

TUESDAY, August 6, 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.

The Journals of August 3d and 5th were read, corrected and approved.

PETITIONS, MEMORIALS, ETC.

The following communications were read:

FIELD SECRETARY'S OFFICE,  
74 E. 90TH STREET, NEW YORK, Aug. 8, 1889. }

*To the Constitutional Convention of North Dakota:*

The American Sabbath Union, of which Col. Elliot F. Shepard is President, with a Vice President and members in each State, respectfully asks that you will settle in advance the question whether the Sunday laws of your future state are to be deemed constitutional by putting into the Constitution itself such a brief Sunday rest article as is hereto appended, and so save the expense that has been caused in twenty-five States to prove in the courts the constitutionality of the State Sunday laws; and also, protect the people against having such laws abolished by the influence of a corrupt lobby, to which such laws are especially exposed. If the principle is in the Constitution, so that only the people can change it, a permanency is secured that is especially desirable in such matters in this age of "Liberty Leagues," with their secret plots against American institutions. The article proposed for insertion, or at least for submission to separate vote, is as follows: "Traffic and all other work for gain on Sunday is forbidden, except works of necessity and mercy, and such private work by those who observe another day as will neither interfere with the general rest nor with public worship. The Legislature shall provide for the enforcement of this provision."

Respectfully submitted,

WILBUR F. CRAFTS,  
Field Secretary.

ADAMS CENTER, N. Y., July 28, 1889.

*To the Constitutional Convention of North Dakota:*

**MR. PRESIDENT:**

In behalf of more than fifty thousand Christian people of the United States, some of whom reside in your proposed state, and who in obedience to the law of God observe the seventh day of the week commonly called Saturday

as their Sabbath and day of rest and worship, most respectfully petition your honorable body not to incorporate into the Constitution of the new state any provision which will require any people who have observed the seventh day of the week as their Sabbath, to also rest from their labors on Sunday.

And, furthermore, inasmuch as the people of France and all southern Europe have, in accordance with the Word of God, always called and still continue to call the seventh day of the week instead of the first the Sabbath, in order to avoid ambiguity and confusion of terms, we most humbly petition that you do not make any provision in the Constitution wherein Sunday shall be called the Sabbath.

Most Respectfully,  
C. D. POTTER.

Mr. Bennett introduced the following resolution:

*Be it Resolved*, That the Committee on Revision be and they hereby are instructed to insert between the word "city" and the word "and" in the last two lines of section 3 of File 125 as amended, the following words, "or for the purpose of constructing sewers."

Mr. Stevens moved that it be declared the sense of the Convention that the Committee on Revision and Adjustment be requested to incorporate the amendment proposed in the above resolution in their report.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Public Institutions and Buildings made the following report:

MR. PRESIDENT:

Your Committee on Public Institutions and Buildings have had under consideration File No. 79, and a majority of the committee report the same back with the recommendation that it be amended so as to read as follows:

#### PUBLIC INSTITUTIONS.

SECTION 1. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States, in the act of Congress, approved February 22, 1888, to be disposed of and used in such manner as the Legislative Assembly may prescribe.

First. The seat of government at the city of Bismarck in the county of Burleigh.

Second. The State University and the School of Mines at the city of Grand Forks, in the county of Grand Forks.

Third. The Agricultural College at the city of Fargo, in the county of Cass.

Fourth. A State Normal School at the city of Valley City, in the county of Barnes; and the Legislative Assembly in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said Normal School at Valley City as aforementioned fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth. The Deaf and Dumb Asylum at the city of Devils Lake, in the county of Ramsey.

Sixth. A State Reform School at the city of Mandan in the county of Morton.

Seventh. A State Normal School at the town of Mayville, in the county of Traill. And the Legislative Assembly in apportioning the grant of lands made by congress, in the act aforesaid for State Normal School, shall assign thirty thousand acres to the institution hereby located at Mayville, and said lands are hereby appropriated for that purpose.

**Eighth.** A State Hospital for the Insane and an Institution for the Feeble-Minded, in connection therewith, at the city of Jamestown, in the county of Stutsman. And the Legislative Assembly shall appropriate twenty thousand acres of the grant of lands made by the act of Congress aforesaid for "Other Educational and Charitable Institutions" to the benefit and for the endowment of said institution.

**SEC. 2.** The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "Other Educational and Charitable Institutions," as is allotted below, viz:

**First.** A Soldiers' Home, when located, or such other charitable institution as the Legislative Assembly may determine, at Lisbon, in the county of Ransom with a grant of forty thousand acres of land.

**Second.** A Blind Asylum, or such other institution as the Legislative Assembly may determine, at such place in the county of Pembina as the qualified electors may determine at an election to be held as prescribed by the Legislative Assembly, with a grant of thirty thousand acres.

**Third.** An Industrial School and School for Manual Training, or such other educational institution as the Legislative Assembly may provide, at the town of Ellendale in Dickey county, with a grant of forty thousand acres.

**Fourth.** A School of Forestry, or such other institution as the Legislative Assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the Legislative Assembly.

**Fifth.** A Scientific School, or such other educational or charitable institution as the Legislative Assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres.

Provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this Constitution.

And that when so amended said File be adopted.

H. F. MILLER,  
Chairman.

#### SECOND READING OF ARTICLES.

File No. 141 was read the second time.

File No. 142 was read the second time.

Mr. Stevens moved that the Convention resolve itself into Committee of the Whole, for the consideration of the business on the secretary's table.

Which motion prevailed and Mr. President called Mr. Spalding to the chair.

When the committee rose the following report was presented:  
**MR. PRESIDENT:**

Your Committee of the Whole have further considered File No. 140, being the report of the Committee on Public Debt and Public Works, and also recommend that section two (2) be amended by inserting after the word "county" in the first line the word "township," and that as so amended the section be adopted.

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

Your committee have also had under consideration File No. 139, being the report of the committee on county and township organization, and recommend that section one (1), two (2) be adopted.

Also, recommend that section three (3) be amended by striking out the word "such" in line seven, and inserting in lieu thereof the words "an equitable," and that as so amended the section be adopted.

Also recommend that section four (4) be stricken out.

Also recommend that section five (5) be adopted.

Also recommend that section six (6) be stricken out.

Also recommend that sections seven (7) and eight (8) be stricken out and that the following be substituted in lieu thereof:

Sec. 7. The Legislative Assembly shall provide by general law for township organizations, under which any county may organize whenever a majority of the legal voters of such county, voting at any election called for that purpose, shall so determine, and townships when organized shall be bounded as near as may be by congressional township lines and natural boundaries; and upon a petition signed by not less than one-fourth of the legal voters, as shown by the preceding election, of any county organized into civil townships, 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 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.

And that as so amended the section be adopted.

Also recommend that section nine (9) be amended by striking out the word "other" in the second line thereof; also by adding at the end thereof the following: "*Provided*. That all county officers shall receive a fixed salary. For the purpose of providing for and regulating the compensation of county officers, the General Assembly shall, by law, classify the several counties of the state according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county officers as may be designated therein, for services to be performed by them respectively. All fees, perquisites and emolument, shall be paid into the county treasury," and that as amended the section be adopted.

Also, recommend that section ten (10) be adopted.

Also, recommend that the following be adopted as an additional section and become section eleven (11):

"The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession."

B. F. SPALDING,  
Chairman.

Mr. Wallace moved that the report of the Committee of the Whole be adopted, and that it be referred to the Committee on Revision and Adjustment.

Which motion prevailed.

Mr. Lowell moved to adjourn.

Which motion prevailed.

#### EVENING SESSION.

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

Mr. Rolfe moved that the Convention do now resolve itself into a Committee of the Whole for the purpose of considering File No. 132, and such other business as may be on the Clerk's desk.

Mr. Scott moved to amend by considering File 143.

Ayes and nays demanded on the amendment.

The roll being called there were ayes 29, nays 39, viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Griggs,	Paulson,
Blewett,	Harris,	Ray,
Brown,	Holmes,	Sandager,
Carland,	Hoyt,	Scott,
Chaffee,	Leach,	Spalding,
Clark,	Lowell,	Stevens,
Elliott,	Meacham,	Wellwood,
Gayton,	McHugh,	Whipple,
Glick,	Miller,	Williams.
Gray,	Moer,	

Those who voted in the negative were—

Messrs—	Messrs—	Messrs—
Allin,	Flemington,	Powers,
Almen,	Haugen,	Powles,
Appleton,	Johnson,	Purcell,
Bartlett of Griggs,	Lauder,	Pollock,
Bell,	Linwell,	Richardson,
Bennett,	Lohnes,	Rolfe,
Best,	Marrinan,	Rowe,
Camp,	Mathews,	Selby,
Carothers,	McBride,	Shuman,
Clapp,	Noble,	Slotten,
Colton,	Nomland,	Turner,
Douglas,	O'Brien,	Wallace,
Fay,	Peterson,	Mr. President.
Absent and not voting—		

Messrs—	Messrs—	Messrs—
Hegge,	Parsons of Morton,	Robertson,
McKenzie,	Parsons of Rolette,	

And so the amendment was lost.

Mr. Stevens moved to amend by considering such business as may come before the Convention.

Ayes and nays demanded on the amendment.

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

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gray,	Parsons of Morton,
Blewett,	Griggs,	Paulson,
Brown,	Harris,	Ray,
Camp,	Holmes,	Sandager,
Carland,	Hoyt,	Scott,
Chaffee,	Leach,	Spalding,
Clark,	Lowell,	Stevens,
Elliott,	Meacham,	Wellwood,
Flemington,	McHugh,	Whipple,
Gayton,	Miller,	Williams,
Glick,	Moer,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Allin,	Johnson,	Powles,
Almen,	Lauder,	Purcell,
Appleton,	Linwell,	Pollock,
Bartlett of Griggs,	Lohnes,	Richardson,

Bell,  
Bennett,  
Best,  
Carothers,  
Clapp,  
Colton,  
Douglas,  
Fay,  
Haugen,

Marrinan,  
Mathews,  
McBride,  
Noble,  
Nomland,  
O'Brien,  
Parsons of Rolette,  
Peterson,  
Powers,

Robertson,  
Rolfe,  
Ro we,  
Selby,  
Shuman,  
Slotten,  
Turner,  
Wallace.

Absent and not voting:

Messrs—  
Bean,  
Budge,

Mr. Hegge,

Mr. McKenzie

And so the amendment was lost.

Mr. Bartlett of Griggs, moved to amend by striking out the words "and such other business as may be on the Clerk's desk."

Which amendment prevailed, and the original motion as amended being put, prevailed, and the President called Mr. Rolfe 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. 132, being the report of the Committee on Revenue and Taxation, and recommend that sections 1, 2 and 3 be adopted, and that section 4 be amended by striking out the words "land and the improvements thereon shall be separately assessed," and as so amended it be adopted.

Also recommend that section 5 be adopted and that section 6 be amended by striking out the words "city and county" in the second line, and as so amended it be adopted, and also recommend that section 7 be amended by striking out the word "three" in the second line and "one dollar and fifty cents" inserted in lieu thereof and as so amended it be adopted, and also recommend that section 8 be stricken out and that section 9 be adopted.

E. S. ROLFE,  
Chairman.

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

Which motion prevailed.

Mr. Lauder moved to adjourn.

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.