the Committee on Temperance.

File No. 82 was read the second time and referred to the Committee on Municipal Corporations.

File No. 83 was read the second time and referred to the Committee on Corporations.

Mr. Spalding moved that the Convention do now resolve itself into a Committee of the Whole to consider the resolution offered by Mr. Selby.

Which motion prevailed, and the President called Mr. Moer to the chair.

When the Committee rose the following report was presented:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration the resolution of Mr. Selby providing for the publication of five hundred copies of the debates and proceedings of this Convention in bound form, for distribution among the members of this Convention and other state and territorial libraries, and recommend that the resolution be amended by striking out the words "five hundred" and inserting in lieu thereof the words "one thousand."

Also, that it be amended by striking out the words "and that the Legislature of the state at its first session make an appropriation for the payment of such printing and publication, as certified to by the proper committee, unless such expense is paid out of the congressional appropriation to defray the expenses of this Convention;" and that it be further amended by providing that

each member of the Convention shall be entitled to receive six copies thereof, each employee of the Convention one copy, each state or territorial library one copy, the congressional library one copy and the first state officers elected one copy each, and when so amended the Committee recommends the adoption of the resolution.

S. H. MOER,  
Chairman.

Mr. Pollock moved that the report of the Committee be adopted.  
Which motion prevailed.

The President *pro tempore* called Mr. Stevens to the chair.

Mr. Blewett moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.

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FRIDAY, July 19, 1889.

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

The President *pro tempore* presiding.

The roll was called, all members being present except Messrs. Camp and Whipple, who were excused.

The Journal of the preceding session was read, and the words "the resolution was adopted," following the resolution introduced by Mr. Camp, was stricken out, and with this correction the Journal was approved.

Mr. Lauder moved that the vote by which the resolution introduced by Mr. Camp was adopted be reconsidered.

Which motion prevailed.

Mr. Lauder moved to amend the resolution so as to read after the word "final" in the last line the following: "Adoption or amendment, section by section, by this Convention, and to be then adopted as a whole."

Which amendment prevailed, and the resolution was adopted.

Mr. Williams moved that the resolution be laid over until next Tuesday, and then come up as unfinished business.

Which motion was lost.

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

*Resolved*, That the Committee on Revision and Adjustment be instructed to report to this Convention every change made in the text of matter referred to it.

The yeas and nays were demanded on the passage of the resolution.