

## SECOND DAY.

BISMARCK, *Friday, July 5, 1889.*

Convention called to order at 10 a. m. by President *pro tem* FANCHER.

Prayer was offered by the Rev. Mr. KLINE of Bismarck.  
Mr. JOHNSON in the Chair.

## CONGRATULATORY TELEGRAMS.

The following telegrams were read:

SIoux FALLS, S. DAK., July 4, 1889.

*To the President of the Constitutional Convention:*

The South Dakota Constitutional Convention sends greeting to North Dakota Constitutional Convention.

A. J. EDGERTON, President.

OLYMPIA, WASH. TER., July 4, 1889.

*To F. B. Fancher, President North Dakota Convention:*

The Constitutional Convention of Washington appreciates your patriotic greeting. We shall endeavor, that of the four new stars emblazoned on our National flag, the one bearing the honored name of Washington shall not be less brilliant by reason of our labors. May the garden lands of Dakota fulfill all the bright expectations of their friends and wear the chaplet of citizenship with distinction and honor.

JAMES F. MOORE.

Chairman JOHNSON. In the absence of any order of business the Chair would entertain the report from the Committee on Credentials.

Mr. MILLER. Mr. CHAIRMAN: I think that Committee is not quite ready to report yet.

Mr. HARRIS. I move you this resolution:

*Resolved,* That the privileges of the floor be extended to ex-Governor Gilbert A. Pierce and ex-Governor N. G. Ordway during the sessions of this Convention.

Seconded by Mr. SCOTT.

Mr. WALLACE. If it is not too late I would like to amend so that the resolution will read that all ex-federal appointees that

have been connected with our territorial organization be granted the privileges of the floor.

Mr. MILLER. I would amend by moving that all ex-territorial officers who have been elected by the people be entitled to the same privilege. I see no reason why federal appointees alone should have this privilege.

Seconded, and the original resolution with the varied amendments was adopted.

Mr. SPALDING. I move that the Auditor of the Territory be requested by the President of this Convention to furnish the Convention for its use, a statement of the cost of construction and repairs of all public institutions within the Territory.

Seconded by Mr. FANCHER.

Mr. STEVENS. We have no business of this kind until we are permanently organized. The Committee on Credentials have not yet reported, and no resolution of this kind can be passed until we know who are entitled to seats in this body.

Mr. PARSONS of Morton. I move that we take an informal recess and await the report of the Committee on Credentials.

Mr. SPALDING'S motion was withdrawn, and a recess taken.

Seats were drawn for, and the report was read from the Committee on Credentials after the recess.

The Committee on Credentials reported the following as entitled to seats in the Convention, which report was adopted:

First District—H. L. Holmes, R. B. Richardson, W. D. Best.

Second District—Joseph Powles, John McBride, A. F. Appleton.

Third District—C. P. Parsons, P. McHugh, B. R. Glick.

Fourth District—V. B. Noble, J. L. Colton, Ezra Turner.

Fifth District—E. A. Williams, Harvey Harris, John E. Carland.

Sixth District—A. W. Hoyt, A. S. Parsons, Wm. Ray.

Seventh District—J. B. Gayton, G. H. Fay, C. V. Brown.

Eighth District—W. H. Rowe, A. D. Flemington, L. D. Bartlett.

Ninth District—S. H. Moer, R. N. Stevens, Andrew Sandager.

Tenth District—John Shuman, J. D. McKenzie, John Powers.

Eleventh District—W. S. Lauder, Andrew Slotten, W. E. Purcell.

Twelfth District—H. F. Miller, B. F. Spalding, J. Lowell.

Thirteenth District—Addison Leach, R. M. Pollock, H. M. Peterson.

Fourteenth District—E. W. Chaffee, Wm. J. Clapp, Enos Gray,  
Fifteenth District—Elmer E. Elliott, J. W. Scott, J. Wellwood.  
Sixteenth District—E. W. Camp, F. B. Fancher, Andrew  
Blewett.

Seventeenth District—E. S. Rolfe, H. M. Clark, O. G. Meacham.  
Eighteenth District—David Bartlett, E. D. Wallace, E. M.  
Paulson.

Nineteenth District—J. F. Selby, M. F. Hegge, Knud J. Nom-  
land.

Twentieth District—Wm. Budge, Richard Bennett, Alexander  
Griggs.

Twenty-first District—A. P. Haugen, J. H. Mathews, Chas.  
Carothers.

Twenty-second District—M. N. Johnson, M. V. Linwell, T. W.  
Bean.

Twenty-third District—A. O. Whipple, Edward H. Lohnes, J.  
F. O'Brien.

Twenty-fourth District—A. D. Robertson, M. K. Marrinan,  
James Bell.

Twenty-fifth District—Roger Allin, John M. Almen, James A.  
Douglas.

#### PERMANENT ORGANIZATION.

Mr. WILLIAMS. I move that we now proceed to the election  
of a permanent President.

Seconded and adopted.

Mr. CAMP. Mr. PRESIDENT: I nominate Mr. F. B. FANCHER  
of Stutsman, for permanent President of this Convention.

Seconded.

Mr. PURCELL. Mr. PRESIDENT: It might be well in making  
this selection of presiding officer of this Convention, to look about  
and see who it is that possesses those qualifications which are  
necessary for the proper discharge of those duties. This is an  
important Convention for the people of this Territory, because of  
the supposed benefits to result therefrom. The duties are such  
that they require those qualities in a man which can only be  
acquired by experience. It seems to me, Mr. PRESIDENT, that we  
have a man here who is fully competent to discharge those  
duties—a man who is not a stranger to public office—one who has  
occupied the position of United States Attorney in this Territory,  
and one who having faithfully performed the duties of that

position was called to a higher position—namely, to be Judge of the Fourth District of this Territory. There is no man living who can point the finger of scorn at him and say that he has ever done anything but what was best and right. He has by virtue of his experience necessarily acquired knowledge which will be of benefit in the deliberations of this assembly. The presiding officer of this body needs such knowledge, that when matters are presented for the consideration of this Convention he will be able to see at once whether or not they conflict with the Constitution of the United States. It is supposed that no law, or method or resolution will be enacted here that is in conflict with that document. I nominate the Honorable JOHN E. CARLAND for permanent President of this body.

Mr. NOBLE seconded the nomination of Mr. CARLAND.

Mr. LAUDER. I move the roll be called and each delegate answer to his name as it is called.

Seconded.

Mr. McHUGH. Would it not be well for the members to be sworn in before they proceed to the election of a President?

Mr. CARLAND. I understand that one of the Justices of the Supreme Court of this Territory has been invited here to administer this oath. As a matter of law, I don't suppose there is any law requiring us to take an oath, but it has been the usual custom, and I think it is a very proper proceeding, and as we have invited Judge Rose here to administer this oath, I think it should be done as soon as possible.

The oath was then administered by the Hon. Roderick Rose, Judge of the Sixth Judicial District.

The voting then took place on the matter of permanent President, with the following result:

Those voting for Mr. FANCHER were—

Messrs. Allin, Almen, Bartlett of Dickey, Bartlett of Griggs, Bean, Bennett, Brown, Budge, Camp, Carland, Carothers, Chaffee, Clapp, Clark, Colton, Elliott, Flemington, Gayton, Harris, Haugen, Holmes, Hoyt, Johnson, Lauder, Leach, Linwell, Mathews, McHugh, McKenzie, Meacham, Miller, Moer, Nomland, Parsons of Morton, Parsons of Rolette, Paulson, Peterson, Powles, Pollock, Richardson, Robertson, Rolfe, Rowe, Sandager, Scott, Selby, Shuman, Slotten, Spaulding, Stevens, Turner Wallace, Wellwood, Williams—54.

Those voting for Mr. CARLAND were—

Messrs. Appleton, Bell, Best, Blewett, Douglas, Fancher, Glick, Gray, Griggs, Lowell, Marrinan, McBride, Noble, O'Brien, Powers, Purcell—16.

Absent and not voting—

Messrs. Fay, Lohens, Hegge and Whipple—4.

Mr. JOHNSON. GENTLEMEN OF THE CONVENTION: I have the honor to present to you your permanent President.

Mr. FANCHER. GENTLEMEN OF THE CONVENTION: I hardly know how to find words in which to express my thanks for the honor you have conferred on me, in electing me the President of this magnificent Convention. When I look around I see so many abler men, who could certainly preside over your deliberations much more brilliantly; nevertheless, for some considerable time we are told man has earned his bread by the sweat of his brow, and I have some reason to believe this. Certainly I do not expect to enjoy the distinction and advantage to be derived from presiding over this Convention, without endeavoring by all legitimate means to promote and advance its usefulness and efficiency. As a presiding officer I cannot promise you much. I am not very well versed in parliamentary rules, but I think I will venture to promise to do my best to please you, to endeavor to carry out your wishes, and to assist you to embody in this Constitution for North Dakota, the sound judgment and the level-headedness of the whole people of North Dakota, and not to foster the interests of any man or particular class of men. My experience as a presiding officer has been exceedingly limited, and I therefore pray your patience and kind indulgence during the first days of the session. The expert parliamentarians on the floor will remember that there was a time when they, too, were fresh and green in the knowledge of parliamentary forms. If, after some experience, I shall succeed in meeting your approval, the end attained will have justified you in your action here to-day. If I shall be so unfortunate as to fail, I do most solemnly assure you it shall not have been my fault but my misfortune, for I will make the effort. And now gentlemen, not according to custom and due form, but in simple truth and sincerity, again I thank you.

Mr. WILLIAMS moved that a committee of seven be appointed on rules.

Seconded by Mr. LAUDER, and carried.

The committee was appointed as follows: WILLIAMS of Burleigh, PARSONS of Morton, TURNER of Bottineau, CARLAND of Bur-

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leigh, ALLIN of Walsh, STEVENS of Ransom and JOHNSON of Nelson.

Adjourned to 2 o'clock p. m., July 6th.

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### THIRD DAY.

BISMARCK, *Saturday, July 6, 1889.*

The Convention met pursuant to adjournment, the PRESIDENT in the Chair.

Prayer was offered by the Rev. Mr. KLINE.

#### A QUESTION OF PRIVILEGE.

Mr. JOHNSON said: Mr. PRESIDENT AND GENTLEMEN OF THE CONVENTION. Yesterday we extended the privileges of the floor of this House to the representatives of the press. Certain representatives of the press availed themselves of that privilege to appear on this floor and lay copies of their papers before every member of the Convention. I hold in my hand a paper called the Devils Lake Capital, published in Devils Lake. It is on the table of every member here. This paper is published by one Marshall McClure. Turning to the editorial page, the first article in the first column casts a slur on the PRESIDENT of this body, and on other persons connected and unconnected with this Convention. Now gentlemen, we owe something to the dignity of the State of North Dakota. It was a great privilege—something to be treated with proper respect—the invitation to the floor of this House. That article laid before our faces is not in accordance with my idea of proper courtesy. I hold that the press should be perfectly free and untrammelled, and I hold that representatives of the press on this floor have the privilege of writing and sending to their papers and publishing anything which their judgment dictates as proper. We should not wince under the lash of proper criticism. I have been criticised many times, and I have been flattered also by the press. I cannot say that I have ever derived any benefit from the flattery I have received, but I can think of a great many instances where I was benefitted by criticism, for criticisms have