

SATURDAY, August 3, 1889.

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

The President presiding.

Prayer was offered by the Chaplain.

The roll was called, all members absent being excused.

Reading of the Journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

The Committee on County and Township Organization presented the following report:

MR. PRESIDENT:

Your Committee on County and Township Organization, to whom File 63 was referred, the same being the original report of said Committee, would respectfully submit the annexed amended report, and recommend its adoption as a substitute for said original report.

A. F. APPLETON,
E. S. ROLFE.

COUNTY AND TOWNSHIP ORGANIZATION.

ARTICLE —.

SECTION 1. The several counties in the Territory of Dakota lying north of the seventh standard parallel, as they now exist, are hereby declared to be counties of the State of North Dakota.

SEC. 2. The Legislative Assembly shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines; but no new county shall be organized nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than one thousand *bona fide* inhabitants. And in the organization of new counties and changing the lines of organized counties the boundaries of congressional townships and natural boundaries shall be observed as nearly as may be.

SEC. 3. All changes in the boundaries of organized counties before taking effect shall be submitted to the electors of the county or counties to be affected thereby, at a general election, and be adopted by a majority of the legal votes cast in each county at such election, and in case any portion of an organized county is stricken off and added to another, the county to which such portion is added shall assume and be holden for such proportion of the indebtedness of the county so reduced, as the part severed bears to the whole county from which it is severed.

SEC. 4. In counties already organized, where the county seat has not been located by vote of the people, upon a petition signed by a majority of the legal voters of the county, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at the next general election thereafter, and the place receiving a majority of all votes cast at said election shall be the county seat of said county. If, at said election, no place receive a majority of all the votes cast, it shall be the duty of the county board to resubmit the location of the county seat to the electors of said county at the next general election thereafter, and the electors at said election shall vote for one of the two places receiving the highest number of votes at the

preceding election. The place receiving the majority of all the votes cast for county seat at said second election shall be the county seat of said county.

SEC. 5. The legislative assembly shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

SEC. 6. At the general election in the year A. D. 1890, and every two years thereafter there shall be elected in each organized county a Clerk of the Court, Sheriff, Register of Deeds, Treasurer, State's Attorney, Surveyor, Coroner and Superintendent of Schools, whose terms of office respectively shall be two years, and, except the Clerk of Court, no person shall be eligible for more than four years in succession to any of the above-named offices.

SEC. 7. The Legislative Assembly shall provide by general law for organizing counties into civil townships.

SEC. 8. In each organized civil township there shall be elected at the first general election after the admission of this state into the union for such terms as the Legislative Assembly may by law prescribe, three township supervisors, one of whom shall be designated as chairman, and if the Legislative Assembly shall, by general law, provide that the county board of any county shall consist of less than fifteen members, then upon a petition signed by not less than fifty legal voters of any county, asking that the question of the establishment of a county board to be composed of the chairmen of the several boards of township supervisors be submitted to the electors of the county it shall be the duty of the county board to submit the same at the next general election thereafter, and if at such election a majority of such electors shall vote in favor of such proposition, then the county board of such county shall consist of such chairmen of the several boards of township supervisors and of such others as may by law be provided for any incorporated city or village within such county.

SEC. 9. The legislative assembly shall provide by general 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.

SEC. 10. All county, township and district officers shall be electors in the county, township or district in which they are elected, except as otherwise provided in this Constitution.

Mr. Appleton moved that the report be read by its title only, and that it be printed in the Journal.

Which motion prevailed.

The Committee on Public Debt and Public Works made the following report:

SECTION 1. The State may, to meet casual deficits or failure in the revenue, or in case of extraordinary emergencies, contract debts, but such debts shall never in the aggregate exceed the sum of two hundred thousand dollars, exclusive of what may be the debt of North Dakota at the time of the adoption of this Constitution. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall especially appropriate the proceeds of such tax to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war, or to provide for public defense in case of threatened hostilities.

SEC. 2. The debt of any county, city, town, school district, or any other subdivision, shall never exceed five (5) per centum upon the assessed value of the taxable property therein, except as otherwise specified in this Constitution; provided, that any city may, by a two-thirds vote, increase such indebtedness three (3) per cent. beyond said five (5) per cent. limit. In estimating the in-

debtcdness which a city, connty, or any subdivision thereof may incur, the amount of indebtedness contracted prior to the adoption of this Constitution shall be included.

SEC. 3. Any city, county, town, school district or other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepalable until such debt be paid.

SEC. 4. Neither the state nor any county, township or municipality shall loan or give its credit or make donation to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

SEC. 5. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or other subdivision, shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the officer, or officers, whose duty it may be to audit the same.

SEC. 6. No bond or evidence of indebtedness of the state shall be valid unless the same shall have endorsed thereon a certificate signed by the Auditor and Secretary of State showing that the bond or evidence of debt is issued pursuant to law, and falls within the debt limit. No bond or evidence of debt of any county or bond of any township or other subdivision of a county shall be valid unless the same have endorsed thereon a certificate signed by the county auditor, or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law, and is within the debt limit.

E. D. WALLACE,
Chairman.

Mr. Wallace moved that the report be read by its title only, and be printed in the Journal.

Which motion prevailed.

SECOND READING OF ARTICLES.

File No. 136 was read the second time.

File No. 137 was read the second time.

File No. 138 was read the second time.

Mr. Pollock moved that the report of the Committee on School Lands be recalled and recommitted to the Committee on School Lands.

Which motion prevailed.

The President named the following as a committee on the resolution introduced by Mr. Stevens in relation to publishing an address to the people of North Dakota: The President, chairman, Messrs. Stevens, Carland, Spalding, McKenzie, Bartlett of Griggs, Purcell, Rolfe, O'Brien, Turner, Johnson, Carothers and Rowe.

Mr. Purcell moved that the Convention resolve itself into Committee of the Whole for the consideration of the substitute for sections 24 and 25 of the Judiciary Committee's report.

Which motion prevailed, and

The President called Mr. Rowe to the chair.

When the Committee rose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration File No. 137, the substitute report of the Judiciary Committee on sections 24 and 25 of File No. 121, and recommend that it be amended by adding at the close the following:

"In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction as thus increased shall remain until otherwise provided by law,"

And that as so amended the substitute be adopted.

Your committee have also further considered File No. 121, and recommend that section twenty-six (26) be amended as follows:

Strike out, from line five commencing at the words "the justices," etc., down to the words "they shall have such jurisdiction," etc., in line ten, and insert in lieu thereof the following:

"The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions, when the amount in controversy exclusive of costs does not exceed \$200."

Also, after the word "magistrates" in line ten insert the following words: "And in counties where no county court with criminal jurisdiction exists they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law;" also that the section be further amended by adding at the close thereof the following: "The Legislature shall have power to abolish the office of justice of the peace, and confer that jurisdiction upon judges of county courts or elsewhere," and that as so amended the section be adopted.

Also, recommend that section twenty-seven (27) be adopted.

Also, recommend that section twenty-eight (28) be amended by striking out the word "probate" in line one and inserting in lieu thereof the word "county" and that as so amended the section be adopted.

Also, recommend that sections twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34) be adopted.

Your committee have also had under consideration File No. 133, being the report of the Committee on Preamble and Bill of Rights, and recommend that the following be substituted for the preamble therein contained:

"We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this Constitution."

Also, recommend that sections one (1), two (2), three (3), four (4), five (5) and six (6) be adopted.

Also, recommend that section seven (7) be amended by striking out the word "and" in the second line, and inserting in lieu thereof the word "in," and that as amended the section be adopted.

Also, recommend the adoption of the following as an additional section of File 133:

Every citizen of this State shall be free to obtain employment, wherever possible, and any person, corporation or agent thereof keeping a black list, interfering or hindering in any way a citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of conspiracy against the welfare of the State, which offense shall be punished as shall be prescribed by law.

Also, recommend that section nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22) and twenty-three (23) be approved.

W. H. ROWE,
Chairman.

Mr. Camp moved that the Committee on Public Institutions be requested to report back to the Convention File No. 79 on Monday.

Which motion prevailed.

Mr. Lauder moved to adopt the report of the Committee of the Whole.

Which motion prevailed.

Mr. Appleton moved to adjourn.

Which motion prevailed.

EVENING SESSION.

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

Mr. Stevens moved that the Convention do now resolve itself into Committee of the Whole for the consideration of the business on the table.

Which motion prevailed, and

The President called Mr. Purcell to the chair.

When the Committee rose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration Files 134 and 135 and recommend that section 1 of File 135 be substituted for File 134.

Also, recommend that section 2 of File 134 be adopted.

Also, recommend section three (3), also recommend that section 4, also recommend that section 5, also recommend that section 6 and also recommend that section 7 be adopted. and also recommend that section 8 be adopted.

Also, recommend that section 9 be adopted.

Also, recommend that section 10 be adopted.

Also, recommend that section 11 be passed until Monday next; and also recommend that section 12 be amended by inserting in third line after the word "railroad" the words "sleeping car, telegraph and telephone;" also, in the same line after the word "companies" insert the words "of passengers, intelligence and freight," and when so amended it be adopted.

W. E. PURCELL,
Chairman.

Mr. Bartlett of Griggs, moved that the report of the Committee of the Whole be adopted, and referred to the Committee on Revision.

Which motion prevailed.

Mr. Almen moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,
Chief Clerk.