

FRIDAY, August 16, 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 14th was read, corrected and approved.

Mr. Miller moved that petitions be not read.

Which motion prevailed.

Mr. Clapp moved that the roll call be not read.

Which motion prevailed.

The President appointed as a Committee on Enrolling and Engrossing the following: Messrs. Spalding, Johnson, Carland, Camp and Wallace.

PETITIONS, REMONSTRANCES, ETC.

FORMAN, N. D., August 15, 1889.

To the Hons. J. D. McKenzie or John Shuman.

Do all you can to locate the capital and other state institutions in the Constitution. We heartily approve your vote upon the report of the committee to locate therein.

S. A. DANFORD, and 10 others.

MILNOR, N. D., August 14, 1889.

To the Hon. J. D. McKenzie:

The Constitution burned in effigy here at 9 o'clock this morning. The following protest against the malicious usurpation of people's rights in locating public institutions. Give this publicity.

F. W. RUNKEL,
Chairman Democratic County Central Committee,
and 40 others.

GRAND FORKS, N. D., Aug. 15, 1889.

To the Hon. R. Bennett:

The following resolution was unanimously adopted by the young men's republican club of Grand Forks:

Resolved, That we, the young men's republican club of Grand Forks city, in meeting assembled, do most emphatically protest against the action of the Constitutional Convention in arbitrarily locating the public institutions of North Dakota, contrary to the will of the people, and in defiance of every principle of justice and right, and that we will use every honorable means to defeat the work of the Convention if it persists in offering a Constitution containing the obnoxious clause.

FORMAN, N. D., Aug. 15, 1889.

To the Hon. J. D. McKenzie or John Shuman:

We most heartily approve the action of the Constitutional Convention in locating the capital and other institutions and fully indorse the course of Delegate McKenzie and Shuman in voting for such location. We sincerely hope no action will be taken by the Convention to revoke said location or to provide

for the submission of the question to popular vote and urge your delegates to continue to vote for the location of all public buildings by the Constitution.

W. L. STRAUB, and 43 others.

NICHOLSON, N. D., Aug. 15, 1889.

To the Hon. J. D. McKenzie or John Shuman:

The undersigned citizens of Nicholson heartily endorse your vote on the location of the capital and other public institutions, believing it to be for the best interest of North Dakota.

T. W. NICHOLSON,
DANIEL McBEAN,
and 5 others.

REPORT OF SPECIAL AND STANDING COMMITTEES.

The Committee on County and Township Organization recommend the following in place of section 174:

COUNTY GOVERNMENT.

SECTION 174. The Legislative Assembly shall provide by general law for township organization, under which any county may organize whenever a majority of all the legal voters of such county, voting at a general election, shall so determine, and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners may be dispensed with by a majority vote of the people voting at any general election, and the affairs of said county may be transacted by the chairman of the several township boards of said county, and such others as may be provided by law for incorporated cities, towns or villages within such county.

Sec. 175. In any county that shall have adopted a system of government by the chairmen of the several township boards, the question of continuing the same may be submitted to the electors of such county at a general election in such manner as may be provided by law, and if a majority of all the votes cast upon such question shall be against said system of government, then such system shall cease in said county, and the affairs of said county shall then be transacted by a board of county commissioners as is now provided by the laws of the Territory of Dakota.

Sec. 176. Until the system of county government by the chairmen of the several township boards is adopted by any county, the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members, whose term of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business as shall be prescribed by law.

Mr. Scott moved to adopt the report.

Mr. Stevens moved as an amendment that the words "general" and "a" in the proposed substitute of section one hundred and seventy four be stricken out and the words "as may be provided by law," be inserted therefor.

Which amendment prevailed.

Mr. Hegge moved to strike out the words "or towns."

Mr. Harris moved as an amendment that the words "villages" be inserted.

Which amendment prevailed.

The motion as amended prevailed.

The original motion of Mr. Scott prevailed,

And the report was adopted.

Mr. Miller moved to proceed to the consideration of section one hundred and seventy five (175).

Which motion prevailed.

Mr. Miller moved to concur in the amendments proposed by the committee and to adopt the section.

Mr. Bartlett of Griggs moved that the substitute offered by himself last night be adopted as a substitute for section one hundred and seventy five (175).

Which motion prevailed,

And the substitute for one hundred and seventy five (175) was adopted.

Mr. Scott moved to strike out section one hundred and seventy six (176).

Which motion prevailed.

Mr. Moer moved to amend section one hundred and seventy seven (177) by adding at the beginning thereof the following words: "After the first day of January, A. D. 1891."

Which amendment was lost.

Mr. Moer moved to amend the section by adding at the close thereof the words: "Under this Constitution."

Which amendment prevailed.

Mr. Hegge moved that Article X as amended be adopted.

Which motion prevailed,

And Article X was adopted.

ARTICLE XI.

Sections one hundred and seventy-eight (178) and one hundred and seventy-nine (179) were adopted.

Mr. Scott moved to amend section one hundred and eighty (180) by adding thereto the following:

Provided, However, that the Legislative Assembly may by law accept and provide for a tax based on gross earnings in lieu of all other taxes to be assessed against the road, road-bed, rolling stock, franchise and all other, and only such property as is owned by any railroad corporation and used by it in the actual operation of its road.

Mr. Hegge, as a substitute, moved to amend the section by adding thereto the words "until otherwise provided by law."

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

Ayes and nays were demanded.

The roll being called, there were ayes, 33; nays, 35; viz:

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,
Bean,
Bell,

Messrs—

Elliott,
Gray,
Johnson,
Lauder,
Linwell,

Messrs—

O'Brien,
Peterson,
Powers,
Powles,
Richardson,

Best,
Carothers,
Clapp,
Clark,
Colton,
Douglas,

Lohnes,
Marrinan,
McBride,
Moer,
Noble,
Nomland,

Robertson,
Slotten,
Turner,
Wallace,
Wellwood,
Mr. President.

Those who voted in the negative were:

Messrs—
Bartlett of Dickey,
Bennett,
Blewett,
Brown,
Budge,
Carland,
Chaffee,
Flemington,
Gayton,
Glick,
Griggs,
Harris,

Messrs—
Haugen,
Hegge,
Holmes,
Hoyt,
Leach,
Lowell,
Mathews,
Meacham,
McHugh,
McKenzie,
Miller,
Parsons of Rolette,

Messrs—
Purcell,
Pollock,
Ray,
Rowe,
Sandager,
Scott,
Shuman,
Spalding,
Stevens,
Whipple,
Williams.

Absent and not voting:

Messrs—
Almen,
Camp,
Fay,

Messrs—
Parsons of Morton,
Paulson,

Messrs—
Kofe,
Selby,

And so the motion to lay on the table was lost.

Mr. Moer moved as an amendment that the words "until otherwise provided by law" be prefixed to the section.

Which amendment was accepted.

Ayes and nays were demanded on Mr. Hegge's motion as amended.

The roll being called, there were ayes, 17; nays, 51; viz:

Those who voted in the affirmative were:

Messrs—
Blewett,
Brown,
Carland,
Chaffee,
Clark,
Glick,

Messrs—
Griggs,
Hegge,
Hoyt,
Leach,
Lowell,
Parsons of Rolette,

Messrs—
Purcell,
Pollock,
Ray,
Whipple,
Williams.

Those who voted in the negative were:

Messrs—
Allin,
Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Budge,
Carothers,
Clapp,
Colton,

Messrs—
Harris,
Haugen,
Holmes,
Johnson,
Lauder,
Linwell,
Marrinan,
Mathews,
Meacham,
McBride,
McHugh,
McKenzie,

Messrs—
Parsons of Morton,
Peterson,
Powers,
Powles,
Richardson,
Robertson,
Rowe,
Sandager,
Scott,
Shuman,
Slotten,
Spalding.

Douglas,
Elliott,
Flemington,
Gayton,
Gray,

Miller,
Moer,
Noble,
Nomland,
O'Brien,

Stevens,
Turner,
Wallace,
Wellwood,
Mr. President.

Absent and not voting:

Messrs—
Almen,
Camp,
Fay,

Messrs—
Lohnes,
Paulson,

Messrs—
Rolfe,
Selby.

Messrs. Scott and Williams explaining their votes.

And so the amendment was lost.

Mr. Parsons moved to amend section one hundred and eighty (180) by adding thereto the following:

Provided, That the Legislature may provide a uniform rate for taxing all property used exclusively for railroad purposes.

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

Ayes and nays demanded.

The roll being called there were ayes 41; nays, 26; viz:

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Carothers,
Clapp,
Clark,
Colton,
Douglas,
Elliott,

Messrs—
Gray,
Haugen,
Hegge,
Johnson,
Lauder,
Linwell,
Lohnes,
Marrinan,
Mathews,
McBride,
McHugh,
McKenzie,
Noble,
Nomland,

Messrs—
Peterson,
Powers,
Powles,
Pollock,
Richardson,
Robertson,
Rowe,
Sandager,
Slotten,
Turner,
Wallace,
Wellwood,
Mr. President.

Those who voted in the negative were:

Messrs—
Blewett,
Brown,
Budge,
Camp,
Carland,
Chaffee,
Flemington,
Gayton,
Glick,

Messrs—
Griggs,
Harris,
Hoyt,
Leach,
Lowell,
Meacham,
Miller,
Moer,
Parsons of Morton,

Messrs—
Parsons of Rolette,
Purcell,
Ray,
Scott,
Shuman,
Stevens,
Whipple,
Williams.

Absent and not voting:

Messrs—
Almen,
Fay,
Holmes,

Messrs—
O'Brien,
Paulson,
Rolfe,

Messrs—
Selby,
Spalding.

Mr. Stevens explaining his vote.

And so the motion to lay on the table prevailed.

Mr. Moer moved to amend section one hundred and eighty (180) by adding thereto the following:

But this section shall not be construed as prohibiting the Legislative Assembly from enacting a uniform gross earnings law upon property of railroad corporations used exclusively for railroad purposes.

Mr. McHugh moved to adjourn.

Ayes and nays demanded.

The roll being called there were ayes, 39; nays, 31: viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Hegge,	Powles,
Blewett,	Holmes,	Purcell,
Brown,	Hoyt,	Pollock,
Budge,	Lowell,	Ray,
Camp,	Meacham,	Robertson,
Carland,	McHugh,	Rowe,
Clapp,	McKenzie,	Sandager,
Clark,	Miller,	Scott,
Flemington,	Moer,	Shuman,
Gayton,	Noble,	Spalding,
Glick,	O'Brien,	Whipple,
Griggs,	Parsons of Morton,	Williams,
Harris,	Parsons of Rolette,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Elliott,	McBride,
Appleton,	Gray,	Nomland,
Bartlett of Griggs,	Haugen,	Peterson,
Bean,	Johnson,	Powers,
Bell,	Lauder,	Richardson,
Bennett,	Leach,	Slotten,
Best,	Linwell,	Stevens,
Carothers,	Lohnes,	Turner,
Chaffee,	Marrinan,	Wallace,
Colton,	Mathews,	Wellwood.
Douglas,		

Absent and not voting:

Messrs—	Messrs—	Mr. Selby.
Almen,	Paulson,	
Fay,	Rolfe,	

And so the motion to adjourn prevailed,
And the Convention adjourned.

AFTERNOON SESSION.

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

Mr. Lowell moved as a substitute for the original section and the amendment that the following be substituted for section one hundred and eighty (180):

The rule of taxation shall be uniform, and taxes shall be levied on such property as the Legislative Assembly shall prescribe.

Mr. Colton moved to lay the substitute and the amendment on the table.

Mr. Moer called for a division of the question, which being divided, the motion to lay the substitute on the table was put.

Ayes and nays were demanded.

The roll being called, there ayes, 33; nays, 37; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Elliott,	Peterson,
Appleton,	Gray,	Powers,
Bartlett of Griggs,	Haugen,	Powles,
Bean,	Johnson,	Richardson,
Bell,	Lauder,	Robertson,
Bennett,	Linwell,	Sandager,
Best,	Marrinan,	Slotten,
Carothers,	McBride,	Turner,
Clark,	Noble,	Wallace,
Colton,	Nomland,	Wellwood,
Douglas,	O'Brien,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Harris,	Parsons of Rolette,
Blewett,	Hegge,	Parsons of Morton,
Brown,	Holmes,	Purcell,
Budge,	Hoyt,	Pollock,
Camp,	Leach,	Ray,
Carland,	Lohnes,	Rowe,
Chaffe,	Lowell,	Scott,
Clapp,	Meacham,	Shuman,
Fay,	McHugh,	Spalding,
Flemington,	McKenzie,	Stevens,
Gayton,	Miller,	Whipple,
Glick,	Moer,	Williams.
Griggs,		

Absent and not voting:

Messrs—	Messrs—	Mr. Selby.
Almen,	Paulson,	
Mathews,	Rolfe,	

And so the motion to lay the substitute on the table was lost.

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

Ayes and nays demanded on the substitute of Mr. Lowell.

The roll being called, there were ayes, 35; nays, 36; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Griggs,	Moer,
Bennett,	Harris,	Parsons of Morton,
Blewett,	Hegge,	Parsons of Rolette,
Brown,	Holmes,	Purcell,

Budge,
Carland,
Chaffee,
Clapp,
Fay,
Flemington,
Gayton,
Glick,

Hoyt,
Leach,
Lohnee,
Lowell,
Mathews,
Meacham,
McHugh,
Miller,

Pollock,
Ray,
Shuman,
Spaulding,
Stevens,
Whipple,
Williams.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,
Bean,
Bell,
Beet,
Camp,
Carothers,
Clark,
Colton,
Douglas,
Elliot,

Messrs—

Gray,
Haugen,
Johnson,
Lauder,
Linwell,
Marrinan,
McBride,
McKenzie,
Noble,
Nomland,
O'Brien,
Peterson,

Messrs—

Powers,
Powles,
Richardson,
Robertson,
Rowe,
Sandager,
Scott,
Slotten,
Turner,
Wallace,
Wellwood,
Mr. President.

Absent and not voting:

Messrs—

Almen,
Paulson,

Messrs—

Rolfe,

Messrs—

Selby.

And so the substitute for section one hundred and eighty (180) and the amendment was lost.

The question then recurring on the amendment of Mr. Moer the ayes and nays were demanded.

The roll being called, there were ayes, 30; nays, 40; viz:

Those who voted in the affirmative were:

Messrs—

Bartlett of Dickey,
Blewett,
Brown,
Carland,
Chaffee,
Clapp,
Fay,
Flemington,
Gayton,
Glick,

Messrs—

Griggs,
Harris,
Hoyt,
Leach,
Lohnee,
Lowell,
Meacham,
McHugh,
Miller,
Moer,

Messrs—

Parsons of Morton,
Parsons of Rolette,
Purcell,
Ray,
Sandager,
Scott,
Shuman,
Spaulding,
Stevens,
Whipple.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Beet,
Budge,
Camp,
Carothers,

Messrs—

Gray,
Haugen,
Holmes,
Johnson,
Lauder,
Linwell,
Marrinan,
Mathews,
McBride,
McKenzie,

Messrs—

Peterson,
Powers,
Powles,
Pollock,
Richardson,
Robertson,
Rowe,
Slotten,
Turner,
Wallace,

Clark,
Colton,
Douglas,
Elliott,

Noble,
Nomland,
O'Brien,

Wellwood,
Williams,
Mr. President.

Absent and not voting:

Messrs—
Almen,
Hegge,

Messrs—
Paulson,
Rolfe,

Messrs—
Selby.

Messrs. Camp and Moer explaining their votes.

And so the amendment was lost.

Ayes and nays were demanded on the adoption of the section.

The roll being called, there were ayes, 40; nays, 31; viz:

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Carothers,
Clapp,
Clark,
Colton,
Douglas,
Elliott,
Gray,

Messrs—
Haugen,
Holmes,
Johnson,
Lauder,
Linwell,
Marrinan,
Mathews,
McBride,
McKenzie,
Moer,
Noble,
Nomland,
O'Brien,

Messrs—
Parsons of Morton,
Peterson,
Powers,
Powles,
Richardson,
Robertson,
Rowe,
Sandager,
Slotten,
Turner,
Wallace,
Wellwood,
Mr. President.

Those who voted in the negative were:

Messrs—
Bartlett of Dickey,
Blewett,
Brown,
Budge,
Camp,
Carland,
Chaffee,
Fay,
Flemington,
Gayton,
Glick,

Messrs—
Griggs,
Harris,
Hegge,
Hoyt,
Leach,
Lohnes,
Lowell,
Mecham,
McHugh,
Miller,

Messrs—
Parsons of Rolette,
Purcell,
Pollock,
Ray,
Scott,
Shuman,
Spalding,
Stevens,
Whipple,
Williams.

Absent and not voting:

Messrs—
Almen,
Paulson,

Messrs—
Selby,

Messrs—
Rolfe.

And so the motion to adopt section 180 prevailed.

Mr. Moer gave notice of motion to reconsider.

Mr. Spalding moved to strike out section one hundred and eighty-one (181).

Ayes and nays were demanded.

The roll being called there were ayes 25; nays, 46; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Blewett,	Glick,	Moer,
Brown,	Harris,	O'Brien,
Budge,	Hoyt,	Parsons of Rolette,
Camp,	Leach,	Purcell,
Chaffee,	Lowell,	Pollock,
Clapp,	Meacham,	Ray,
Fay,	McKenzie,	Rowe,
Flemington,	Miller,	Spalding.
Gayton,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haugen,	Powers,
Appleton,	Hegge,	Powles,
Bartlett of Dickey,	Holmes,	Richardson,
Bartlett of Griggs,	Johnson,	Robertson,
Bean,	Lauder,	Sandager,
Bell,	Linwell,	Scott,
Bennett,	Lohnes,	Shuman,
Beet,	Marrinan,	Slotten,
Carland,	Mathews,	Stevens,
Carothers,	McBride,	Turner,
Clark,	McHugh,	Wallace,
Colton,	Noble,	Wellwood,
Douglas,	Nomland,	Whipple,
Elliott,	Parsons of Morton,	Williams,
Gray,	Peterson,	Mr. President.
Griggs,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Rolfe,	Selby.
Paulson,		

And so the motion to strike out section one hundred and eighty-one was lost.

Mr. Holmes offered the following as a substitute for section one hundred and eighty-one (181):

All improvements on land shall be assessed in accordance with section 180, but plowing shall not be construed as an improvement or add to the value of land for the purposes of assessment.

Which motion prevailed.

Mr. Spalding moved that Rule No. 31 be amended so that it will require ten instead of two to call the roll,

Which motion was ruled out of order.

Section one hundred and eighty-two (182) was adopted.

Mr. Miller moved to strike out the proviso in the last two lines of section one hundred and eighty-three (183).

Which motion prevailed.

Mr. Wallace moved to amend the section as follows:

Strike out in the sixth line the words "the same" and insert "such assessed valuation," and in the eighth line after the word "located" insert "as a basis for taxation of such property."

Mr. Purcell moved as an amendment that the recommendations of the committee be concurred in.

Which motion prevailed,

And the original motion as amended prevailed.

Mr. Scott moved to amend the section by adding thereto the following:

Provided, However, that the Legislative Assembly may by law accept and provide for a tax, based on gross earnings in lieu of all other taxes, to be assessed against the roadway, roadbed, rolling stock, franchise and all other and only such property as is owned by any railroad corporation, and used by it in the actual operation of its road.

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

Ayes and nays were demanded.

The roll being called, there were ayes, 42; nays, 24; viz:

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Carland,
Carothers,
Clark,
Clapp,
Colton,
Douglas,

Messrs—

Elliott,
Flemington,
Gray,
Haugen,
Johnson,
Lauder,
Linwell,
Marrinan,
Mathews,
McBride,
McKenzie,
Noble,
Nomland,
O'Brien,

Messrs—

Parsons of Morton,
Peterson,
Powers,
Powles,
Richardson,
Robertson,
Rowe,
Sandager,
Shuman,
Slotten,
Turner,
Wallace,
Wellwood,
Mr. President.

Those who voted in the negative were:

Messrs—

Blewett,
Brown,
Budge,
Camp,
Chaffee,
Fay,
Gayton,
Glick,

Messrs—

Griggs,
Harris,
Hoyt,
Lohnee,
Lowell,
Meacham,
McHugh,
Moer,

Messrs—

Parsons of Rolette,
Purcell,
Pollock,
Ray,
Scott,
Stevens,
Whipple,
Williams,

Absent and not voting:

Messrs—

Almen,
Hegge,
Holmes,

Messrs—

Leach,
Miller,
Paulson,

Messrs—

Rolfe,
Selby,
Spalding.

And so the motion to lay the amendment on the table prevailed.

And section one hundred and eighty three (183) was adopted as amended.

Sections one hundred and eighty-four (184) and one hundred and eighty-five (185) were adopted.

Mr. Spalding moved to amend Rule No. 31 by striking out the

word "two" in line two and inserting in lieu thereof the word ten."

Which motion was lost.

Mr. Johnson moved to amend section one hundred and eighty (180) by striking out the semicolon in line five and inserting it in line four after the word "taxation."

Which motion prevailed.

Mr. Peterson moved that article XI, as amended, be adopted.

Which motion prevailed.

And Article XI, as mended, was adopted.

Mr. President announced an informal recess for ten minutes.

Mr. President called Mr. Stevens to the chair.

Mr. McHugh moved to adjourn.

Which motion was lost.

ARTICLE XII.

Mr. Scott moved to amend section one hundred and eighty-six by adding at the end thereof the following:

But the issuing of new bonds to refund existing indebtedness shall not be construed to be any part or portion of said sum of \$200,00.

Which motion prevailed, and

The section as as amended was adopted.

Mr. Miller moved that the recommendation of the committee as to section one hundred and eighty-seven (187) be concurred in.

Which motion prevailed

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

Mr. Miller moved that the recommendation of the committee as to section one hundred and eighty-nine (189) be concurred in.

Which motion prevailed, and

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

Mr. Miller moved that the recommendation of the committee as to section one hundred and ninety (190) be concurred in.

Which motion prevailed, and

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

Mr. Bartlett moved that the recommendations of the committee as to section one hundred and ninety-one (191) be concurred, in

Which motion prevailed, and

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

Mr. Holmes moved to adopt the article as amended.

Which motion prevailed, and

Article XII as amended was adopted. .

ARTICLE XIII.

Sections one hundred and ninety-three (193) and one hundred and ninety-four (194) were adopted.

Mr. McHugh moved to amend section one hundred and ninety-five (195) by adding thereto the following:

And no other organized body of armed men shall be permitted to perform military duty in the state, except the army of the United States, without the proclamation of the Governor of the state.

Which amendment prevailed and the section as amended was adopted.

Sections one hundred and ninety-six (196), one hundred and ninety-seven (197) and one hundred and ninety-eight (198) were adopted.

Mr. Noble moved that the article as amended be adopted.

Which motion prevailed and

Article XIII was adopted.

ARTICLE XIV.

Sections one hundred and ninety-nine (199), two hundred (200), two-hundred and one (201), two hundred and two (202), two hundred and three (203), two hundred and four (204), two hundred and five (205) and two hundred and six (206) were adopted.

Mr. Turner moved that Article XIV be adopted.

Which motion prevailed, and

Article XIV was adopted.

ARTICLE XV.

Mr. Williams moved to amend Article XV by striking out in line three the words, "a majority," and inserting therefor the words "two-thirds."

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

Which motion prevailed.

Mr. Pollock moved to adopt Article XV.

Which motion prevailed, and

Article XV was adopted.

ARTICLE XVI.

Mr. Bartlett moved that the rules be suspended, in order that Article XVI may be adopted as a whole.

Which motion was lost.

Mr. Harris moved that the recommendations of the committee as to section two hundred and seven (207) be concurred in.

Mr. Camp moved as an amendment that so much of the recommendations of the committee be concurred in 'as refer to striking out, and that a period be inserted in lieu of the semicolon at end of the words, "granting the same."

Which motion prevailed.

Mr. Noble moved that the rules be suspended so that section two hundred and eight (208) can be adopted as a whole.

Mr. Camp moved sections two hundred and eight (208) and two hundred and nine (209) be amended as follows:

That the words "territorial debts and liabilities" printed in capitals on page 35, be stricken out.

That words "section 208" be stricken out, and the word "third" inserted in lieu thereof.

That words "section 209" be stricken out and that what is printed as "section 209" be made part of third subdivision of section 207.

Which motion prevailed, and

Sections two hundred and eight and two hundred and nine as amended were adopted.

Sections two hundred and ten (210) and two hundred and eleven (211) were adopted.

Mr. Purcell moved that the article as amended be adopted.

Which motion prevailed, and

Article XVI was adopted.

ARTICLE XVII.

Mr. Bartlett of Dickey, moved that the recommendations of the committee as to sections two hundred and twelve (212) be concurred in.

Which motion prevailed, and

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

Section two hundred and thirteen (213) was adopted.

Mr. Miller moved that the recommendations of the committee as to section two hundred and fourteen (214) be concurred in.

Which motion prevailed, and

The section as recommended by the committee was adopted.

Section two hundred and fifteen (215) was adopted.

Mr. Carland moved that section two hundred and sixteen (216) be amended by adding at the end thereof the words "for irrigation, mining and manufacturing purposes."

Which motion prevailed.

Mr. Scott moved to further amend the section by adding after the word "and," in the first line, the word "natural."

Which motion prevailed.

Mr. Camp moved to strike out the word "ways," in line one of the same section, and insert therefor the word "courses."

Which motion prevailed, and

The section as amended was adopted.

Mr. Blewett moved that the recommendations of the committee as to section two hundred and seventeen (217) be concurred in.

Mr. Clapp moved to amend the section as follows: Add after the word "ability" the following: "(If an oath). So help me God. (If an affirmation). Under the pains and penalties of perjury."

Mr. Johnson offered the following substitute for section two hundred and seventeen (217):

Members of the Legislative Assembly and the officers thereof, before they enter upon their official duties, shall take or subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass or other valuable thing from any corporation, company or person, for any vote or influence I may give or withhold, on any bill or resolution, or appropriation, or for any other official act.

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

Ayes and nays were demanded.

The roll being called there were ayes, 45; nays, 19; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Douglas,	Miller,
Appleton,	Elliott,	Moer,
Bartlett of Griggs,	Fay,	Noble,
Bell,	Flemington,	O'Brien,
Bennett,	Gayton,	Parson of Rolette,
Best,	Glick,	Powles,
Blewett,	Harris,	Purcell,
Brown,	Hegge,	Pollock,
Budge,	Holmes,	Ray,
Carland,	Hoyt,	Rowe,
Carothers,	Leach,	Sandager,
Chaffee,	Lowell,	Scott,
Clapp,	Marrinan,	Shuman,
Clark,	Mathews,	Stevens,
Colton,	Meacham,	Whipple.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Nomland,	Spalding,
Camp,	Parsons of Morton,	Turner,
Griggs,	Peterson,	Wallace,
Haugen,	Powers,	Wellwood,
Johnson,	Richardson,	Williams,
McBride,	Slotten,	Mr. President.
McKenzie,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Linwell,	Robertson,
Bean,	Lohnes,	Rolfe,
Gray,	McHugh,	Selby.
Lauder,	Paulson,	

And so the motion to lay the substitute on the table was lost.

Mr. Johnson offered another substitute which was the same as the one above voted down, with the exception that the word "pass" was stricken out.

Mr. Scott moved that the substitute offered by Mr. Johnson be laid on the table.

Which motion prevailed.

Section two hundred and seventeen (217) was adopted.

Mr. Williams moved that the following be accepted as an additional section of the article:

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.

Which motion prevailed.

Mr. Parsons of Morton moved that the following be adopted as an additional section of the Article to become section two hundred and eighteen.

The exchange of black lists between corporations shall be prohibited.

Ayes and nays were demanded.

The roll being called there were ayes, 32; nays, 30; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Marrinan,	Rowe,
Best,	Meacham,	Sandager,
Colton,	McBride,	Shuman,
Flemington,	Miller,	Slotten,
Griggs,	Moer,	Spalding,
Harris,	Nomland,	Stevens,
Haugen,	Parsons of Morton,	Turner,
Johnson,	Powers,	Wallace,
Lauder,	Powles,	Wellwood,
Lohnes,	Ray,	Mr. President.
Lowell,	Richardson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Carothers,	Matthews,
Bartlett of Dickey,	Chaffee,	McKenzie,
Bartlett of Griggs,	Clapp,	Noble,
Bean,	Clark,	O'Brien,
Rennett,	Elliott,	Parsons of Rolette,
Blewett,	Fay,	Purcell,
Brown,	Gayton,	Pollock,
Budge,	Hegge,	Scott,
Camp,	Holmes,	Whipple,
Carland,	Leach,	Walliams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Hoyt,	Peterson,
Bell,	Linwell,	Robertson.

Douglas,
Glick,
Gray,

McHugh,
Paulson,

Rolfe,
Selby.

And so the section was adopted.

Mr. Moer moved the adoption of the following as an additional section of the article:

The members of the Legislative Assembly and all other state and county officials are forever prohibited from accepting passes from any railroad or other transportation company. A violation of this section shall be ground for impeachment and removal from office.

Mr. Williams offered the following as a substitute for the motion of Mr. Moer:

SEC. —. No railroad or other transportation company shall grant free passes, or tickets, or passes or tickets at a discount, to members of the Legislative Assembly, or to any state, county or municipal officer, and the acceptance of any such pass or ticket by a member of the Legislative Assembly, or any such officer, shall be a forfeiture of his office.

Which substitute was adopted.

Ayes and nays were demanded.

The roll being called there were ayes, 42, nays, 24; viz:

Those who voted in the affirmative were:

Messrs—

Appleton,
Bartlett of Dickey,
Beet,
Brown,
Budge,
Camp,
Carland,
Carothers,
Clark,
Flemington,
Gayton,
Glick,
Gray,
Griggs,

Messrs—

Haugen,
Holmes,
Johnson,
Lauder,
Linwell,
Marrinan,
Meacham,
McBride,
Miller,
Moer,
Nomland,
Parsons of Morton,
Peterson,
Powers,

Messrs—

Powles,
Purcell,
Ray,
Richardson,
Rowe,
Sandager,
Scott,
Shuman,
Slotten,
Spalding,
Turner,
Wellwood,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—

Allin,
Bartlett of Griggs,
Bean,
Bennett,
Blewett,
Chaffee,
Clapp,
Colton,
Douglas,

Messrs—

Elliott,
Fay,
Harris,
Hegge,
Hoyt,
Leach,
Lowell,
Mathews,

Messrs—

McKenzie,
Noble,
O'Brien,
Parsons of Rolette,
Pollock,
Stevens,
Wallace,
Whipple.

Absent and not voting:

Messrs—

Almen,
Bell,
Lohnes,

Messrs—

McHugh,
Paulson,
Robertson,

Messrs—

Rolfe,
Selby.

And so the section was adopted.

Mr. Leach moved to adjourn.

Mr. Scott moved that the vote by which the last measure was adopted be reconsidered.

Mr. Williams moved to lay the motion on the table.
Which motion prevailed.

Mr. Moer moved that Article XVIII as amended be adopted.
Which motion prevailed.

Mr. Moer moved that the vote by which Article XVII was adopted be reconsidered and that the motion to reconsider be laid on the table.

Mr. Leach raised to a point of order that there was a motion to adjourn before the house.

The chair decided the point well taken.

And the motion to adjourn being put, prevailed.

————— EVENING SESSION.

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

Mr. Miller moved to proceed to the consideration of article XVII,

Which motion prevailed.

ARTICLE XVIII.

Mr. Allin moved to amend the third subdivision, as follows:

Strike out the word "and" between Fertile and Glenwood, and insert after the word Glenwood, in the fourth line, "and the town of Park River."

Which motion prevailed.

Mr. Marrinan moved to amend the second subdivision by striking out the word between "Ackton" and St. Andrews and inserting the words "and Grafton" after the words St. Andrews.

Which motion prevailed.

Mr. Bell moved to further amend the subdivision by adding after the word "Ardock" the words "and the village of Ardock."

Which motion prevailed.

Mr. Allen moved to further amend the second subdivision by inserting after the word "Harrison" the words "village of Minto."

Mr. Miller moved that the ninth subdivision be amended by inserting after the word "Fargo," in the second line, the words, "and the fractional part of townships 139-48."

Which motion prevailed.

Mr. Harris moved to adopt Article XVIII as amended.

Which motion prevailed, and

Article XVIII was adopted.

Mr. Miller moved to proceed to the consideration of Article XIX,

Which motion prevailed.

Mr. Bartlett moved that the rules be suspended and that the minority report of the special committee to which was referred the communications in reference to the location of public institutions, be now received.

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

Ayes and nays demanded.

The roll being called there were ayes 45, nays 28, viz:

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Johnson,	Peterson,
Appleton,	Lauder,	Powers,
Bartlett of Griggs,	Linwell,	Puroell,
Bell,	Marrinan,	Pollock,
Bennett,	Mathews,	Robertson,
Best,	McBride,	Richardson,
Budge,	Noble,	Slotten,
Carothers,	Nomland,	Turner,
Douglas,	O'Brien,	Wallace.
Haugen,		

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gray,	Parsons of Rolette,
Bean,	Griggs,	Paulson,
Blewett,	Harris,	Powles,
Brown,	Hegge,	Ray,
Camp,	Holmes,	Rolfe,
Carland,	Hoyt,	Rowe,
Chaffee,	Leach,	Sandager,
Clapp,	Lohne,	Scott,
Clark,	Lowell,	Shuman,
Colton,	Meacham,	Spalding.
Elliott,	McHugh,	Stevens,
Fay,	McKenzie,	Wellwood,
Flemington,	Miller,	Whipple,
Gayton,	Moer,	Williams,
Glick,	Parsons of Morton,	Mr. President.

Absent and not voting:

Mr. Alman, Mr. Selby.

And so the motion to lay on the table prevailed.

Mr. Miller moved to now proceed to the consideration of Article XIX.

Which motion prevailed.

Mr. Bartlett of Griggs, moved that the minority report of the Committee on Public Institutions be substituted for Article XIX.

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

Ayes and nays demanded.

The roll being called there were ayes, 44; nays, 28, viz:

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gray,	Parsons of Rolette,
Bean,	Griggs,	Paulson,

Blewett,
Brown,
Camp,
Carland,
Chaffee,
Clapp,
Clark,
Colton,
Elliott,
Fay,
Flemington,
Gayton,
Glick,

Harris,
Hegge,
Holmes,
Hoyt,
Leach,
Lohnes,
Lowell,
Meacham,
McHugh,
McKenzie,
Miller,
Moer,
Parsons of Morton,

Powles,
Ray,
Rolfe,
Rowe,
Sandager,
Shuman,
Spalding,
Stevens,
Wellwood,
Whipple.
Williams.
Mr. President.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,
Bell,
Bennett,
Best,
Budge,
Carothers,
Douglas,
Haugen,

Messrs—

Johnson,
Lauder,
Linwell,
Marrinan,
Mathews,
McBride,
Noble,
Nomland,
O'Brien,

Messrs—

Peterson,
Powers,
Purcell,
Pollock,
Richardson,
Robertson,
Slotten,
Turner,
Wallace,

Absent and not voting:

Mr. Selby,

Messrs Almen and Scott paired.

And so the motion to lay on the table prevailed.

Mr. Griggs moved to amend the article by inserting before the first subdivision the following:

"The following article shall be submitted as a separate article to be voted on separately."

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

Ayes and nays demanded.

The roll being called, there were ayes 41; nays 31, viz:

Those who voted in the affirmative were:

Messrs—

Bartlett of Dickey.
Bean,
Blewett,
Brown,
Camp,
Carland,
Chaffee,
Clapp,
Clark,
Elliott,
Fay,
Flemington,
Gayton,
Glick,

Messrs—

Gray,
Griggs,
Harris,
Hegge,
Holmes,
Hoyt,
Leach,
Lowell,
Meacham,
McHugh,
Miller,
Moer,
Parsons of Morton.
Parsons of Rolette,

Messrs—

Paulson,
Powles,
Ray,
Rolfe,
Rowe,
Sandager,
Shuman,
Spalding,
Stevens,
Wellwood,
Whipple,
Williams.
Mr. President.

Those who voted in the negative were:

Messrs—

Allin,
Appleton,

Messrs—

Johnson,
Lauder,

Messrs—

O'Brien,
Peterson,

Bartlett of Griggs.
Bell,
Bennett,
Best,
Budge,
Carothers,
Colton,
Douglass,
Haugen.

Linwell,
Lohnes,
Marrinan,
Mathews,
McBride,
McKenzie,
Noble,
Nomland,

Powers,
Purcell,
Pollock,
Richardson,
Robertson,
Slotten,
Turner,
Wallace,

Absent and not voting:

Mr. Selby,

Messrs. Almen and Scott paired.

And so the motion to lay on the table prevailed.

Mr. Williams moved the previous question on the motion of Mr. Miller, and the question being shall the main question be put, the ayes and nays were demanded.

The roll being called, there were ayes, 49; nays, 24, viz:

Those who voted in the affirmative were:

Messrs—

Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Best,
Blewett,
Brown,
Camp,
Carland,
Chaffee,
Clapp,
Clark,
Colton,
Elliott,
Fay,
Flemington,
Gayton,

Messrs—

Glick,
Gray,
Griggs,
Harris,
Hegge,
Holmes,
Hoyt,
Leach,
Lohnes,
Lowell,
Meacham,
McHugh,
McKenzie,
Miller,
Moer,
Parsons of Morton,

Messrs—

Parsons of Rolette,
Paulson,
Powles,
Ray,
Richardson,
Rolfe,
Rowe,
Sandager,
Scott,
Stuman,
Spalding,
Stevens,
Wellwood,
Whipple,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—

Allin,
Bell,
Bennett,
Budge,
Carothers,
Douglas,
Haugen,
Johnson,

Messrs—

Lauder,
Linwell,
Marrinan,
Mathews,
McBride,
Noble,
Nomland,
O'Brien,

Messrs—

Peterson,
Powers,
Purcell,
Pollock,
Robertson,
Slotten,
Turner,
Wallace.

Absent and not voting:

Mr. Selby,

Messrs. Almen and Scott paired.

And so the motion to put the main question prevailed.

The motion of Mr. Miller then being put, prevailed,

And the Convention proceeded to the consideration of Article XIX.

Mr. Purcell moved that section two hundred and nineteen (219) be stricken out,

Which motion was lost.

Mr. Miller moved that the recommendations of the committee be concurred in and that the section be adopted.

Mr. Turner moved as an amendment that all after the word "named" in the first line down to the first subdivision be stricken out, and all after the first subdivision be stricken out.

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

Which motion prevailed.

Mr. Spalding moved the previous question, and the question being shall the main question be now put, a vote being taken, prevailed, and the question recurring on the motion of Mr. Miller,

The ayes and nays were demanded.

The roll being called there were ayes, 43; nays, 28, viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Griggs,	Parsons of Rolette,
Bean,	Harris,	Paulson,
Blewett,	Hegge,	Powles,
Brown,	Holmes,	Ray,
Camp,	Hoyt,	Rolfe,
Carland,	Leach,	Rowe,
Chaffee,	Lohnes,	Sandager,
Clapp,	Lowell,	Shuman,
Clark,	Meacham,	Spalding,
Elliott,	McHugh,	Stevens,
Fay,	McKenzie,	Wellwood,
Flemington,	Miller,	Whipple,
Gayton,	Moer,	Williams,
Glick,	Parsons of Morton,	Mr. President.
Gray,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haugen,	O'Brien,
Appleton,	Johnson,	Powers,
Bartlett of Griggs,	Lauder,	Purcell,
Bell,	Linwell,	Pollock,
Bennett,	Marrinan,	Richardson,
Best,	Mathews,	Robertson,
Budge,	McBride,	Slotten,
Carothers,	Noble,	Turner,
Colton,	Nomland,	Wallace.
Douglas,		

Absent and not voting:

Mr. Peterson, Mr. Selby,

Messrs. Almen and Scott being paired.

And so section 219 as recommended to be amended by the committee was adopted.

Mr. Miller moved that section two hundred and twenty (220) be amended by adding after the word "educational," in line two, the words "or charitable."

Which motion prevailed.

Mr. Spalding moved to amend the section by adding after the word "electors," in the third line of the second subdivision, the words "of said county."

Ayes and nays were demanded.

The roll being called, there were ayes, 42; nays, 29; viz.:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gray,	Parsons of Morton,
Bean,	Griggs,	Parsons of Rolette,
Blewett,	Harris,	Paulson,
Brown,	Hegge,	Ray,
Camp,	Holmes,	Rolfe,
Carland,	Hoyt,	Rowe,
Chaffee,	Leach,	Sandager,
Clapp,	Lohnes,	Shuman,
Clark,	Lowell,	Spalding,
Elliott,	Meacham,	Stevens,
Fay,	McHugh,	Wellwood,
Flemington,	McKenzie,	Whipple,
Gayton,	Miller,	Williams,
Glick,	Moer,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haugen,	Powers,
Appleton,	Johnson,	Powles,
Bartlett of Griggs,	Lauder,	Purcell,
Bell,	Linwell,	Pollock,
Bennett,	Marrinan,	Richardson,
Best,	Mathews,	Robertson,
Budge,	McBride,	Slotten,
Carothers,	Noble,	Turner,
Colton,	Nomland,	Wallace.
Douglas,	O'Brien,	

Absent and not voting:

Mr. Peterson, Mr. Selby.

Mr. Almen and Scott being paired.

And so the motion to adopt section two hundred and twenty as amended prevailed.

Mr. Miller moved that Article XIX as amended be adopted and referred to the Committee on Enrolling and Engrossing.

Ayes and nays demanded.

The roll being called, there were ayes 43, nays 28, viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Griggs,	Parsons of Rolette,
Bean,	Harris,	Paulson,
Blewett,	Hegge,	Powles,

Brown,	Holmes,	Ray,
Camp,	Hoyt,	Rolfe,
Carland,	Leach,	Rowe,
Chaffee,	Lohnes,	Sandager,
Clapp,	Lowell,	Shuman.
Clark,	Meacham,	Spalding,
Elliott,	McHugh,	Stevens,
Fay,	McKenzie,	Wellwood,
Flemington,	Miller,	Whipple,
Gayton,	Moer,	Williams,
Glick,	Parsons of Morton,	Mr. President.
Gray,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Haugen,	O'Brien,
Appleton,	Johnson,	Powers,
Bartlett of Griggs,	Lauder,	Purcell,
Bell,	Linwell,	Pollock,
Bennett,	Marrinan,	Richardson,
Beet,	Mathews,	Robertson,
Budge.	McBride,	Slotten,
Carothers,	Noble,	Turner,
Colton,	Nomland,	Wallace.
Douglas,		

Absent and not voting:

Mr. Peterson, Mr. Selby.

Messrs. Almer and Scott being paired.

Messrs. Bean, Camp, Johnson, Lauder, O'Brien, Pollock, Stevens, Turner and Wallace explaining their vote.

And so the motion prevailed, and

Article XIX as amended was adopted.

Mr. McHugh moved that the vote by which Article XIX was adopted be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

ARTICLE XX.

Mr. Miller moved that Article XX be adopted.

Mr. Clapp moved as an amendment that the recommendations of the committee as to this section be adopted.

Which amendment was accepted.

And the original motion as amended was adopted.

Mr. Moer moved to take a recess for ten minutes.

Which motion was accepted.

Mr. President called Mr. Bartlett of Griggs to the chair.

SCHEDULE.

Sections one (1), two (2), three (3), four (4), five (5) and six (6) were adopted.

Mr. Purcell moved that the first six sections of the schedule be adopted and sent to the engrossing clerks.

Which motion prevailed.

Sections seven (7), eight (8) and nine (9) were adopted.

Mr. Spalding moved to strike out in section ten (10) all after the word "elected" in line twelve.

Mr. Lauder moved as an amendment to strike out all after the word "elected" in third line from the last and insert the following:

There shall be elected in each organized county in this state at the election to be held for the ratification of this Constitution a clerk of the district court who shall hold his office under said election until his successor is duly elected and qualified.

Which amendment prevailed.

Mr. Johnson moved to amend the amendment by inserting after the word "ratification" the words "or rejection."

Which motion was lost and

The motion of Mr. Spalding as amended prevailed.

Mr. Carland moved to amend section ten (10) by adding to it as amended, the following:

The judges of the district court shall have power to appoint county district attorneys in any organized counties where no such attorneys have been elected, which appointment shall continue until the general election to be held in 1890, and until a successor is elected and qualified.

Which motion prevailed, and

The section as amended was adopted.

Sections eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17) were adopted.

Mr. Bartlett moved to suspend the rules and that sections eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and seventeen (17) be adopted and sent to the engrossing clerks.

Which motion prevailed.

Sections eighteen (18) and nineteen (19) were adopted.

Mr. Pollock moved to amend section twenty (20) as follows:

Strike out the word "yes" in the fourth line, substitute the word "against" for the word "for" in the fifth line, and strike out the word "no" in the sixth line."

Which motion prevailed and the section as amended was adopted.

Mr. Purcell moved that section twenty-one (21) be adopted and sent to the engrossing clerks.

Which motion prevailed and

The section was adopted.

Section twenty-two (22) was adopted.

Mr. Carland offered the following and moved its adoption as section twenty-three (23) of the schedule:

This Constitution shall, after its enrollment, be signed by the President of this Convention and the Chief Clerk thereof and such delegates who desire to sign the same, whereupon it shall be deposited in the office of the Secretary

of the Territory, where it may be signed at any time by any delegate who shall be prevented from signing the same for any reason at the time of the adjournment of this Convention.

Which motion prevailed, and
The proposed section was adopted.

Mr. Bell moved that the following be adopted as an additional section of Article XIX:

No appropriation for the erection of any public building not heretofore authorized by law shall be made by the legislature until the needs of charity or the requirements of the public service demands it, and the erection of no more than one institution shall be provided for at any single session of the legislative assembly.

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

Ayes and nays were demanded.

The roll being called, there were ayes, 26; nays, 42; viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gray,	Rowe,
Bean,	Harris,	Sandager,
Blewett,	Hoyt,	Scott,
Camp,	Lowell,	Shuman,
Chaffee,	Meacham,	Spalding,
Elliott,	McHugh,	Stevens,
Flemington,	McKenzie,	Wellwood,
Gayton,	Ray,	Whipple.
Glick,	Robertson,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Fay,	O'Brien,
Appleton,	Griggs,	Parsons of Morton,
Bartlett of Griggs,	Haugen,	Parsons of Rolette,
Bell,	Johnson,	Peterson,
Bennett,	Lauder,	Powers,
Best,	Leach,	Purcell,
Brown,	Linwell,	Pollock,
Budge,	Marrinan,	Richardson,
Carland,	Mathews,	Slotton,
Carothers,	McBride,	Turner,
Clapp,	Miller,	Wallace,
Clark,	Moer,	Williams,
Colton,	Noble,	Mr. President.
Douglas,	Nomland,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Lohnes,	Rolfe,
Hegge,	Paulson,	Selby.
Holmes,	Powles,	

And so the motion to lay on the table was lost.

And the motion of the gentleman from Walsh prevailed.

Mr. Bartlett of Dickey moved to adjourn.

Mr. Flemington moved as an amendment that when we adjourn it be to meet again to-morrow at 2 o'clock p. m.

Mr. Pollock moved to amend by substituting "10 o'clock a. m." for "2 o'clock p. m."

Which motion was lost, and

Mr. Flemington's motion was lost, and

Mr. Bartlett withdrew his motion.

Mr. Purcell moved that the vote by which the section offered by Mr. Bell was adopted be reconsidered.

Which motion prevailed.

Mr. Purcell moved to lay the amendment of Mr. Bell on the table.

Which motion prevailed.

Mr. Camp moved that the following be adopted as section twenty-four (24) of the schedule:

In case the Territorial officers of the Territory of Dakota or any of them who are now required by law to report to the Governor of the Territory annually or biennially, shall prepare and publish such reports covering the transactions of their offices up to the time of the admission of the State of North Dakota into the Union; the Legislative Assembly shall make sufficient appropriation to pay one-half of the cost of such publication.

Which motion prevailed and the proposed section was adopted.

Mr. Carland moved to amend section one hundred and three (103) by striking out in the second line the words, "each within its territorial limits."

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

The motion of Mr. Carland prevailed.

Mr. Miller moved to adopt section (103) as amended.

Which motion prevailed.

Mr. Parsons moved to adjourn,

Which motion was lost.

Mr. Miller moved that section seventeen, (17) as amended, be adopted.

Mr. Moer moved that the vote by which section two hundred and twenty (220) was adopted be reconsidered.

Which motion prevailed.

Mr. Moer moved to strike out the section.

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

Ayes and nays were demanded on the main question.

The roll being called, there were ayes, 43, nays 21, viz:

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,

Messrs—

Gayton,
Glick,
Griggs,

Messrs—

Noble,
O'Brien,
Parsons of Rolette,

Bean,	Harris,	Pollock,
Bell,	Holmes,	Ray,
Bennett,	Hoyt,	Rowe,
Best,	Lauder,	Sandager,
Blewett,	Leach,	Scott,
Budge,	Lowell,	Shuman,
Chaffee,	Marrinan,	Stevens,
Clapp,	Mathews,	Wallace,
Clark,	Meacham,	Wellwood,
Colton,	McKenzie,	Whipple,
Elliott,	Miller,	Mr. President,
Fay,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Johnson,	Powers,
Camp,	McBride,	Puroell,
Carland,	McHugh,	Richardson,
Carothers,	Moer,	Robertson,
Douglas,	Nomland,	Slotten,
Flemington,	Parsons of Morton,	Turner,
Haugen,	Peterson,	Williams,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Almen,	Linwell,	Rolfe,
Brown,	Lohnees,	Selby,
Gray,	Paulson,	Spalding.
Hegge,	Powles,	

Mr. Wallace explaining his vote.

And so the motion to strike out section two hundred and twenty prevailed.

Mr. Harris moved that Article XVII be adopted as amended.

Mr. Purcell moved the adoption of the following as an additional section:

MINORITY REPRESENTATION.

There shall be submitted at the same election at which this Constitution is submitted for rejection or adoption, Article —, entitled Minority Representation, in the same manner as the question on prohibition is submitted.

Which motion the chair declared lost.

Mr. Noble appealed from the decision of the chair,

Which appeal was not sustained.

Mr. Miller moved to adopt all that portion of Article IV which has not already been adopted.

Mr. Johnson introduced the following resolution and moved its adoption:

WHEREAS, The Hon. F. B. Fancher, President of this Convention, has in his trying position as our presiding officer, a situation of great delicacy and responsibility, acquitted himself with uniform courtesy, eminent fairness and infinite patience; and

WHEREAS, It is an honored and beautiful custom on the final adjournment of deliberative assemblies of this character to donate by resolution to honored and respected presiding officers, the chair they have occupied and the gavel they have wielded; therefore, be it

Resolved, That as a token of our respect and confidence, we hereby order

that the Chair he has so honorably filled and the gravel he has so ably and impartially wielded, be and is hereby presented to Hon. F. B. Fancher, President of the Constitutional Convention of North Dakota, assembled at Bismarck July 4, 1889.

Mr. Noble moved to include also all the permanent officers of the Convention.

Which amendment prevailed, and

The resolution as amended was adopted.

Mr. Harris moved to adopt the following as an additional section of the schedule:

The Governor and Secretary of the Territory are hereby authorized to make arrangements for the meeting of the first Legislature and the inauguration of the state government.

Which motion prevailed and the proposed section was adopted.

Mr. Allin moved to adjourn until 2 o'clock to-morrow.

Ayes and nays demanded.

The roll being call, there were ayes, 43; nays, 20, viz:

Those who voted in the affirmative were:

Messrs--

Allin,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Carland,
Carothers,
Chaffee,
Clapp,
Clark,
Colton,
Fay,
Flemington,

Messrs -

Gayton,
Haugen,
Holmes,
Johnson,
Lauder,
Leach,
Lowell,
Marrinan,
Mathews,
McHugh,
McKenzie,
Nomland,
O'Brien,
Peterson,

Messrs--

Powers,
Purcell,
Pollock,
Richardson,
Robertson,
Rowe,
Shuman,
Slotten,
Spalding,
Turner,
Wallace,
Wellwood,
Whipple,
Mr. President.

Those who voted in the negative were:

Messrs--

Appleton,
Blewett,
Budge,
Camp,
Douglas,
Elliott,
Glick,

Messrs--

Griggs,
Harris,
Hoyt,
Meacham,
McBride,
Miller,
Moer,

Messrs --

Noble,
Parsons of Morton,
Parsons of Rolette,
Scott,
Stevens,
Williams.

Absent and not voting:

Messrs

Almen,
Brown,
Gray,
Hegge,

Messrs --

Linwell,
Lohues,
Paulson,
Powels,

Messrs --

Rolfe,
Sandager,
Selby,

And so the motion to adjourn prevailed and the convention adjourned.

JOHN G. HAMILTON,
Chief Clerk.