

TENTH DAY.

BISMARCK, *Saturday, July 13, 1889.*

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

Prayer was offered by the Rev. Mr. KLINE.

Mr. PURCELL. The members of the South Dakota Commission are here, and I move that the privilege of the floor be extended to them.

Seconded and carried.

A QUESTION OF METHOD.

Mr. STEVENS offered the following :

Resolved, That all matter to be incorporated in the Constitution shall be first introduced in the Convention by resolution, be read a first time and on second reading shall be referred to the appropriate committee without debate, and no matter shall be incorporated in the Constitution until the subject to which it relates shall have first been considered and reported upon by the Committee of the Whole. Each article or resolution so introduced shall be printed, giving its consecutive number of introduction, and a copy thereof furnished to each member before its second reading.

This resolution was seconded by Mr. TURNER of Bottineau.

Mr. CARLAND. I understand that this resolution will prohibit any standing committee from originating articles for the Constitution. Anything to get into this Constitution has got to be introduced here first and then referred to a committee before it can get into the Constitution.

Mr. STEVENS. I don't understand it to be so at all. I understand that if the committee see fit to originate anything, after they have originated it, it shall be first brought here, read, printed and distributed, so that the members may know what original matter has been originated by the committee, as well as the original matter that may have originated with any member. It would take exactly the same course as matter that came from a member, and does not in any way interfere with the right of any committee to

originate matter. This resolution is simply for the purpose of apprising every member of this Convention as to all the matter which it desires to have incorporated in this Constitution. It is that each member may be able to turn to his files when a question comes up on the report of the committee, and there determine whether he is in favor of the report of the committee or not, or whether he would prefer some resolution on the same subject that has been introduced by some member. This is my first experience in a legislative body, and that resolution was drawn largely from the information I received from the honorable gentleman from Burleigh, than whom there is none more capable of instructing me in these matters. On reflecting over what he said to me I came to the conclusion that persons who are not particularly conversant with these matters would find it impossible to determine on the best thing to do without having before them all the matter that is to be considered by this Convention. We have been sent here by our constituents, not to consider and act upon the matters which may originate with the particular committees to which we may individually belong, but also to pass our judgment on the report of every committee, and unless these matters are printed and distributed among the members, so that they may at their leisure be enabled to consider what is best to be adopted, they will be at sea when it comes to the question of the consideration of the report. A report is made by a committee and referred to the Committee of the Whole. When the question comes up in the Committee of the whole nothing is before the member but the report of the committee, and the person who might disagree with the report has got to explain to each member his standing, and why his resolution is better than the report. But if these reports are published in conformity with this resolution, it will allow each and every member when he is not employed in committee work to consider what matter he would prefer to have incorporated rather than the report of the committee. It will also aid the committee in this—each committee when it shall have reported will have had these matters before them and it may be that some resolution will be offered that would assist the committee as well as the members, and for these reasons and for the purpose of expediting the business I have offered, and now urge the passage of this resolution. I believe that if these matters are published so that we can consider them at our leisure, many of us will be engaged only about half the time at our committee work, and we will have leisure to devote

to these resolutions. It would be a farce to say that a man who has to build a foundation for his house shall not have all the access to knowledge that a man has who has to build the superstructure. In a legislative body this is the invariable course for them to pursue.

Mr. CARLAND. If I understand the first few lines of the resolution, it would prevent the introduction of any matter into this Convention that was not in the first place introduced and referred to a committee. I would like to have the resolution read again.

The resolution was again read by the Chief Clerk.

Mr. STEVENS. It is the intention of the resolution to prevent a committee from coming in here and making a report, incorporating new matter and matter that has not been before this body without first having had it printed. A report might be made which might be entirely new. If a committee desires to incorporate new matter or originate a new and independent theory it should report it by a resolution and let it take the same course as others, and we will then have the same opportunity to consider the reports of committees as we have to consider the resolutions of members. Otherwise a committee will be given a great advantage over members.

Mr. PARSONS of Morton. I heartily agree with the gentleman from Burleigh in his remarks on the resolution before the House, and it seems to me that were it to pass as it now stands we had better dispose of all committees and go into a Committee of the Whole. With pleasure would I support an amendment or another resolution subjecting every report of a committee to the Printing Committee's hands. Let it be printed before it is offered here, but that any committee in their report should be obliged to first come before this house and have every little trival change printed, seems to me to be the height of folly. It would be impossible to do any committee work except to simply collect the resolutions that had been offered here, and arrange them as we see fit and report them back. We could put no new matter in, nor could we amend anything, for such an amendment would be new matter. It seems to me that a resolution would be right which required that all matter brought before this House in the shape of a resolution should be printed, and submitted. Then any matter which the committees report upon should be referred to the Printing Committee and copies printed before it is brought up for dis-

cussion, or before the Committee of the Whole consider the matter. It seems to me that if it is arranged that way it will be all right, but as the resolution now stands it will kill the usefulness of any committee in the House. Let it read so that any resolution shall be printed first and then referred to the committee, and that its report shall be printed before we go into the Committee of the Whole on the report of the committee. In that way there will be no muzzle placed upon any committee, and each will have an opportunity to work for the best.

Mr. JOHNSON. I would ask the gentleman from Ransom if he would have any objection to striking out the words "by resolution." It must be evident to the gentleman from Ransom that it will often be awkward and useless to introduce these articles or new matter in the shape of a resolution. We are not particular about the form. Many of the articles will be copied *verbatim* from other constitutions.

Mr. STEVENS. Mr. HARRIS has suggested an amendment which I think will be an advantage.

Mr. HARRIS. I move an amendment to be added to the resolution as follows:

Providing, That nothing in this resolution shall prevent a committee from presenting original matter as a proposition, and let it take the same course as other resolutions.

Mr. SPALDING. We have now had this resolution read three times and yet there are some of us who do not understand it. It is a matter of great importance, and I don't know but what it will swamp us in printing, and I would therefore move that in order that we may all understand it, that it lie over till Monday and be made a special order for 3 o'clock on that day and be printed in the meantime.

Seconded and adopted.

Mr. STEVENS. I move that the Committee on Printing be instructed to ascertain what will be the cost of carrying out the provisions of the resolution if adopted.

Mr. PURCELL. Would not that be a very difficult matter, considering that no one knows how much matter will be introduced here?

Mr. FANCHER. I think that all the articles introduced here would not embody more than ten or twelve of the largest bills introduced by the Legislature.

Mr. STEVENS. The reason for making this motion is that I have had a talk with some of the printers and they proved to my satisfaction that the cost will be very little. We cannot tell how many resolutions will be offered it is true, but we know about how many subjects are to be considered, and from looking at other constitutions we may be able to arrive at a reasonably fair idea as to what will probably be proposed here, so that we can get a reasonable view of the expense. I move this because I have become satisfied that the expense will be a matter that will not be taken into consideration when the report of that committee shall have been made.

Mr. LAUDER moved that a select committee of five be appointed by the President, to whom all matters shall be referred on the question of the seat of government.

Mr. JOHNSON. When the Committee on Rules made its report the intention was to provide a committee for each of the great subjects that we knew had to come before this Convention for consideration. The Convention committed itself to the course laid down by the committee by adopting its report. There was an attempt made to add three other committees, and afterwards it was decided that the subject matter which it was proposed to be diverted from the regular standing committees should not be so diverted. The same argument applies in this case. We have a committee here on Public Buildings and Institutions, which evidently was intended to have charge of the work planned for this new committee. If this work be taken from the committee which has already been made, a good part of its occupation will be gone. There is no question coming before that committee so important, which will attract so much public attention as the location of the seat of government. I am not on that committee, but I say what I do as I would in justice to any committee from which it was proposed to take the work for which it was mainly created. If you create another committee, as proposed, you will give an advantage, or place at a disadvantage, this institution over other institutions, and therefore I hope the delegates will be consistent, and vote on this subject the same way they did when it was proposed to create a Committee on Railroads, thus dividing the subject of railroads from the Committee on Corporations other than Municipal.

Mr. HARRIS. I agree with the gentleman from Nelson. If we are going to have a select committee for this purpose, why

may we not have a select committee for each institution in the Territory? If we doubt the ability of the Committee on Public Buildings and Institutions to handle this subject, are we able to form another committee that can do it in any better manner? If we are to have another on this subject, why not another on the Jamestown Asylum, one on the Bismarck Penitentiary, one on the University at Grand Forks and every public building we have got or that we are to have? I think that the Committee on Public Buildings and Institutions is perfectly competent to handle this question, and I hope the delegates in this Convention will look on this question in the same light that I do.

Mr. MOER. It seems to me that the position of the gentleman from Nelson is well taken. We have a Committee on Public Buildings and Institutions. Certainly the seat of government is a public institution, and comes within the province of this committee, and I can see no good reason why a select committee of five or any other number should be appointed on this question. I therefore move that the consideration of the motion be indefinitely postponed.

Seconded by Mr. PARSONS of Morton.

Mr. LAUDER. In offering this resolution I had no intention whatever of reflecting upon the integrity or the ability of the Committee on Public Institutions and Buildings. But in all constitutions that I have examined I find a separate article covering this question, and it seems to me only fit that inasmuch as there is to be a separate article on that question in our Constitution, there should be a separate committee for the purpose of formulating that article. It strikes me that there might be a vast difference between the work which would naturally be assigned to this committee, and the work which naturally would come to the Committee on Public Institutions and Buildings. It seems to me that there is nothing in the character of the Committee on Public Institutions, either its name or designation, to which would naturally be referred the question of the location of the Capital of this State. The Committee on Public Buildings and Institutions does not locate any institution. They simply provide those which shall exist, and perhaps the manner in which they shall be supported, but I don't understand this committee has the power to locate any building.

The motion to indefinitely postpone was carried.

Mr. SELBY. I move to adjourn.

The motion prevailed, and the Convention adjourned.