

THURSDAY, AUGUST 15, 1889.

The Convention assembled at 10 o'clock a. m., pursuant to adjournment.

The President presiding.

Prayer was offered by the Chaplain.

The roll was called, all members absent being excused.

The Journal of August 13 was read, corrected and approved.

Mr. Pollock moved that the reading of communications and roll calls be omitted from the reading of the Journal.

Which motion prevailed.

PETITIONS, TELEGRAMS AND COMMUNICATIONS.

HOPE, N. D., 13, 1889.

To the Hon. D. E. Wallace:

Inclosed please find copy of preamble and resolutions adopted unanimously at a meeting of citizens of Steele county, held on Monday evening, August 12, 1889, at the Hope opera house. The officers of the meeting were instructed to present you with a copy and request that you make the same known to the Convention.

JOHN J. WAMBERG,
Chairman.

WHEREAS, A majority of the members of the Constitutional Convention now in session at Bismarck have, by an assumption of arbitrary powers not intended by the people of North Dakota to be vested in them, located a number of public institutions; and,

WHEREAS, We believe that improper influences have been brought to bear by corporations and others affected in the location of said buildings and institutions; and,

WHEREAS, We believe that the location of the capital of North Dakota is a prerogative of the people, and should be left to them to be decided by their suffrages; and,

WHEREAS, Many of the public buildings and institutions will not be needed for many years to come, and in view of the further fact that large portions of the state of North Dakota are at present sparsely settled, and that no action should be taken at the present time which may prejudice their rights and interests in the future; and,

WHEREAS, The action of said majority of the members of the Constitutional Convention, if persisted in, will endanger the adoption of the Constitution and thus delay statehood, as well as place the people at great expense should the Convention have to again assemble; therefore, be it

Resolved, That we, the people of Steele county, in public meeting assembled, do hereby protest against the adoption of said article known as File 143, and ask that the same be stricken from the Constitution before its final adoption; and we respectfully ask our delegates to use all honorable means to

defeat the final adoption of the Constitution unless said clause is stricken out; and, be it further

Resolved, That we hereby pledge ourselves to do all in our power to defeat the ratification of the Constitution when submitted to a vote of the people, unless our wishes in this respect are complied with.

R. H. SIMPSON,
Secretary.

PEMBINA, N. D., Aug. 13, 1889.

To the President of the Constitutional Convention:

We, the undersigned residents of Pembina county, do protest against the action of the Constitutional Committee in permanently locating the public institutions of North Dakota, and do pray that they reconsider the action that they have taken.

F. A. MILLER, and 285 others.

WHAHPETON, N. D., Aug. 14, 1889.

To the Hon. Andrew Slotten:

The following resolutions were unanimously adopted here last night: We, the citizens of Richland county in mass meeting assembled do hereby desire to express our disapproval of the location of the public institutions of the coming State of North Dakota by the Constitutional Convention and the farming out of the state lands for such institutions and give therefore the following reasons: First, That the members of such convention were elected for the sole purpose of framing a Constitution for the whole state and not to exercise ingenuity in furthering the interest of particular localities. Second, That the principle of locating such institutions by this convention is unjust in its inception and pernicious in its results. Third, That such locations are made by combinations for political schemes and private gains. Fourth, The Constitutional Convention has no authority to dispose of a hundred and seventy thousand acres parcelled out as are expressly granted for such charitable and educational purposes as the legislature may provide and can only be granted by the legislature. Fifth, That the granting of the last mentioned lands was inserted for the purpose of deceiving members into voting for an otherwise distasteful measure in order to secure some home institutions. Therefore, be it

Resolved, That we express our approval of the course of our delegates who voted against such measure and that we respectfully request our other delegate to change his vote thereon and that they use their united endeavors to defeat the same.

H. J. McCUMBER,
JOHN NELSON,
C. N. WOOD,

Committee on Resolutions.

ST. THOMAS, N. D., Aug. 13, 1889.

To the President of the Constitutional Convention:

A large and very enthusiastic condemnation meeting of the residents of this city and vicinity was held at the opera house last evening.

Wm. McMurchie was elected chairman and A. L. Miller secretary.

After a number of speeches were made by leading citizens condemning the action taken by the Constitutional Convention, and in particular by the home delegates, Powles and Holmes, the chair appointed a committee of seven, to draft resolutions.

The resolutions condemned in the severest terms the action of the forty-four, and extolled the bravery of the thirty who, in spite of all opposition and offers of "boodle," worked and voted for what they knew was right and what their constituents desired.

The resolution also embodied the sentiment that if the Constitution, when presented in October, contained any clause permanently locating the public institutions of North Dakota, every just effort would be made to defeat its adoption.

A petition asking the Convention to reconsider their action on this matter has been signed by two hundred of the citizens of this city and vicinity and will be sent to-day to the Convention.

WHEREAS, We the people of southern Pembina county, have met in mass convention to take action on the matter of the location of public institutions by the Constitutional Convention; now, therefore,

Resolved, That we believe our Constitutional Convention is exceeding its duties and powers in presuming to permanently locate our public institutions, and we pledge ourselves to use all just means to defeat a Constitution containing clauses relating to the same.

Resolved, That we consider the action of the forty-four delegates who favored the resolution as unwarrantable and without the color of law, and look upon them as usurpers of our inherent rights and condemn them as unfit to represent a free and enlightened people living under a republican government.

Resolved, That we commend the thirty delegates who, in the face of bribery and corruption, have refused to exercise powers not delegated to them, and extend to them approbations greater than words can convey.

GRAFTON, N. D., August 12, 1889.

To the President of the Constitutional Convention:

At a meeting of the Republican and Democratic County Central Committees, held this day in the city of Grafton, county of Walsh, North Dakota, the following resolutions were unanimously adopted:

WHEREAS, The Constitutional Convention for the State of North Dakota has included in the Constitution an article permanently locating the various public institutions for the State of North Dakota; and

WHEREAS, The location of said institutions by the Constitutional Convention is without precedent and was not contemplated by the electors of North Dakota when they selected their delegates to attend said Convention; and

WHEREAS, We believe it to be the right of the people to decide when and where all public institutions for the state of North Dakota shall be located; and

WHEREAS, We believe that the location of the institutions as contemplated by the Constitution will be subversive to the best interests of the people of the State of North Dakota, and will tend to produce extravagant and premature appropriations for public institutions long before they are needed, and introduce a dangerous element into the Legislative deliberations of the new State of North Dakota, at this critical formative period of its history; and

WHEREAS, The unanimous sentiment of the people of Walsh county, North Dakota, as conclusively shown by the fact that not a single advocate of location of the public institutions has yet been found in Walsh county, although several public meetings have been held to discuss this matter, and the members of both committees have endeavored to faithfully ascertain the sentiments of the electors of the county of Walsh; and

WHEREAS, It is the unanimous opinion of the members of the said County Central Committees that the electors of Walsh county, North Dakota, without regard to party, and in the exercise of the best judgment, firmly believe that the adoption of the Constitution with the article in it locating the public institutions would prove a most serious calamity for the new State of North Dakota, and that the said electors would prefer to remain a territory rather than become a state under such conditions it is, therefore,

Resolved, By the said Republican and Democratic County Central Committees for the county of Walsh, that in deference of the wishes and opinions of the entire people of Walsh county, Dakota, that if the said article locating the public institutions be not stricken from the Constitution, they will order each and every ballot printed for the coming election in the county of Walsh to be printed "Against the Constitution," and will use every endeavor to secure the defeat of the Constitution at the polls, firmly believing it to be the less of the two evils.

The committees further state that it is their unbiased opinion gathered from each and every section of Walsh county that there will be a unanimous

vote recorded against the Constitution in its present form, and that not one hundred out of the four thousand votes of Walsh county will be cast in its favor.

In testimony whereof the said committees have caused these resolutions to be subscribed to by their respective chairmen and secretaries.

O. E. SAUTER
Chairman of the Walsh County Central Republican Committee.

M. K. MARRINAN,
Chairman of the Walsh County Democratic Central Committee.

D. W. YORKEY,
Secretary of the Walsh County Republican Central Committee.

Wm. J. HUGHES,
Secretary of the Walsh County Democratic Central Committee.

Mr. Camp moved that the reading of the report of the Committee on Accounts and Expenses be omitted.

Which motion prevailed.

Mr. Rolfe moved that all communications read be referred to the committee appointed yesterday.

Which motion prevailed.

Mr. Spalding moved that the resolution on page 7 of the journal of July 17th, as amended on page 5 of the Journal of July 18th, be adopted with the exception of the figure "6" in the fourth line from the bottom which shall be changed to "8."

Ayes and nays demanded.

The roll being called there were ayes, 21; nays, 45; viz:

Those who voted in the affirmative were:

Messrs—
Bartlett of Dickey,
Bennett,
Blewett,
Chaffee,
Clapp,
Elliott,
Gayton,

Messrs—
Gray,
Harris,
Hoyt,
Johnson,
Lauder,
Mecham,
McKenzie,

Messrs—
Parsons of Morton,
Peterson,
Pollock,
Rolfe,
Sandager,
Scott,
Spalding.

Those who voted in the negative were:

Messrs—
Allin,
Appleton,
Bartlett of Griggs,
Bell,
Best,
Brown,
Budge,
Carland,
Carothers,
Clark,
Colton,
Douglas,
Fay,
Flemington,
Glick,

Messrs—
Griggs,
Haugen,
Hegge,
Linwell,
Lowell,
Mathews,
McBride,
McHugh,
Miller,
Moer,
Noble,
Nomland,
O'Brien,
Parsons of Rolette,
Powers,

Messrs—
Powles,
Purcell,
Ray,
Robertson,
Richardson,
Rowe,
Selby,
Shuman,
Slotten,
Stevens,
Turner,
Wallace,
Wellwood,
Whipple,
Williams,
Mr. President.

Absent and not voting:

Messrs—
Alman,
Bean,
Camp,

Messrs—
Holmes,
Leach,
Lohnes,

Messrs—
Marrinan,
Paulson,

And so the motion was lost.

Mr. Stevens moved to reconsider the vote by which Mr. Spalding's motion was lost.

Mr. Purcell moved to lay the motion to reconsider on the table.

Mr. Stevens raised the point of order that the motion to lay on the table was not properly before the house, he having given notice that immediate action was not desired on the motion to reconsider, but simply desired it to become a matter of record.

The President decided the point of order not well taken, and the motion to lay on the table being put, prevailed.

Mr. Clapp moved to proceed to the consideration of Article V.

Which motion prevailed.

Section one hundred and twenty-one (121) was adopted.

Mr. Bartlett moved that the letter "s" on the word "crimes," in the third line of section one hundred and twenty-two (122) be stricken out; also that the words "without regard to sex" in the fourth line of the same section be stricken out.

Which motion was lost.

Mr. Parsons of Morton, moved that the recommendations of the committee be concurred in.

Which motion prevailed, and

The section as recommended to be amended by the committee was adopted.

Section one hundred and twenty-three (123), one hundred and twenty-four (124), one hundred and twenty-five (125) and one hundred and twenty-six (126) were adopted.

Mr. Turner moved that the recommendation of the committee as to section one hundred and twenty-seven be concurred in.

Which motion prevailed.

And the section as recommended to be amended by the committee was adopted.

Mr. Clapp moved that the words "*non compos mentis*" be printed in italics.

Which motion prevailed.

Mr. Rowe moved to amend section one hundred and twenty-eight (128) by striking out all after the word "territory" the following words: "May vote for all school officers and upon all questions pertaining solely to school matters and be eligible to any school office."

Which motion prevailed.

Mr. Bartlett of Dickey moved to further amend the section by inserting after the word "any," in line one, the word "single."

Mr. Moer moved to amend the motion by substituting for the word "single" the word "married."

Mr. Stevens moved as a substitute for all other motions before the house that the section as amended be adopted.

Mr. Bartlett moved the previous question, and the question being shall the main question be now put, and being taken, prevailed.

Ayes and nays were demanded on the motion of Mr. Stevens.

The roll being called there were ayes, 63, nays, 6, viz:

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harris,	Peterson,
Appleton,	Haugen,	Powles,
Bartlett of Dickey,	Hegge,	Purcell,
Bartlett of Griggs,	Holmes,	Pollock,
Best,	Hoyt,	Ray,
Blewett,	Johnson,	Richardson,
Brown,	Lauder,	Robertson,
Budge,	Leach,	Rolfe,
Camp,	Linwell,	Rowe,
Carland,	Lowell,	Sandager,
Carothers,	Mathews,	Scott,
Chaffee,	Meacham,	Shuman,
Clapp,	McBride,	Slotten,
Clark,	McKenzie,	Spalding,
Colton,	Miller,	Stevens,
Elliott,	Moer,	Turner,
Fay,	Noble,	Wallace,
Gayton,	Nomland,	Wellwood,
Glick,	O'Brien,	Whipple,
Gray,	Parsons of Morton,	Williams,
Griggs,	Parson: of Rolette,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bell,	Douglas,	Powers,
Bennett,	Paulson,	Selby.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Flemington,	Marrinan,
Bean,	Lohnes,	McHugh.

And so the substitute prevailed.

Section one hundred and twenty-nine (129) as amended was adopted.

Mr. Parsons of Morton, moved that what is known as "Council Bill No. 60" be added to section one hundred and twenty-nine (129).

Mr. Stevens moved as a substitute that the section be adopted as reported from the committee.

Which motion was ruled out of order.

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

Mr. Noble raised the point of order that Mr. Spalding's motion

was out of order inasmuch as the roll call had been commenced, and moved the previous question. The question being, shall the main question be now put, was put and prevailed.

Ayes and nays were demanded on the motion of Mr. Parsons.

The roll being called there were ayes, 14; nays, 49, viz:

Those who voted in the affirmative were:

Messrs—
Appleton,
Best,
Colton,
Douglas,
Gray,

Messrs—
Griggs,
Lauder,
Linwell,
McBride,
Parsons of Morton,

Messrs—
Powers,
Richardson,
Turner,
Mr. President.

Those who voted in the negative were:

Messrs—
Allin,
Bartlett of Dickey,
Bartlett of Griggs,
Bennett,
Blewett,
Brown,
Budge,
Camp,
Carland,
Carothers,
Chaffee,
Clapp,
Clark,
Elliott,
Fay,
Gayton,

Messrs—
Harris,
Haugen,
Hegge,
Holmes,
Hoyt,
Johnson,
Leach,
Lowell,
Matthews,
Meacham,
McKenzie,
Miller,
Noble,
Nomland,
O'Brien,
Paulson,

Messrs—
Peterson,
Purcell,
Pollock,
Robertson.
Rolfe,
Rowe,
Sandager,
Scott,
Selby,
Shuman,
Slotten,
Spalding,
Stevens,
Wellwood,
Whipple.

Absent and not voting:

Messrs—
Almen,
Bean,
Bell,
Flemington,

Messrs—
Glick,
Lohnes,
Marrinan,
McHugh,

Messrs—
Parsons of Rolette,
Powles,
Ray.

Messrs. Moer, Wallace and Williams being excused.

And so the amendment was lost.

Mr. Williams offered the following substitute for section one hundred and twenty-nine (129):

"The secrecy of the ballot shall be preserved inviolate; and the Legislative Assembly shall pass suitable laws to secure the same. All ballots shall be printed, distributed and delivered at the polls to electors for voting, at public expense and under public supervision and at each polling place there shall be provided a sufficient number of booths or compartments, in which the electors singly shall prepare their ballots in secret."

Mr. Lauder moved to lay the substitute on the table.

Mr. Noble moved to adjourn.

Which motion prevailed.

AFTERNOON SESSION.

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

Ayes and nays demanded on the motion of Mr. Lauder to lay the substitute offered by Mr. Williams on the table.

Mr. Moer moved a call of the house.

Which motion prevailed and the roll was called.

All members were present except Messrs. Powers, Sandager and Robertson.

Mr. Paulson being excused.

Mr. Lauder moved that further proceedings under the call be dispensed with.

Which motion prevailed.

The roll being called, there ayes, 57; nays, 16; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Fay,	O'Brien,
Almen,	Flemington,	Parsons of Rolette,
Bartlett of Dickey,	Gayton,	Peterson,
Bartlett of Griggs,	Glick,	Powers,
Bean,	Griggs,	Purcell,
Bell,	Haugen,	Pollock,
Best,	Hegge,	Ray,
Blewett,	Holmes,	Richardson,
Brown,	Johnson,	Robertson,
Budge,	Lauder,	Rolfe,
Camp,	Leach,	Rowe,
Carland,	Linwell,	Scott,
Carothers,	Lohnes,	Selby,
Chaffe	Lowell,	Shuman,
Clapp,	Mathews,	Slotten,
Clark,	Meacham,	Stevens,
Colton,	McHugh,	Wallace,
Douglas,	Miller,	Wellwood,
Elliott,	Nomland,	Whipple.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Marrinan,	Parsons of Morton,
Bennett,	McBride,	Powles,
Gray,	McKenzie,	Spalding,
Harris,	Moer,	Turner,
Hoyt,	Noble,	Williams,
		Mr. President.

Absent and not voting:

Mr. Paulson, Mr. Sandager.

And so the motion to lay on the table prevailed.

Mr. Williams moved to amend section one hundred and twenty-nine (129) by adding thereto the following:

And the Legislative Assembly shall immediately, and from time to time, provide for a complete and uniform registration by election districts of the names of qualified electors in this state; which registration shall be evidence of the qualification of all registered electors to vote at any election thereafter held; but no person shall be excluded from voting at any election on account of not being registered, until the General Assembly shall have passed an act of registration which shall have gone into effect. No person shall vote, except as provided

in this Constitution, unless his name shall have been registered as required by law at least ten days before the day of election. A new registration shall be made within sixty days next preceding the tenth day prior to every election; and after it shall have been made no person shall establish his right to vote by the fact that his name appears on any previous register. All laws for the registration of electors shall be uniform throughout the state.

Mr. Stevens moved as a substitute the following: "The Legislature shall provide by law for the registration of voters."

Which substitute was lost.

Mr. Bartlett of Griggs, moved to strike out all after the word "held" in the fifth line of the amendment proposed by Mr. Williams, and that as so amended the section be adopted.

Which motion prevailed and the section as amended was adopted.

Mr. Bartlett of Griggs, moved that article five (5) as amended be adopted, and that it be sent to the engrossing clerks.

Which motion prevailed.

Sections one hundred and three (103) and one hundred and sixteen (116), being Special Orders, were considered.

Mr. Lauder moved to amend section one hundred and three (103) by striking out in the second line the words "each within its territorial limits" and adding at the close thereof the following:

All proceedings had and taken in any action not commenced in the county in which the defendant, or one of the defendants, resides, shall be null and void; *provided*, however, that this shall not apply to non-residents of this state, persons about to depart from the county of their residence.

Mr. Spalding called for a division of the motion.

Which being divided the motion to strike out was lost.

Mr. Williams moved that the section be recommitted to the Committee on Judiciary.

Which motion prevailed.

Mr. Bartlett of Griggs, moved that the Judiciary Committee be instructed to report a section in lieu of one hundred and three, that will give a person the right to be sued in the county in which he resides, and all proceedings had, not in accordance therewith be void, and report at the next session.

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

Which motion prevailed.

Mr. Bean moved that the Judiciary Committee be instructed to report on section one hundred and three (103) at the next session.

Which motion prevailed.

Mr. Spaulding moved that section one hundred and sixteen (116) be also referred to the Judiciary Committee, with instructions to report at the next session.

Mr. Purcell moved as a substitute that section one hundred and sixteen (116) be adopted.

Which motion prevailed, and the section was adopted.

Mr. Spalding moved to amend section one hundred and twenty-nine (129) by striking out the following words: "which registration shall be evidence of the qualification of all registered electors to vote at any election thereafter held."

Which motion was ruled out of order.

Mr. Spalding moved that the vote by which Article V was adopted be reconsidered.

Mr. Parsons, of Morton, moved to lay the motion on the table. Which motion was lost and the motion to reconsider prevailed.

Mr. Williams moved to reconsider the vote by which the amendment of Mr. Bartlett, of Griggs, was adopted.

Which motion prevailed.

Mr. Selby moved to lay all amendments to section one hundred and twenty-nine (129) on the table.

Ayes and nays demanded.

The roll being called, there were ayes, 59; nays, 10; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harris,	Peterson,
Almen,	Haugen,	Powers,
Appleton,	Hegge,	Powles,
Bartlett of Dickey,	Holmes,	Purcell,
Bean,	Lauder,	Pollock,
Bennett,	Leach,	Ray,
Best,	Linwell,	Richardson,
Blewett,	Lohnes,	Robertson,
Brown,	Lowell,	Rolfe,
Budge,	Marrinan,	Rowe,
Camp,	Mathews,	Scott,
Carland,	Meacham,	Selby,
Carothers,	McBride,	Shuman,
Chaffee,	McHugh,	Slotten,
Clapp,	Miller,	Spalding,
Clark,	Moer,	Stevens,
Colton,	Noble,	Wellwood,
Fay,	Nomland,	Whipple,
Flemington,	O'Brien,	Mr. President.
Glick,	Parsons of Rolette,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Griggs,	Hoyt,	Turner,
Elliott,	Johnson,	Wallace,
Gayton,	Parsons of Morton,	Williams.
Gray,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bell,	Griggs,	Paulson,
Douglas,	McKenzie,	Sandager.

And so the motion to lay on the table prevailed.

Mr. Parsons of Morton moved to adopt Article V.

Mr. Williams moved as an amendment that the following be substituted for section one hundred and twenty-nine (129):

SEC. 129. The General Assembly shall immediately, and from time to time, provide for by law a complete and uniform registration by election districts of the names of qualified electors in this state; which registration shall be evidence of the qualification of all registered electors to vote at any election thereafter held; but no person shall be excluded from voting at any election, on account of not being registered, until the General Assembly shall have passed an act of registration which shall have gone into effect. No person shall vote, except as provided in this Constitution, unless his name shall have been registered as required by law at least ten days before the day of election. A new registration shall be made within sixty days next preceding the tenth day prior to every election; and after it shall have been made no person shall establish his right to vote by the fact that his name appears on any previous register. All laws for the registration of electors shall be uniform throughout the state.

Mr. Lauder moved to lay the amendment on the table.

Mr. Moer raised the point of order that the amendment of Mr. Williams was out of order, being identical with one just been laid on the table.

Mr. President decided the point well taken.

Mr. Parsons of Morton moved the previous question and the question being shall the main question be put, being put it prevailed, and

The motion to adopt Article V prevailed.

Mr. Spalding moved to reconsider the vote by which Article V was adopted.

Which motion prevailed.

ARTICLE VI.

Section one hundred and thirty was adopted.

Mr. Scott moved that the recommendation of the committee as to section one hundred and thirty-one (131) be concurred in.

Which motion prevailed, and the section as recommended to be amended by the committee, was adopted.

Mr. Wallace moved that the recommendation of the committee as to section one hundred and thirty-two (132) be concurred in.

Mr. Rolfe moved as a substitute that section one hundred and thirty two (132) and also the recommendation of the committee be not passed until section one hundred and eighty-eight (188) be reached.

Which motion prevailed.

Mr. President called Mr. Johnson to the chair.

ARTICLE VII.

Sections one hundred and thirty-three (133), one hundred and thirty-four (134), one hundred and thirty-five (135), one hundred

and thirty-six (136), one hundred and thirty-seven (137), one hundred and thirty-eight (138), one hundred and thirty-nine (139), one hundred and forty (140), one hundred and forty-one (141), one hundred and forty-two (142) and one hundred and forty-three (143) were adopted.

Mr. Wallace moved that the recommendation of the committee as to section one hundred and forty-four be concurred in.

Which motion prevailed.

Mr. Purcell moved to amend section one hundred and forty-four by adding thereto the following:

Provided, That the common carriers above named, or any party interested, shall have the right to appeal to the courts from the rate so fixed by the Legislative Assembly whenever said rates as fixed appear to be unreasonable or unjust.

Provided, further, That pending the determination of the appeal, the court shall fix and determine what rates shall be in force.

Mr. Lauder moved a call of the house.

Which motion prevailed.

And the roll was called.

All members were present except Messrs. Bennett, Flemington, Holmes, Mathews, McKenzie, Richardson, Sandager, Selby and Stevens.

Mr. Paulson being excused.

Mr. Spalding moved that further proceedings under call of the house be dispensed with.

Which motion prevailed.

Mr. Parsons of Morton offered the following substitute for the amendment proposed by Mr. Purcell;

Provided, That appeal may be had to the courts of this state, from the rates so fixed, but the rates fixed by the Legislative Assembly or Board of Railroad Commissioners shall be in force pending the decision of the courts.

The ayes and nays were demanded on the substitute.

The roll being called, there were ayes, 59; nays, 13; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Harris,	Peterson,
Almen,	Haugen,	Powers,
Appleton,	Hegge,	Powles,
Bartlett of Griggs,	Holmes,	Pollock,
Bean,	Hoyt,	Ray,
Bell,	Johnson,	Richardson,
Bennett,	Lauder,	Rolfe,
Best,	Linwell,	Rowe,
Brown,	Lohnes,	Scott,
Budge,	Lowell,	Shuman,
Carland,	Marrinan,	Slotten,
Carothers,	Mathews,	Spalding,
Clapp,	McBride,	Stevens,
Clark,	McHugh,	Turner,
Colton,	McKenzie,	Wallace,
Douglas,	Moer,	Wellwood,

Gayton,
Glick,
Gray,
Griggs,

Noble,
Nomland,
O'Brien,
Parsons of Morton,

Whipple,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—
Bartlett of Dickey,
Blewett,
Camp,
Chaffee,
Elliott,

Messrs—
Fay,
Leach,
Meacham,
Miller,

Messrs—
Parsons of Rolette,
Purcell,
Robertson,
Selby.

Absent and not voting:

Mr. Flemington,

Mr. Paulson,

Mr. Sandager.

And so the substitute to the amendment prevailed.

Mr. Stevens, by request of Mr. Griggs, introduced the following resolution and moved its adoption:

Resolved, That this Convention heartily endorses the proposition to hold the World's Fair in the city of Chicago, thus bringing this great exposition nearer the homes of the people of the west, nearer the center of the continent and nearer the center of the population which goes to make up the American union.

Which resolution prevailed.

Mr. Pollock moved to adjourn.

Which motion prevailed.

EVENING SESSION.

The Convention assembled at 8 o'clock p. m., pursuant to adjournment.

Section one hundred and forty-five (145) was adopted.

Mr. Miller moved to adopt section one hundred and forty-six (146).

Mr. Moer moved as an amendment that the recommendation of the committee be concurred in.

Which motion prevailed.

And the section was stricken out.

Sections one hundred and forty-seven (147) and one hundred and forty-eight (148) were adopted.

Mr. Spalding moved to amend section one hundred and forty-nine (149) by striking out all after the word "void" in the last line.

Which motion prevailed.

Mr. Turner moved to further amend the section by inserting after the word "exchange" in the fourth line the words "or transportation."

Ayes and nays were demanded.

The roll being called there were ayes 47; nays, 20; viz.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Elliott,	Powles,
Appleton,	Fay,	Pollock,
Bartlett of Dickey,	Flemington,	Richardson,
Bartlett of Griggs,	Gayton,	Robertson,
Bean.	Gray,	Rowe,
Bell,	Haugen,	Scott,
Bennett,	Holmes,	Slotten,
Best,	Johnson,	Spalding,
Camp,	Lauder,	Stevens,
Carland,	Linwell,	Turner,
Carothers,	Lohnee,	Wallace,
Chaffee,	Mathews,	Wellwood,
Clapp,	McBride,	Whipple,
Clark,	Nomland,	Williams,
Colton,	Parsons of Morton,	Mr. President.
Douglas,	Peterson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Blewett,	Lowell,	Parsons of Rolette,
Brown,	Marrinan,	Powers,
Glick,	Meacham,	Purcell,
Harris,	McHugh,	Ray,
Hegge,	O'Brien,	Rolfe,
Hoyt,	Moer,	Shuman
Leach,	Noble,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	McKenzie,	Sandager,
Budge,	Miller,	Selby.
Grigge,	Paulson,	

Messrs. Moer and Miller explaining their votes.

And so the amendment prevailed.

Mr. President called Mr. Turner to the chair.

Mr. Johnson moved to adopt the article as amended.

Which motion prevailed.

Mr. Scott moved that section one hundred and thirty (130) of Article VI be made a part of Article VII under the caption "Municipal and other Corporations," and that Article VII be renumbered and become Article VI.

Which motion was lost.

ARTICLE VIII.

Section one hundred and fifty (150) was adopted.

Mr. McHugh moved to amend section one hundred and fifty one (151) by striking out all after the word "state" in line three and insert the following:

"And each county of the state shall be divided into a convenient number of independent school districts. But no school district shall be formed containing less than twenty-five inhabitants."

Mr. Scott moved to lay the amendment on the table.

Which motion prevailed and

The section was adopted as reported from the committee.

Section one hundred and fifty two (152) was adopted.

Mr. Clapp moved that the recommendation of the committee as to section one hundred and fifty three (153) be concurred in.

Which motion prevailed,

And the section was stricken out.

Sections one hundred and fifty four (154), one hundred and fifty five (155) and one hundred and fifty six (156) were adopted.

Mr. Colton moved to adopt Article VIII as amended.

Which motion prevailed and

Article VIII was adopted.

ARTICLE IX.

Mr. Pollock moved to amend section one hundred and fifty-seven (157) by inserting after the word "school" in the fourth from the last line the words: "And all monies received from licenses for the sale of intoxicating liquors."

Which motion was lost, and

The section was adopted as reported from the committee.

Section one hundred and fifty-eight (158) was adopted.

Mr. Williams moved to amend section one hundred and fifty-nine (159) by adding at the end thereof the following words: "The coal lands of the state shall never be sold, but the Legislative Assembly may by general laws provide for leasing the same." The words "coal lands" shall include lands bearing lignite coal.

Which motion prevailed and

The section as amended was adopted.

Section one hundred and sixty (160) was adopted.

Section one hundred and sixty-one (161) was adopted.

Mr. Rolfe moved that section one hundred and sixty-two (162) be amended by inserting after the word "advance" in line seven the following words: "*Provided*, That any purchaser may at his option complete his final payment at the expiration of ten years from date of purchase."

Mr. Spalding moved to amend the motion by providing that "the purchaser may complete the purchase at any time by paying one year's interest in advance."

Mr. Lauder moved that the amendments of Mr. Rolfe and Mr. Spalding be laid upon the table.

Mr. Spalding called for a division of the question, which being divided, the amendment of Mr. Spalding was lost, and the amendment of Mr. Rolfe was also lost.

Mr. Bell moved that section one hundred and sixty-two (162) be adopted.

Mr. Spalding moved to amend section one hundred and sixty-two (162) by striking out the words "one-fifth" in the third line, and inserting therefor the words "one-fourth," and to amend the rest of the section to correspond.

Mr. Lauder moved to lay the amendment on the table.

Which motion prevailed.

Mr. Bean moved the previous question, and the question being shall the main question be put, being put, prevailed, and section one hundred and sixty-two (162) was adopted.

Mr. Miller moved to adopt section one hundred and sixty-three (163).

Mr. Camp moved the previous question and the question being shall the main question be put, being put prevailed and

The section was adopted.

Mr. Stevens moved to reconsider the vote by which section one hundred and sixty-three (163) was adopted.

Which motion was withdrawn.

Section one hundred and sixty-four (164) was adopted.

Mr. Miller moved to amend section one hundred and sixty-five (165) by inserting after the word "may" in the eighth line the following words: "In the discretion and under the control of the board of university and school lands."

Which motion prevailed and

The section as amended was adopted.

Mr. Camp moved that the recommendation of the committee as to this section be concurred in,

Which motion prevailed, and the section as amended was adopted.

Mr. Bartlett of Griggs, moved that section one hundred and sixty-three be amended in line five by striking out the period after the word "purpose" and inserting a comma; and making the word "and" commence with a lower case letter.

Which motion prevailed.

Sections one hundred and sixty-six (166) and one hundred and sixty-seven (167) were adopted.

Mr. Scott moved that the recommendations of the committee as to section one hundred and sixty-eight (168) be concurred in

Which motion prevailed and

The section, as recommended to be amended by the committee, was adopted.

Section one hundred and sixty-nine (169) was approved.

Mr. Miller moved to reconsider the vote by which the recommendations of the committee as to section one hundred and sixty-five (165) were concurred in.

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

Which motion was lost, and
The motion to reconsider prevailed.

Mr. Miller moved that the recommendation of the committee as to section one hundred and sixty-five (165) be not concurred in.
Which motion prevailed.

Mr. Johnson moved that when we adjourn it be to meet again at 2 o'clock to-morrow afternoon."

Mr. Stevens moved to amend by substituting "10 o'clock to-morrow morning" for "2 o'clock to-morrow afternoon.

Ayes and nays demanded.

The roll being called, there were ayes, 44; nays, 19; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Gray,	Powles,
Appleton,	Griggs,	Purcell,
Bartlett of Griggs,	Haugen,	Pollock,
Bean,	Hegge,	Richardson,
Bell,	Holmes,	Rolfe,
Best,	Johnson,	Rowe,
Blewett,	Lauder,	Scott,
Budge,	Leach,	Slotten,
Carothers,	Linwell,	Stevens,
Chaffee,	Lohnes,	Turner,
Clapp,	Mathews,	Wallace,
Clark,	McBride,	Wellwood,
Coltoun,	Parsons of Rolette,	Williams,
Douglas,	Peterson,	Mr. President.
Glick,	Powers,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Harris,	Nomland,
Bennett,	Hoyt,	Parsons of Morton,
Brown,	Marrinan,	Ray,
Camp,	Meacham,	Robertson,
Fay,	Miller,	Shuman,
Flemington,	Moer,	Spalding.
Gayton,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	McHugh,	Paulson,
Carland,	McKenzie,	Sandager,
Elliott,	Noble,	Selby,
Lowell,	O'Brien,	Whipple.

And so the amendment prevailed.

Mr. Turner moved that Article IX as amended be adopted.

Which motion prevailed and Article IX as amended was adopted.

Mr. Scott moved that we do now proceed to the consideration of Article X.

Mr. Moer moved to adjourn.

Which motion was lost and

The motion of Mr. Scott prevailed.

ARTICLE X.

Section one hundred and seventy (170) was adopted.

Mr. Appleton moved to amend section one hundred and seventy-one (171) by striking out the words: "As to include an area of less than twenty-four congressional townships."

Mr. Flemington moved a call of the house.

Which motion was lost.

Mr. Flemington moved the previous question and the question being shall the main question be put and a vote being taken, prevailed, and the main question being put was lost.

Mr. Clapp moved to amend the section by striking out the word "four" in line five.

Ayes and nays demanded.

The roll being called, there were ayes, 27; nays, 36; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Elliott,	Powles,
Appleton,	Gray,	Purcell,
Bartlett of Griggs,	Harris,	Richardson,
Bell,	Hoyt,	Robertson,
Bennett,	Leach,	Rowe,
Best,	Lowell,	Spalding,
Clapp,	Mathews,	Stevens,
Clark,	Miller,	Wallace,
Douglas,	Powers,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett, of Dickey,	Griggs,	Parsons of Morton,
Bean,	Haugen,	Parsons of Rolette,
Brown,	Hegge,	Peterson,
Budge,	Holmes,	Pollock,
Camp,	Johnson,	Ray,
Carothers,	Lauder,	Rolfe,
Chaffee,	Linwell,	Scott,
Colton,	Lohnes,	Shuman,
Fay,	Marrinan,	Slotten,
Flemington,	Meacham,	Turner,
Gayton,	Moer,	Wellwood,
Glick,	Nomland,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	McHugh,	Paulson,
Blewett,	McKenzie,	Sandager,
Carland,	Noble,	Selby,
McBride,	O'Brien,	Whipple,

And so the amendment was lost.

Mr. Appleton moved to amend the section by striking out the words "twenty-four" in line five and inserting therefor the words "eighteen."

Mr. Bartlett of Griggs, moved to adjourn.

Which motion was withdrawn.

Mr. Williams moved that the Chair appoint a committee of five on enrolling and and engrossing the Constitution.

Which motion prevailed.

Mr. Bartlett's motion was lost.

Mr. Miller moved to lay the motion of Mr. Appleton on the table.

Which motion prevailed.

Mr. Rolfe moved to adopt section one hundred and seventy-one (171) as reported from the committee.

Which motion prevailed, and

The section was adopted.

Mr. Rolfe moved that the recommendation of the committee as to section one hundred and seventy-two (172) be concurred in.

Which motion prevailed, and

The section as recommended to be amended was adopted.

Section one hundred and seventy-three (173) was adopted.

Mr. Stevens moved that the recommendation of the committee as to section one hundred and seventy-four (174) be not concurred in.

Mr. Miller moved as a substitute, that this section and section one hundred and seventy-five (175) be recommitted to the committee with instructions for them to report tomorrow morning.

Which motion prevailed.

Mr. Bartlett, of Griggs, moved to strike out section one hundred and seventy-five (175) and substitute therefor the following: At the first general election held after the adoption of this Constitution, and every two years thereafter, there shall be elected in each organized county in the state, a County Judge, Clerk of Court, Register of Deeds, County Auditor, Treasurer, Sheriff, and States Attorney, who shall be electors of the county in which they are elected and who shall hold their office until their successors are elected and qualified. The Legislative Assembly shall provide by law for such other county, township and district officers, as may be deemed necessary and shall prescribe the duties and compensation of all county, township and district officers.

Mr. Miller moved to adjourn.

Which motion prevailed and

The convention adjourned.

J. G. HAMILTON,
Chief Clerk.