

Absent and not voting—

Messrs—
Almen,
Appleton,
Bean,
Bell,
Best,
Clark,

Messrs—
Douglas,
Haugen,
Leach,
Lohnes,
Marrinan,
McBride,

Messrs—
McHugh,
McKenzie,
O'Brien,
Powers,
Rolfe,
Stevens,

And so the preamble and article one as amended was passed.

Mr. Bartlett, of Griggs, moved that when the convention adjourns it be to meet again at 9:30 o'clock to-morrow morning.

Which motion prevailed.

Mr. Colton moved that as soon as an article is adopted it be sent to the enrolling and engrossing clerks.

Which motion prevailed.

Mr. Parsons moved to adjourn.

Which motion prevailed,

And the convention adjourned.

J. G. HAMILTON,
Chief Clerk.

WEDNESDAY, AUG. 14, 1889.

The Convention assembled at 9:30 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.

PETITIONS, REMONSTRANCES, ETC.

MAYVILLE, N. D., Aug. 13.

To the Hons. Paulson and Hegge:

Farmers in Steele and Traill endorse location of public institutions.

J. ROSHOLT.

MAYVILLE, N. D., Aug. 13, 1889.

To the Hons. Paulson and Hegge:

Congratulations from Buxton, Reynolds, Cumings, Caledonia; only kickers are Hillsboro and Portland.

D. D. MURREY.

CLIFFORD, N. D., Aug. 13., 1889.

To the Hons. Paulson and Hegge:

Everybody here satisfied with the location of public institutions.

A. F. KRAABLE.

MAYVILLE, N. D., August 13, 1889.

To Hon. E. M. Paulson :

Caledonia sends word she endorses you and Hegge. Traill and Steele nearly solid for the constitution.

E. I. SMITH.

MAYVILLE, August 13, 1889.

To Hons. Paulson and Hegge:

Big petition goes on train. Traill O. K., except Hillsboro and Portland; farmers jubilant.

A. F. ANDERSON.

HILLSBORO, Aug. 13, 1889.

To the President of the Constitutional Convention :

The citizens of Caledonia the capital of Traill county congratulates the members of the Constitutional Convention, and heartily endorse the wisdom and unselfish patriotism manifested in locating all public institutions of the state permanently. Your action will be sustained by four-fifths of the voters of Traill county.

J. P. CLARK,
W. D. BAKER,
W. P. CLEVELAND,
E. N. FALK,

And one hundred others.

BALTIMORE, Md., August 13, 1889.

To the President of the Constitutional Convention :

Capitalists of Baltimore, who have \$250,000 invested in North Dakota, congratulate you and the members on the good Constitution you have prepared and the judicious location of public institutions. Regards to Harvey Harris.

G. LANE TANEHILL,
For the Syndicate.

MANDAN, August 13, 1889.

To the President of the Constitutional Convention :

The Republican Convention of Morton county, in session assembled, by a unanimous vote express to your honorable body their hearty approval of your action in locating the public institutions of this state.

S. W. UNKENHOLZ,
Secretary.

J. J. LUCK,
Chairman.

ARTICLE II.

Sections twenty-five (25), twenty-six (26), twenty-seven (27) and (28) were adopted.

Mr. Noble moved to amend section twenty-nine by inserting after the word "district" in line eight the words "and no county shall be entitled to more than one senator."

Which motion was lost.

Sections twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34) were adopted.

Mr. Parsons of Rolette, moved that section thirty-five (35) be amended so that it shall read as follows:

The legislative districts shall be composed of contiguous and compact territory, bounded by county lines, and each county having two hundred voters shall be entitled to one representative, and additional representation according to population; *provided*, that in counties divided into two or more senatorial

districts, said districts shall constitute a legislative district and be entitled to representation according to population.

Ayes and nays demanded.

The roll being called there were ayes 28, nays 36, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|----------|---------------------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Dickey, | Gayton, | Parsons of Morton, |
| Bennett, | Glick, | Parsons of Rolette, |
| Blewett, | Gray, | Ray, |
| Brown, | Griggs, | Rolfe, |
| Camp, | Harris, | Rowe, |
| Carland, | Hoyt, | Turner, |
| Clapp, | Meacham, | Wallace, |
| Colton, | Noble, | Williams. |
| Fay, | O'Brien, | Mr. President. |
| Flemington, | | |

Those who voted in the negative were:

| | | |
|---------------------|-----------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Lauder, | Pollock, |
| Bartlett of Griggs, | Linwell, | Richardson, |
| Bell, | Lohnes, | Robertson, |
| Budge, | Lowell, | Sandager, |
| Carothers, | Mathews, | Scott, |
| Chaffee, | McBride, | Selby, |
| Douglas, | McKenzie, | Shuman, |
| Elliott, | Miller, | Slotten, |
| Haugen, | Nomland, | Spalding, |
| Hegge, | Paulson, | Stevens, |
| Holmes, | Peterson, | Wellwood, |
| Johnson, | Powles, | Whipple. |

Absent and not voting:

| | | |
|-----------|-----------|----------|
| Messrs— | Messrs— | Messrs— |
| Almen, | Clark, | Moer, |
| Appleton, | Leach, | Powers, |
| Bean, | Marrinan, | Purcell, |
| Best, | McHugh, | |

And so the amendment was lost.

Mr. Purcell moved to amend section thirty-five (35) by adding at the end thereof the following:

Each elector may cast as many votes for Representatives as there are Representatives to be elected, or may cast for one candidate as many votes as there are Representatives to be elected, or may divide his votes among the Representatives as he may see fit.

Ayes and nays demanded,

The roll being called, there were ayes 21; nays 44.

Those who voted in the affirmative were:

| | | |
|---------------------|-----------|--------------------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Dickey. | Douglass, | Noble, |
| Bartlett of Griggs. | Glick, | O'Brien, |
| Bell, | Gray, | Parsons of Morton. |
| Bennett, | Griggs, | Powles, |
| Blewett, | Hegge, | Purcell, |
| Camp, | Lowell, | Ray, |
| Carland, | McBride, | Mr. President. |

Those who voted in the negative were:

Messrs—

Allin,
Brown,
Budge,
Carothers,
Chaffee,
Clapp,
Colton,
Elliott,
Fay,
Flemington,
Gayton,
Harris,
Haugen,
Holmes,
Hoyt,

Messrs—

Johnson,
Lauder,
Linwell,
Lohnes,
Mathews,
Meacham,
McKenzie,
Miller,
Nomland,
Parsons of Rolette,
Paulson,
Peterson,
Pollock,
Richardson,

Messrs—

Robertson,
Rolfe,
Rowe,
Sandager,
Scott,
Selby,
Shuman,
Slotten,
Spalding,
Stevens,
Turner,
Wallace,
Wellwood,
Whipple,
Williams,

Absent and not voting:

Messrs—

Almen,
Appleton,
Bean,
Beet,

Messrs—

Clark,
Leach,
Marrinan,

Messrs—

McHugh,
Moer,
Powers,

And so the amendment was lost.

Mr. Purcell moved to amend section thirty-five (35) by adding at the end thereof the following :

The Legislative Assembly shall divide the senatorial districts into representative districts and no more than one representative shall be elected from one district.

Ayes and nays demanded.

The roll being called there were ayes 31, nays 34.

Those who voted in the affirmative were:

Messrs—

Bartlett of Dickey,
Bell,
Bennett,
Blewett,
Brown,
Camp,
Carland,
Clapp,
Douglas,
Fay,
Flemington,

Messrs—

Gayton,
Glick,
Gray,
Griggs,
Hegge,
Hoyt,
Lowell,
McBride,
Noble,
O'Brien,

Messrs—

Parsons of Morton,
Parsons of Rolette,
Purcell,
Ray,
Rolfe,
Selby,
Spalding,
Wallace,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—

Allin,
Bartlett of Griggs,
Budge,
Carothers,
Chaffee,
Colton,
Elliott,
Harris,
Haugen,
Holmes,
Johnson,
Lauder,

Messrs—

Linwell,
Lohnes,
Mathews,
Meacham,
McKenzie,
Miller,
Nomland,
Paulson,
Peterson,
Powles,
Pollock,

Messrs—

Richardson,
Robertson,
Rowe,
Sandager,
Scott,
Shuman,
Slotten,
Stevens,
Turner,
Wellwood,
Whipple.

Absent and not voting:

Messrs—
Almen,
Appleton,
Bean,
Best,

Messrs—
Clark,
Leach,
Marrinan,

Messrs—
McHugh,
Moer,
Powers.

And so the amendment was lost.

Mr. President called Mr. Carland to the chair.

Mr. Lauder moved that section thirty-five be adopted as reported from the committee.

Ayes and nays demanded.

The roll being called, there were ayes, 49; nays, 16.

Those who voted in the affirmative were:

Messrs—
Allin,
Bartlett of Griggs,
Bell,
Bennett,
Blewett,
Budge,
Camp,
Carothers,
Chaffee,
Clapp,
Colton,
Douglass,
Elliot,
Glick,
Harris,
Haugen,
Holmes,

Messrs—
Johnson,
Lauder,
Linwell,
Lohnes,
Lowell,
Mathews,
Meacham,
McBride,
McKenzie,
Miller,
Nomland,
Parsons of Morton,
Paulson,
Peterson,
Powles,
Pollock,

Messrs—
Richardson.
Robertson,
Rowe,
Sandager,
Scott,
Selby,
Shuman,
Slotten,
Spalding,
Stevens,
Turner,
Wallace,
Wellwood,
Whipple,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—
Bartlett of Dickey,
Brown,
Carland,
Fay,
Flemington,
Gayton,

Messrs—
Gray,
Griggs,
Hegge,
Hoyt,
Noble,

Messrs—
O'Brien,
Parsons of Roletta,
Purcell,
Ray,
Rolfe,

Absent and not voting:

Messrs—
Almen,
Appleton,
Bean,
Best,

Messrs—
Clark,
Leach,
Marrinan,

Messrs—
McHugh,
Moer,
Powers,

And so the motion prevailed.

Mr. Johnson moved to amend section thirty (30) by inserting after the word "class" where it last appears in the sixth line, the words: "In the senate first elected under this Constitution."

Which motion was lost.

Mr. Spalding moved to amend section thirty (30) by inserting after the word "class" where it last appears in the sixth line, the words "elected in 1890."

Which motion prevailed.

Mr. Scott moved that when a section has been passed as adopted it shall not be returned for the purpose of amendment except by unanimous consent.

Mr. Clapp moved as a substitute that when any changes are desired to be made in any section which has been passed, they shall only be considered at the time the article as a whole is being considered for final adoption.

Mr. Williams moved to lay the principal motion and the substitute on the table.

Which motion prevailed.

Mr. Camp moved to amend section thirty-five (35) by adding the following:

The Legislative Assembly shall, in the year 1895, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session, after each such enumeration and also after each federal census, proceed to fix by law the number of senators which shall constitute the senate of North Dakota, and the number of representatives which shall constitute the House of Representatives of North Dakota, within the limits prescribed by this Constitution; and at the same session shall proceed to re-apportion the state into senatorial districts, as prescribed by this Constitution, and to fix the number of members of the House of Representatives, to be elected from the several senatorial districts.

Which amendment was adopted.

Mr. Johnson moved as an amendment that the words "and also after each federal census" be inserted after the word "enumeration."

Which amendment prevailed.

Mr. Parsons of Morton, moved to reconsider the vote by which Mr. Camp's amendment to section thirty-five (35) was adopted.

Which motion was lost.

Mr. Rolfe moved to amend Section thirty-five (35) by adding thereto the following:

Provided, That the Legislative Assembly, at any regular session, may re-district the state into senatorial districts and apportion the senators and representatives respectively.

Mr. Purcell offered the following as an amendment to the amendment proposed by Mr. Rolfe: "The Legislative Assembly shall have the power to apportion the senatorial districts into representative districts."

Ayes and nays demanded.

The roll being called, there ayes 29, nays 28, viz.

Those who voted in the affirmative were:

| | | |
|---------------------|---------|----------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Dickey, | Gayton, | Powles, |
| Bell, | Gray, | Purcell, |
| Bennett, | Griggs, | Ray, |
| Blewett, | Harris, | Rolfe, |
| Camp, | Hoyt, | Rowe, |

Carland,
Clapp,
Douglas,
Fay,
Flemington,

Lowell,
McBride,
Noble,
O'Brien,
Parsons of Morton,

Spalding,
Turner,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—
Allin,
Bartlett of Griggs,
Budge,
Carothers,
Chaffe
Colton,
Elliott,
Hangen,
Hegge,
Holmes,

Messrs—
Johnson,
Lauder,
Linwell,
Mathews,
Meacham,
McKenzie,
Nomland,
Paulson,
Peterson,

Messrs—
Pollock,
Richardson,
Robertson,
Sandager,
Scott,
Slotten,
Stevens,
Wallace,
Wellwood,

Absent and not voting:

Messrs—
Almen,
Appleton,
Bean,
Best,
Brown,
Clark,

Messrs—
Glick,
Leach,
Lohnes,
Marrinan,
McHugh,
Miller,

Messrs—
Moer,
Parsons of Rolette,
Powers,
Selby,
Shuman,
Whipple.

And so the amendment to the amendment prevailed.

Mr. Stevens moved to adjourn.

Which motion was lost.

The question recurring on the motion of Mr. Rolfe as amended,

The ayes and nays were demanded,

The roll being called, there were ayes 30; nays 27 viz:

Those who voted in the affirmative were:

Messrs—
Bartlett of Dickey,
Bell,
Bennett,
Blewett,
Brown,
Camp,
Carland,
Clapp,
Colton,
Douglas,

Messrs—
Fay,
Flemington,
Gayton,
Gray,
Harris,
Hegge,
Hoyt,
Lowell,
Meacham,
McBride,

Messrs—
Noble,
O'Brien,
Parsons of Morton,
Purcell,
Ray,
Rolfe,
Rowe,
Turner,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—
Allin,
Bartlett of Griggs,
Budge,
Carothers,
Chaffe,
Elliott,
Hangen,
Johnson,
Lauder,

Messrs—
Linwell,
Mathews,
McKenzie,
Nomland,
Paulson,
Peterson,
Powles,
Pollock,
Richardson,

Messrs—
Robertson,
Sandager,
Scott,
Slotten,
Spalding,
Stevens,
Wallace,
Wellwood.

Absent and not voting:

Messrs—

Almen,
Appleton,
Bean,
Best,
Clark,
Glick,

Messrs—

Griggs,
Holmes,
Leach,
Lohnes,
Marrinan,
McHugh,

Messrs—

Miller,
Moer,
Parsons of Rolette,
Powers,
Selby,
Shuman,
Whipple.

And so the amendment as amended prevailed.

Mr. Turner moved to adjourn.

Which motion prevailed.

AFTERNOON SESSION.

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

Mr. President called Mr. Noble to the chair and took the floor to explain the charge made by Mr. Bennett in a speech at Grand Forks, and afterwards reiterated in certain newspapers, that on last Thursday evening he had prevented the reading of certain telegrams.

Mr. Parsons of Morton, offered the following resolution:

Resolved, That it is the sense of this Convention that we entirely exonerate the President of this Convention from the charge made against him by Mr. Bennett of Grand Forks, as reported in the Grand Forks Herald.

Ayes and nays demanded.

The roll being called there were ayes, 71; nays, none, viz:

Those voting in the affirmative were:

Messrs—

Allin,
Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bell,
Bennett,
Best,
Brown,
Budge,
Camp,
Carland,
Carothers,
Chaffee,
Clapp,
Clark,
Colton,
Douglas,
Elliott,
Fay,
Flemington,
Gayton,
Glick,
Gray,
Griggs,

Messrs—

Harris,
Haugen,
Hegge,
Holmes,
Hoyt,
Johnson,
Lauder,
Leach,
Linwell,
Lohnes,
Lowell,
Marrinan,
Mathews,
Meacham,
McBride,
McHugh,
McKenzie,
Miller,
Moer,
Noble,
Nomland,
O'Brien,
Parsons of Morton,
Parson: of Rolette,

Messrs—

Paulson,
Peterson,
Powers,
Powles,
Purcell,
Pollock,
Ray,
Richardson,
Robertson,
Rolfe,
Rowe,
Sandager,
Scott,
Selby,
Shuman,
Slotten,
Spalding,
Stevens,
Turner,
Wallace,
Wellwood,
Whipple,
Williams.

Absent and not voting:

Mr. Almen, Mr. Bean, Mr. Blewett.

Mr. Moer moved that the chief clerk be granted an opportunity to explain.

Which motion prevailed, and

The chief clerk made a statement to the effect that he had attempted to read the message referred to, but was prevented by members moving to adjourn.

Mr. Rolfe moved that the vote by which the amendment of the gentleman from Richland, providing that the Legislative Assembly may apportion senatorial districts into representative districts, was passed be reconsidered.

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

Ayes and nays demanded.

The roll being called there were ayes 18, nays 55, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|-------------|----------|
| Messrs— | Messrs— | Messrs— |
| Appleton, | Carland, | McBride, |
| Bartlett of Dickey, | Douglas, | Noble, |
| Bell, | Flemington, | O'Brien, |
| Bennett, | Gray, | Powers, |
| Blewett, | Griggs, | Purcell, |
| Camp, | Marrinan, | Ray. |

Those who voted in the negative were:

| | | |
|---------------------|---------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Johnson, | Pollock, |
| Bartlett of Griggs, | Lauder, | Richardson, |
| Best, | Leach, | Robertson, |
| Brown, | Linwell, | Rolfe, |
| Budge, | Lohnes, | Rowe, |
| Carothers, | Lowell, | Sandager, |
| Chaffee, | Mathews, | Scott, |
| Clapp, | Meacham, | Selby, |
| Clark, | McHugh, | Shuman, |
| Colton, | McKenzie, | Slotten, |
| Elliott, | Miller, | Spalding, |
| Fay, | Moer, | Stevens, |
| Gayton, | Nomland, | Turner, |
| Glick, | Parsons of Morton, | Wallace, |
| Harris, | Parsons of Rolette, | Wellwood, |
| Haugen, | Paulson, | Whipple, |
| Hegge, | Peterson, | Williams, |
| Holmes, | Powles, | Mr. President. |
| Hoyt, | | |

Absent and not voting:

Mr. Alman, Mr. Bean.

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

Mr. Stevens moved to strike out the following words: "The Legislative Assembly shall have the power to apportion the senatorial districts into representative districts.

Which motion prevailed.

Section thirty-five (35) as amended was adopted.

Section thirty-six (36) was adopted.

Mr. Camp moved to strike out the word "officers" in line three of section thirty-seven (37).

Which motion prevailed, and

Section thirty-seven as amended was adopted.

Section thirty-eight (38) was adopted.

Mr. Stevens moved that section thirty-nine (39) be amended by adding at the close thereof the following words: "Unless he shall have resigned before his appointment."

Which motion was withdrawn.

Section thirty-nine (39), forty (40), forty-one (41), forty-two (42), forty-three (43) and forty-four (44) were adopted.

Mr. Johnson moved to strike out the words "five dollars per day" in section forty-five (45), and insert therefor "five hundred dollars per session."

The recommendations of the committee as to section forty-five (45), were concurred in.

Ayes and nays demanded on Mr. Johnson's motion.

The roll being called there were ayes 11; nays 62, viz.

Those who voted in the affirmative were:

| | | |
|---------------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Appleton, | Johnson, | Peterson, |
| Bartlett of Griggs, | McBride, | Pollock, |
| Bennett, | Nomland, | Mr. President. |
| Gray, | Parsons of Morton, | |

Those who voted in the negative were:

| | | |
|---------------------|---------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Harris, | Powers, |
| Bartlett of Dickey, | Haugen, | Powles, |
| Bell, | Hegge, | Purcell, |
| Best, | Holmes, | Ray, |
| Blewett, | Hoyt, | Richardson, |
| Brown, | Lauder, | Robertson, |
| Budge, | Leach, | Rolfe, |
| Camp, | Linwell, | Rowe, |
| Carland, | Lohnes, | Sandager, |
| Carothers, | Lowell, | Scott, |
| Chaffee, | Marrinan, | Selby, |
| Colton, | Mathews, | Shuman, |
| Clapp, | Meacham, | Slotten, |
| Clark, | McHugh, | Spalding, |
| Douglas, | McKenzie, | Stevens, |
| Elliott, | Miller, | Turner, |
| Fay, | Moer, | Wallace, |
| Flemington, | Noble, | Wellwood, |
| Gayton, | O'Brien, | Whipple, |
| Glick, | Parsons of Rolette, | Williams. |
| Griggs, | Paulson, | |

Absent and not voting:

| | |
|------------|-----------|
| Mr. Almen, | Mr. Bean. |
|------------|-----------|

Messrs. Parsons of Morton and Spalding explaining their votes.

And so the amendment was lost.

Section forty-five (45), as recommended to be amended by the committee, was adopted.

Sections forty-six (46), forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51) and fifty-two (52) were adopted.

The letter "m" in line two of section fifty-three (53) was stricken out, and the word "noon" substituted therefor, and as thus amended the section was adopted.

Sections fifty-four (54), fifty-five (55), fifty-six (56), fifty-seven (57), fifty-eight (58), fifty-nine (59), sixty (60), sixty-one (61), sixty-two (62), sixty-three (63), sixty-four (64), sixty-five (65), sixty-six (66), sixty-seven (67), sixty-eight (68), were adopted.

Mr. Pollock moved that subdivision fifteen (15) of section sixty-nine (69) be stricken out.

Which motion was lost.

Sections sixty-nine (69) and seventy (70) were adopted.

Section forty-three (43) was amended by striking out the first word of the section "A" and substituting therefor the word "Any."

Mr. Rolfe moved that Article II be adopted as amended.

Which motion prevailed.

ARTICLE III.

The recommendations of the committee as to section seventy-one (71) were concurred in.

Mr. Rolfe moved to strike out the word "who" in the fourth line of section seventy-one (71).

Which motion prevailed and

Section seventy-one (71) as amended was adopted.

Mr. Rowe moved to strike out all after the word "territory" in line five of section seventy-two (72).

Ayes and nays demanded.

The roll being called there were ayes, 13; nays, 55, viz:

Those who voted in the affirmative were:

| | | |
|---------|-----------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Meacham, | Rowe, |
| Clapp, | McKenzie, | Shuman, |
| Colton, | Miller, | Slotten, |
| Lauder, | Pollock, | Mr. President. |
| Leach, | | |

Those who voted in the negative were·

| | | |
|---------------------|---------|---------------------|
| Messrs— | Messrs— | Messrs— |
| Appleton, | Gray, | Parsons of Rolette, |
| Bartlett of Dickey, | Griggs, | Paulson, |
| Bartlett of Griggs, | Harris, | Peterson, |
| Bell, | Haugen, | Powers, |
| Rennett, | Hegge, | Powles, |

Best,
Blewett,
Brown,
Budge,
Camp,
Carland,
Carothers,
Chaffee,
Clark,
Douglas,
Elliot,
Fay,
Gayton,
Glick,

Holmes,
Hoyt,
Johnson,
Linwell,
Lohnes,
Lowell,
Marrinan,
Matthews,
McBride,
Moer,
Nomland,
O'Brien,
Parsons of Morton,

Purcell,
Ray,
Rolfe,
Sandager,
Scott,
Selby,
Spalding,
Stevens,
Turner,
Wallace,
Wellwood,
Whipple,
Williams,

Absent and not voting;

Messrs—
Almen,
Bean,
Flemington,

Messrs—
McHugh
Noble,

Messrs—
Richardson,
Robertson.

And so the motion was lost.

Mr. Spalding moved to amend section seventy-two by striking out the words "he be" and inserting the words "any governor."

Which motion was lost, and

Section seventy-two was adopted.

Mr. Pollock moved that the recommendations of the committee as to section seventy-three be concurred in.

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

Mr. Parsons of Morton offered the following amendment to section seventy-two.

Add after word "elected," "provided that no member of the Constitutional Convention shall be eligible to the office of State Senator or Representative for one year after its adjournment."

Which amendment was withdrawn.

Section seventy-four was adopted.

Mr. Camp moved that the recommendations of the committee as to section seventy-five (75) be concurred in.

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

Mr. Miller moved that the recommendations of the committee as to section seventy-seven (77) be concurred in.

Mr. Johnson moved to strike out the word "they" in the last line of section seventy-seven (77) and insert in lieu thereof the words "the Senate."

Mr. Moer moved to amend the amendment by striking out the word "Senate" and insert the word "it."

Which amendment was lost.

And the original amendment being put was lost.

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

Section seventy-eight (78) was adopted.

Mr. Flemington moved that section seventy-nine (79) as recommended to be amended by the committee be adopted.

Which motion prevailed.

Mr. Miller moved to strike out the word "present" and insert the word "elected" in lieu thereof wherever it occurs in that section and is used in that sense.

Which motion prevailed and the section as amended was adopted.

Section eighty (80) was adopted.

Mr. Camp moved to adopt the recommendations of the committee, as to section eighty-one (81.)

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

Mr. Clapp moved that the recommendations of the committee as to section eighty-two [82] be adopted,

Which motion prevailed.

Mr. Purcell moved to amend the section by inserting the word "and" after the word "railroads" in the fifth line; also in the same line insert the word "one" between the words "and" and "commissioners."

Which motion prevailed.

Mr. Purcell moved that the words "and citizens of the United States" be inserted in the ninth line after the word "years."

Which motion prevailed.

Section eighty-two [82] as amended was adopted.

Section eighty-three [83] was adopted.

Mr. Wallace moved to amend section eighty-four [84] by striking out the words "the Lieutenant Governor shall receive an annual salary of one thousand dollars" and inserting therefor the words "the compensation of the Lieutenant Governor shall be double that of a State Senator."

Ayes and nays demanded.

The roll being called, there were ayes 28; nays 33, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|---------------------|-------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Haugen, | Powers, |
| Appleton, | Hoyt, | Pollock, |
| Bartlett of Griggs, | Johnson, | Richardson, |
| Bennett, | Leach, | Robertson, |
| Best, | Mathews, | Slotten, |
| Blewett,] | McBride, | Spalding, |
| Carothers, | O'Brien, | Turner, |
| Clark, | Parsons of Morton, | Wallace, |
| Elliott, | Parsons of Rolette, | Wellwood, |
| Flemington, | Peterson, | |

Those who voted in the negative were:

| | | |
|---------------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Dickey, | Harris, | Noble, |
| Budge, | Hegge, | Paulson, |
| Camp, | Holmes, | Powles, |
| Carland, | Lauder, | Purcell, |
| Chaffee, | Linwell, | Ray, |
| Clapp, | Lowell, | Rowe, |
| Colton, | Meacham, | Scott, |
| Fay, | McHugh, | Selby, |
| Gayton, | McKenzie, | Shuman, |
| Glick, | Miller, | Williams, |
| Gray, | Moer, | Mr. President. |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Almen, | Griggs, | Rolfe, |
| Bean, | Lohnes, | Sandager, |
| Bell, | Marrinan, | Stevens, |
| Brown, | Nomland, | Whipple, |
| Douglas, | | |

And so the amendment was lost.

Mr. Bartlett of Griggs, moved to amend section eighty-four (84) by striking out the words "and attorney general" in line six, and inserting the same words after the words "lieutenant governor" in line three; also in line three insert the word "each" after the word "shall."

Ayes and nays demanded.

The roll being called, there were ayes, 10; nays, 52, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Mathews, | Turner, |
| Bartlett of Griggs, | Richardson, | Wallace, |
| Best, | Slotten, | Wellwood, |
| Elliott, | | |

Those who voted in the negative were:

| | | |
|---------------------|---------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Dickey, | Haugen, | Paulson, |
| Blewett, | Holmes, | Powers, |
| Budge, | Hoyt, | Powles, |
| Camp, | Johnson, | Purcell, |
| Carland, | Lauder, | Pollock, |
| Carothers, | Linwell, | Ray, |
| Chaffee, | Lowell, | Robertson, |
| Clapp, | Meacham, | Rolfe, |
| Clark, | McHugh, | Rowe, |
| Colton, | McKenzie, | Scott, |
| Douglas, | Miller, | Selby, |
| Fay, | Moer, | Shuman, |
| Flemington, | Noble, | Spalding, |
| Gayton, | Nomland, | Stevens, |
| Glick, | O'Brien, | Whipple, |
| Gray, | Parsons of Rolette, | Williams, |
| Griggs, | Parsons of Morton, | Mr. President. |
| Harris, | | |

Absent and not voting:

Messrs—
Almen,
Appleton,
Bean,
Bell,
Bennett,

Messrs—
Brown,
Hegge,
Leach,
Lohnes,

Messrs—
Marrinan,
McBride,
Peterson,
Sandager,

And so the amendment was lost.

Section eighty-four (84) was adopted.

Mr. Colton moved that Article III, as amended be adopted.

Which motion prevailed.

The President announced an informal recess for ten minutes.

ARTICLE IV.

Mr. Noble moved that the sections of Article IV be adopted without reading, except in cases where there is an objection or a recommendation of amendment by the committee.

Which motion was lost.

Sections eighty-three (83), eighty-six (86) and eighty-seven (87) were adopted.

Mr. Miller moved that the recommendation of the committee as to section eighty-eight [88] be adopted.

Mr. Noble moved as a substitute that the section be amended to read "Until otherwise provided by law three terms of the supreme court shall be held each year at the seat of government."

Mr. Spalding moved a call of the house.

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

Which motion was lost.

Mr. Spalding moved a call of the house.

Which motion prevailed, and

The roll was called.

All members present except Messrs. Almen, Bean, Budge, Gayton, Glick, Griggs, Lohnes, Ray, Sandager and Stevens.

Messrs. Almen and Bean being excused.

Mr. Spalding moved to dispense with further proceedings under the call.

Which motion was lost.

Mr. Johnson raised the point of order that only a majority of those voting was necessary to carry the motion.

Mr. President decided the point not well taken.

Mr. Moer appealed from the decision of the chair.

Which appeal was not sustained.

Mr. Moer moved to adjourn.

Which motion was lost.

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

Which motion was lost.

Mr. Camp moved to adjourn.

Which motion prevailed, and

The Convention adjourned.

EVENING SESSION.

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

Mr. Bartlett of Griggs, moved that when we adjourn it be to meet again at 10 o'clock to-morrow morning.

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

Which amendment was lost, and

The original motion being put, prevailed.

Ayes and nays were demanded on the substitute proposed by Mr. Noble, amending section eighty-eight [88] so that it will read "Until otherwise provided by law three terms of the supreme court shall be held each year at the seat of government."

The roll being called, there were ayes, 21; nays, 49, viz:

Those who voted in the affirmative were:

Messrs—

Allin,
Appleton,
Bartlett of Griggs,
Bell,
Best,
Brown,
Douglas,

Messrs—

Elliott,
Hegge,
Lohnes,
Marrinan,
McBride,
Moer,
Noble,

Messrs—

Nomland,
O'Brien,
Parsons of Rolette,
Powers,
Richardson,
Robertson,
Selby.

Those who voted in the negative were:

Messrs—

Bartlett, of Dickey,
Blewett,
Budge,
Camp,
Carland,
Carothers,
Chaffee,
Clapp,
Clark,
Colton,
Fay,
Gayton,
Glick,
Gray,
Griggs,
Harris,
Hangen,

Messrs—

Holmes,
Hoyt,
Johnson,
Lauder,
Leach,
Linwell,
Lowell,
Mathews,
Meacham,
McHugh,
McKenzie,
Miller,
Parsons of Morton,
Paulson,
Peterson,
Powles,

Messrs—

Purcell,
Pollock,
Ray,
Rolfe,
Rowe,
Sandager,
Scott,
Shuman,
Slotten,
Spalding,
Stevens,
Turner,
Wellwood,
Whipple,
Williams,
Mr. President.

Absent and not voting:

Messrs—

Almen,
Bean,

Mr. Bennett being excused.

Messrs—

Flemington,

Messrs—

Wallace,

And so the substitute was lost.

Mr. Miller moved that section eighty-eight [88] as recommended to be amended by the committee, be adopted.

Which motion prevailed.

Mr. Moer moved that the vote by which Articles I, II and III were adopted be reconsidered and that the vote to reconsider be laid on the table.

Which motion prevailed.

Section eighty-nine [89] was adopted.

Mr. Spalding moved to amend section ninety [90] by inserting the word "not" after the word "shall" in the last line of the section.

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

Which motion prevailed.

Section ninety [90] was adopted.

Mr. Purcell moved that the recommendations of the committee as to section ninety-one, be concurred in.

Which motion prevailed, and

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

Section ninety-two [92] was adopted.

Mr. Johnson moved to amend section ninety-three by inserting after the word "clerk" the words "of the supreme court who shall be elected by the people for the term of four years."

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

Ayes and nays were demanded.

The roll being called there were ayes 45, nays 27, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|-----------|---------------------|
| Messrs— | Messrs— | Messrs— |
| Bartlett of Griggs, | Gray, | Noble, |
| Bartlett of Dickey, | Griggs, | O'Brien, |
| Bell, | Harris, | Parsons of Rolette, |
| Blewett, | Holmes, | Paulson, |
| Brown, | Hoyt, | Powers, |
| Budge, | Lauder, | Powles, |
| Camp, | Leach, | Purcell, |
| Carland, | Lohnes, | Pollock, |
| Chaffee, | Lowell, | Ray, |
| Clapp, | Marrinan, | Robertson, |
| Clark, | Meacham, | Rolfe, |
| Fay, | McHugh, | Rowe, |
| Flemington, | McKenzie, | Shuman, |
| Gayton, | Miller, | Spalding, |
| Glick, | Moer, | Wallace. |

Those who voted in the negative were:

| | | |
|-----------|----------|----------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Hegge, | Scott, |
| Appleton, | Johnson, | Selby, |
| Bennett, | Linwell, | Slotten, |

Best,
Carothers,
Colton,
Douglas,
Elliott,
Haugen,

Mathews,
McBride,
Nomland,
Parsons of Morton,
Peterson,
Sandager,

Stevens,
Turner,
Wellwood,
Whipple,
Williams,
Mr. President.

Absent and not voting:

Mr. Alman,

Mr. Bean,

Mr. Richardson.

Mr. Leach explaining his vote.

And so the motion to lay on the table prevailed.

Section ninety-three [93] as reported from the committee was adopted.

Mr. Blewett moved that section ninety-four [94] be amended by striking out the word "thirty" in line two and substituting therefore the words "twenty-eight."

Which motion was lost.

Mr. Stevens moved that the vote just taken be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

Section ninety-four (94) as reported from the committee was adopted.

Sections ninety-five [95] and ninety-six [96] were adopted.

Mr. Flemington moved that the recommendations of the committee as to section ninety-seven (97) be concurred in.

Which motion prevailed, and

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

Sections ninety-eight (98) and ninety-nine (99) were adopted.

Mr. Pollock moved that section one hundred be amended by striking out the word "interested" in the second line and substituting the word "disqualified."

Which motion was lost, and

The section as reported by the committee was adopted.

Sections one hundred and one (101), one hundred and two (102), one hundred and three (103), and one hundred and four (104) were adopted.

Mr. Camp moved that section one hundred and five (105) be amended by striking out in district No. 4, in the first line, the words "of all."

Which motion prevailed.

And the section as amended was adopted.

Mr. Carland moved that the words "each within its territorial limits" be stricken out of section one hundred and three [103].

Mr. Parsons of Morton moved as a substitute that the section be amended by inserting after the words "conferred by law" in the fourth line "and whenever a district judge is absent, sick

or disqualified any other district judge may have jurisdiction during such absence, sickness or disqualification in remedial writs."

Which substitute was lost.

The ayes and nays were demanded on Mr. Carland's motion.

The roll being called, there were ayes, 23; nays, 48, viz:

Those who voted in the affirmative were:

| | | |
|----------------|---------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Blewett, | Leach, | Powers, |
| Camp, | Marrinan, | Purcell, |
| Carland, | Meacham, | Pollock, |
| Chaffee, | Miller, | Ray, |
| Fay, | Moer, | Scott, |
| Flemington, | Noble, | Spaulding, |
| Griggs, | O'Brien, | Whipple. |
| Hoyt, | Parsons of Rolette, | |

Those who voted in the negative were:

| | | |
|---------------------|--------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Glick, | Peterson, |
| Appleton, | Gray, | Powles, |
| Bartlett of Dickey, | Harris, | Richardson, |
| Bartlett of Griggs, | Haugen, | Robertson, |
| Bell, | Hegge, | Rolfe, |
| Bennett, | Johnson, | Rowe, |
| Best, | Lauder, | Sandager, |
| Brown, | Linwell, | Selby, |
| Budge, | Lohnes, | Shuman, |
| Carothers, | Mathews, | Slotten, |
| Clapp, | McBride, | Stevens, |
| Clark, | McHugh, | Turner, |
| Colton, | McKenzie, | Wallace, |
| Douglas, | Nomland, | Wellwood, |
| Elliot, | Parsons of Morton, | Williams, |
| Gayton, | Paulson, | Mr. President. |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Almen, | Holmes, | Lowell. |
| Bean, | | |

And so the motion was lost.

Mr. Stevens moved that section one hundred and three (103) be adopted.

Which motion prevailed, and

The section was adopted.

Mr. Bartlett, of Griggs, moved to reconsider the vote just taken and lay the motion to reconsider on the table.

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

Mr. Selby called for a division of the main question, which being divided the motion to reconsider prevailed, and the ayes and nays were demanded on the second part; i. e., to lay on the table.

The roll being called there were ayes 27 nays , 43, viz:

Those who voted in the affirmative were:

| | | |
|---------------------|----------------|--------------------|
| Messrs— | Messrs— | Messrs— |
| Allin, | Harris, | Parsons of Morton, |
| Bartlett of Griggs, | Haugen, | Paulson, |
| Bennett, | Hegge, | Peterson, |
| Best, | Lauder, | Rolfe, |
| Brown, | Linwell, | Sandager, |
| Carothers, | Mathews, | Slotten, |
| Colton, | McBride, | Stevens, |
| Glick, | McHugh, | Turner, |
| Gray. | Nomland, | Mr. President. |

Those who voted in the negative were:

| | | |
|---------------------|----------------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Appleton, | Hoyt, | Purcell, |
| Bartlett of Dickey, | Leach, | Pollock, |
| Blewett, | Lohnes, | Ray, |
| Budge, | Lowell, | Richardson. |
| Camp, | Marrinan, | Robertson, |
| Carland, | Meacham, | Rowe, |
| Chaffee, | McKenzie, | Scott, |
| Clapp, | Miller, | Selby, |
| Clark, | Moer, | Shuman, |
| Elliott, | Noble, | Spalding, |
| Fay, | O'Brien, | Wallace, |
| Flemington, | Parsons of Rollette, | Wellwood, |
| Gayton, | Powers, | Whipple, |
| Griggs, | Powles, | Williams. |
| Holmes, | | |

Absent and not voting:

| | | |
|----------------|----------------|----------------|
| Messrs— | Messrs— | Messrs— |
| Almen, | Bell, | Johnson, |
| Bean, | Douglas, | |

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

Mr. Flemington moved that the further consideration of section one hundred and three [103] be postponed, and that it be made a special order for 2 o'clock to-morrow.

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

Which motion was withdrawn and the original motion prevailed.

Sections one hundred and six [106], one hundred and seven [107], one hundred and eight [108], one hundred and nine [109] and one hundred and ten (110) were adopted.

Mr. President called Mr. Parsons of Morton, to the chair.

Mr. Spalding moved that the recommendations of the committees as to section one hundred and eleven (111) be concurred in.

Which motion prevailed, and

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

Sections one hundred and twelve (112) one hundred and thir-

teen (113), one hundred and fourteen (114) and one hundred and fifteen were adopted.

Mr. Scott moved that the further consideration of section one hundred and sixteen (116) be postponed, and that it be made a special order for two o'clock tomorrow, August 15.

Which motion prevailed.

Sections one hundred and seventeen (117), one hundred and eighteen (118), one hundred and nineteen (119) and one hundred and twenty (120) were adopted.

Mr. Rolfe moved to amend section one hundred and eleven (111) by inserting the word "exclusive" after the word "have" in the first line.

Mr. Moer moved to amend by including also the word "original."

Which amendment was accepted, and

The original motion, as amended, was adopted.

Mr. Selby moved that Article IV, as amended, with the exceptions of sections one hundred and three (103) and one hundred and sixteen (116), which were made especial order be adopted.

Which motion prevailed.

Mr. Selby moved to adjourn.

Which motion prevailed.

J. G. HAMILTON,
Chief Clerk.