

## FIFTEENTH DAY.

BISMARCK, *Thursday, July 18, 1889.*

The Convention met pursuant to adjournment, with President *pro tem* JOHNSON in the Chair.

Prayer was offered by the Rev. Mr. TURNER.

Mr. CAMP introduced the following resolution :

## THE COMMITTEE ON REVISION.

*Resolved*, 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 revised and adjusted, for final adoption as a whole by this Convention.

Mr. PARSONS of Morton. I would like to ask for information. Does this resolution refer everything to the Committee on Revision and Adjustment before its adoption or after ?

Mr. CAMP. I would say that I understand it is the usual course of a Constitutional Convention that after they have decided that a certain article shall be a part of the Constitution, they don't take final action on that, but refer all the articles to a Committee on Revision and Adjustment. That committee takes all these articles, arranges them in proper order, inserts the proper titles, inserts the proper sections and subdivisions, and reports a Constitution embracing all these articles with such verbal changes as are made necessary from the original, and the Convention then acts upon that. Under this plan we shall not be liable to adopt two articles on two different days that conflict.

Mr. STEVENS. I would like to ask if it is referred to the Committee of the Whole before adoption, may it not be amended and new matter inserted on the report of the Committee on Revision ?

Mr. CAMP. Certainly.

Mr. PARSONS of Morton. I would like to ask once more—I may be unpardonably ignorant—whether there is anything in this resolution designed to prevent a roll call on every section or any part of the Constitution on its adoption. If it does not prevent that I should be in favor of it.

Mr. CAMP. There is nothing in the resolution to prevent the Convention from acting in regard to the roll call as it sees fit. They can take up the Constitution section by section, or article by article or as a whole. The report of the Committee on Revision brings before this body in compact form the whole of what the Committee on Revision has recommended.

Mr. ROLFE. What would be in the way of reporting the report of the Committee on Revision and Adjustment back to the same committee for their revision and adjustment after action of the Convention in Committee of the Whole? In other words, what is the necessity of this further committee that is suggested—what would its office be—what would its office be which the Committee on Revision and Adjustment could not accomplish? If the Constitution is acted on by the Committee of the Whole, if it should be necessary to refer that to another committee for further revision, why not refer it to the committee that we now have?

The resolution was read again, whereupon

Mr. ROLFE said: I understand now—I thought before that the resolution contemplated an additional committee.

Mr. MILLER. It seems to me that that resolution is eminently just and proper. I know of no way that we can throw this Constitution together unless it is by referring it to some proper committee. The Committee on Revision and Adjustment is that proper committee. I don't see any other way to get at it, except as that resolution provides.

Mr. STEVENS. I have no objection to the reference; the only question is as to the time when it shall be referred. This motion contemplates that it shall be referred previous to its adoption; it provides that when it is recommended by the Committee of the Whole it shall then be referred. It would save a great deal of time if we referred this to the Committee on Revision from the Committee of the Whole. New propositions may be made, amendments offered, and a good deal of discussion might take place which would have been proper to have taken place when it came up originally from the Committee of the Whole as a single resolution. I am opposed to the reference as proposed in the res-

olution, because the time of reference is not the proper time to save time to this Convention. It would be better to refer it after it has been passed on and adopted, and then, if perchance we should adopt two sections which are antagonistic, by a proper explanation to this Convention, they can suspend the rules and reconsider the proposition if desired.

Mr. LAUDER. It seems to me that after the Constitution has been formed, and after it has been adopted, it is too late to then refer it to any committee. The work of the Convention is then done. Then, again, it will take the Committee on Revision more time to do their work. If the work which that committee has to do is delayed until all the articles are prepared and have been adopted in the Committee of the Whole, then the Convention will have nothing to do but to wait for the Revision Committee to do its work. Then the Constitution will not be adopted as a whole until after the Revision Committee as well as the other committees have entirely completed their work. The adoption of the Constitution by the Convention will be the last work for this Convention to do.

Mr. STEVENS. I don't mean that it is proper to wait before referring articles to this Revision Committee till every article has been adopted, but each should be referred immediately after they have been adopted by the Convention. I move as an amendment to the resolution that the articles shall be referred immediately on their third reading by this Convention.

Mr. CAMP. It seems to me to be a very strange proceeding—to adopt an article and then refer it to a committee. When you have adopted it you have made it a part of the Constitution. That is the reason why I drew the resolution as I did.

Mr. PARSONS of Morton. I may misunderstand the scope of the Revision Committee, but it seems to me that we have the power in our own hands, having passed any resolution or adopted any article to reconsider such a resolution or article. It seems to me in the history of parliamentary bodies generally, that that power has been used. Because we adopt something, it does not necessarily preclude us from again reconsidering it. When the Revision Committee looks over these articles that have already been adopted, and report back to this House that two articles conflict in certain particulars, it seems to be fitting and right and proper that they should at once reconsider their previous action. It appears to me that what I have indicated is the scope of the

committee, and I heartily concur in the amendment of the gentleman from Ransom.

Mr. CAMP. The thing we have to adopt here is a Constitution—not a lot of separate articles and sections, but a Constitution. I don't believe that this Convention wants to adopt anything else. It should not take official action on any part of the Constitution until it is ready to act on the whole Constitution and pass on and adopt it as a whole.

Mr. ROLFE. I would suggest that the amendment be made to cover these points—that the article when considered in the Committee of the Whole be first adopted only for the purpose of referring it to the Committee of Revision and Adjustment; that the consideration by the Committee of the Whole should not be considered final adoption, but that it be considered adoption simply for the purpose of reference to this committee. Then when that committee has made its final report, then the Constitution be taken up for final adoption by the Committee of the Whole.

Mr. CARLAND. It seems to me that the motion of the gentleman from Stutsman simply changes the mode of adoption of the Constitution from adopting it section by section and piece-meal, until it shall become a perfect instrument. Then it shall be taken up section by section and the Convention shall act upon it, either to adopt it or reject it. That is to say, this resolution prescribes that when this Convention in the Committee of the Whole have recommended that a certain article or section should be made part of the Constitution, that section or article should be then referred to the Committee on Revision and Adjustment. If the Committee of the Whole adopts the section or article it will be adopted by the Convention, for the same gentlemen who compose the committee compose the Convention. Then it goes to the committee and they report it back to the Convention when the Constitution is completed. It seems to me that the resolution would be entirely proper, because in the meantime the Committee on Adjustment and Revision would have an opportunity to perform their labors with less hurry than if these articles are retained and referred to the committee at the close of the Convention. Then it would take them some time probably to make their report. Of course the action of referring the article to the Revision Committee does not bind the committee. They have still to act on it. If the article is referred by the Committee of the Whole and reported back with the recommendation that it be passed, and it is



passed, then the Committee on Revision and Adjustment would be utterly powerless to change its phraseology or to change a word in it; while at the same time it might conflict materially with another section, and make one section in the Constitution repugnant to another.

Mr. HARRIS. In regard to the question of the gentleman from Morton as to whether or not we can reconsider a question at any time, I would quote rule 19 which reads as follows :

No motion for reconsideration shall be permitted unless made and seconded by delegates who were in the majority on the vote on the original question, and within six days of actual session after the decision.

Mr. STEVENS. I judge from the remarks of the gentlemen from Burleigh that the Committee on Revision and Adjustment have not only the right to arrange, but to change the phraseology; change the wording of an article that has been adopted by this Convention when sitting in Committee of the Whole. I understand that they have such a right. If they have, then why not ask them to make their report first, for if they are to make the phraseology on this Constitution, we had better find out what their phraseology is before we act on it.

Mr. CARLAND. What is the Committee on Revision and Adjustment for do you suppose?

Mr. STEVENS. Where two propositions are antagonistic to one another the committee should report that fact, and the Convention should act on the report, and say which proposition or article they will have.

Mr. CAMP. There are several articles already introduced here using the words General Assembly; others use the word Legislature. That is a specimen of the work of the Committee on Revision and Adjustment. When these articles come to this committee they will adopt one phraseology. There are scores of such details which will need revision by this committee, and that committee is for the purpose of making such revision and reporting its action. Of course this Committee does not possess any final power. All they can do is to report a change and recommend that it be adopted.

Mr. CLAPP. As I understand it, the report of the Committee of the Whole does not appear on the Journal.

Mr. BEAN. If we adopt this amendment it will practically bind the Convention to six days for reconsideration, unless we can go back by common consent. Under ordinary circumstances we

can take up an article by common consent. When two or three articles conflict it looks to be proper for the committee to arrange the whole matter themselves. They can only change the articles so that none will conflict, and the whole thing practically lies with their action on the articles. It makes no practical difference, only that if we adopt this amendment we will bind ourselves so that we can discuss the articles again only by common consent if the six days have expired.

The amendment was put and lost.

The original resolution of Mr. CAMP was then carried.

#### THE DEBATES AND PROCEEDINGS.

The following resolution, which had been introduced by Mr. SELBY, was then discussed:

*Resolved*, That 500 copies of the transcribed stenographic report of the debates and proceedings of this Convention be printed and published in bound volume form for distribution among the members, and exchange with other state and territorial libraries, 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.

Mr. STEVENS. I move as an amendment that the words eight hundred be substituted for five hundred.

Seconded by Mr. ROLFE.

Mr. SCOTT. I would like to inquire what the expense of publishing 500 copies of the debates will be, and what will be the difference between the cost of 500 and 800.

Mr. STEVENS. I would say that of course this is problematic how large the volume would be, but at government rates, for the volume such as we would have, the additional expense of 300 would probably not exceed \$250.

Mr. SCOTT. It seems to me that if that is all the difference we ought to have a thousand. Most of the gentlemen would like to have their debates in circulation, and if we have any printed at all, we should have a thousand.

Mr. STEVENS. I make this amendment for this reason: When they are distributed among the various state libraries and public institutions that will want them, there will not be to exceed two or three for each member. I think each member should receive four or five, or six copies for distribution among his constituents. If you distribute them among the public institutions

in the United States it will take about all the 500 copies, without any going to the inhabitants of North Dakota.

The amendment was carried.

Mr. CARLAND. I would move that the resolution of the gentleman from Traill be amended by striking out the following portion: "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." In support of my amendment, I would say that I am of the opinion that the language in the resolution would be inoperative, for this reason—that the only way this Constitutional Convention can in any way pledge the faith of the future State would be by a provision in the Schedule of the Constitution, and that will be operative when the people have voted upon it. A mere resolution of this Convention to the effect that the future State shall pay for this printing is entirely inoperative from the fact that this Convention has not the power to bond the State or pledge its faith by resolution. I therefore move that it should be so amended so that it will read:

*Resolved*, That 1,000 copies of the transcribed stenographic report of the debates and proceedings of this Convention be printed and published in bound volume form by the public printer for distribution among the members, and exchange with other State and Territorial libraries.

And leave the expense part of the matter to be fixed by the Schedule.

Mr. SELBY. Mr. PRESIDENT: My object in incorporating in this motion the latter part which the gentleman from Burleigh desires to have stricken out, was for the purpose of getting the Convention to commit itself on the question of publishing the debates if it desired to have them published. Then if it is the sense of this Convention that the debates should be printed, a subsequent Legislature will make the appropriation. If this resolution is adopted the Committee on Schedule will incorporate it in their report.

Mr. CARLAND's amendment was adopted.

Mr. STEVENS. I move the adoption of the resolution as amended.

Mr. SPALDING. I move that the resolution be so amended as to include the distribution of six copies of the debates to each member of the Convention, and one copy to each employe, and

one copy to each State and Territorial library in the United States, a copy to the Congressional Library and one copy to each of the first State officers elected.

The amendment was carried.

Mr. STEVENS. I move that the committee rise and recommend to the Convention that the resolution as amended be adopted.

Seconded and carried.

The Committee then rose, and the Convention convened.

Mr. POLLOCK. I move the adoption of the report of the Committee of the Whole.

Mr. SCOTT. If we figure out on a basis of a thousand copies, six for each member will be 450 copies. If each State library is only entitled to one and one to each Territory, and the Congressional library one, and each employe one, that would only make about 550. What are we going to do with the balance?

The report of the Committee of the Whole was adopted.

Mr. BLEWETT. I move to adjourn.

The motion prevailed, and the Convention adjourned.

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## SIXTEENTH DAY.

BISMARCK, *Friday, July 19, 1889.*

The Convention met pursuant to adjournment, with President *pro tem.* JOHNSON in the Chair.

### THE REVISION QUESTION.

Mr. LAUDER. There seems to be some misunderstanding as to the exact meaning of the resolution offered by Mr. CAMP yesterday. I desire that the resolution be reconsidered. My idea in voting for it yesterday was that it would expedite business and I did not carefully examine the language of the resolution. I was well satisfied with its general import. The resolution reads as follows :

*Resolved,* 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,