

think it right that the gentleman from Burleigh should urge the consideration of his measure till all the committees have reported.

Seconded by Mr. LAUDER and carried.

Mr. BARTLETT of Griggs. I move to adjourn.

The motion prevailed, and the Convention adjourned.

T W E N T Y - S E C O N D D A Y .

BISMARCK, *Thursday, July 25, 1889.*

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

Prayer was offered by the Rev. Mr. BARKER, of Fargo.

COMMITTEES REPORTING.

Mr. MILLER. It is evident that quite a number of the committees will not be able to report to-day, and under the resolution adopted several days ago, this is the last day for them to present their reports. The Committee on Public Buildings and Institutions have not yet been able to have a meeting, owing to the fact that the members are on several other important committees, and no meeting has been held except one at which only a few members were able to be present. I move that the resolution fixing this as the day for the sending of final reports, be reconsidered. There are many other committees in the same position as the one I refer to particularly.

Mr. BARTLETT of Dickey seconded the motion.

Mr. PURCELL. Inasmuch as the resolution which it is proposed to reconsider was offered by me, I feel called upon to say something in support of it. I would have no objection in supporting the motion of the gentleman from Cass provided in it, he stated some specific time within which his committee would report. If this resolution is put out of the way, other committees can run on indefinitely, and it will be at their pleasure that they will make their reports. I submit that we have spent sufficient time to have accomplished something here, and unless the gentleman will specify

a time within which he will make his report I shall oppose the motion.

Mr. SCOTT. There are several committees who find it impossible to report to-day. For example, there is the Committee on Apportionment and Representation. They cannot get to work till the report of the Legislative Committee is dealt with. The report of the Committee on Schedule—there will be additions, they will have to make their reports after most of the other committees have reported. Take the Committee on Revision and Adjustment—it will be impossible for it to report yet, and a general resolution covering the time for all the committees to report would not be proper.

Mr. PURCELL. Of course the original resolution was not intended to apply to the committees which in the very nature of things can't report yet. But my idea is that most of the committees might be compelled to get together and report their actions to this Convention as soon as possible. If there is a committee which cannot get its report in because of waiting for other reports, it can be exempt from the operations of this resolution. But it seems to me that we shall save time for us to fix a date within which these committees will be compelled to report progress to this Convention.

Mr. PRESIDENT. It would seem under this resolution that the idea to be conveyed was that the committees should report progress. That would be a proper thing for them to do under this resolution.

Mr. BARTLETT of Griggs. If it is the understanding of the Convention that that resolution simply meant to report progress I am in favor of reconsidering it and inserting the words "final report." If these reports cannot be made to-day, have them to-morrow. I understand that there is another committee that has only had one meeting, and the Apportionment Committee is waiting for another committee to report. I don't think there is any absolute necessity for so much delay.

The motion to reconsider was lost.

Mr. WILLIAMS. I move that the reading of the reports of the standing committees to-day be dispensed with.

The motion was seconded.

Mr. PURCELL. There is a report of the Committee on the Judiciary Department. I understand that there was time granted for a minority report. I have been informed by the gentlemen of

the minority that there is no objection to a consideration of the majority report. It seems to me that we ought to do something to-day. It seems to me that the reports which are in shape to be read should be read.

Mr. LAUDER. I am certainly as anxious as any member of this Convention to expedite the work, but inasmuch as the gentleman from Burleigh who is Chairman of the Judiciary Committee is absent to-day, it seems to me that it is proper that we should defer it.

Mr. TURNER. I think there are some of these reports that might be very well taken up to-day. I would suggest that the report of the Committee on Temperance, and the report of the Committee on Impeachment be taken up.

Mr. WILLIAMS accepted the suggestion of Mr. TURNER as an amendment to his motion.

The motion was carried.

THE LEGISLATIVE DEPARTMENT.

Mr. ROLFE. If it is proper to make this motion, I would move that the rules be suspended and the Convention do now resolve itself into a Committee of the Whole to consider that portion of the report of the Committee on Legislative Department that relates to the number of which the Legislature shall be composed. I make this motion for the purpose of expediting the determination on that point, so that the Committee on Apportionment may have something to work on in the preparation of its report.

Mr. PRESIDENT. It is not necessary to have a suspension of the rules.

Mr. ROLFE. It seems to me that if we are not to consider the report of the Committee on the Judiciary Department we have nothing before us. I believe we can determine as to the number of which the Legislature shall be composed as well now as at any time.

The motion was carried.

Mr. ROLFE. My motion simply referred to that portion of the report of the committee which referred to the number of which the Legislature should be composed in either house. That was all that I thought we should discuss in the report this afternoon.

Section 8 of the report providing that the House of Representatives shall number not less than 60 nor more than 140 was adopted.

The Clerk read that part of the report in section two which provides that "the Senate shall be composed of not less than thirty nor more than fifty members."

Moved by Mr. WILLIAMS that the section be adopted.

Mr. PURCELL. I move as an amendment that it shall read so that there shall never be more senators than one-third the number of representatives.

The amendment was seconded by Mr. BARTLETT of Griggs.

Mr. ROLFE. I move to amend the amendment by providing that the number of senators be never less than one-third or more than one-half.

The amendment to the amendment was seconded.

Mr. PURCELL. At the time the report of this committee was offered it was accompanied by a statement from the CHAIRMAN that some of the members desired to make a minority report. As one of those members who desired to make a minority report, my report was intended to cover this question exactly. In other words I desire to make a report as a minority covering the representation in the two houses in the Legislature. There have been some measures introduced which have been referred to the committee touching the question of minority representation, and it was my desire, and was understood between us, that before this matter should be discussed we were to have it so that the Convention could take the majority report into consideration in conjunction with the minority report. I would ask that the question now under consideration with reference to the number of members of the next Senate, shall be postponed till the minority report is before the Convention.

Mr. WILLIAMS. It seems to me but just that the request of the gentleman be acceded to. That was the understanding in the committee. Owing to the order made requiring that we report today, the report of this committee was made up hastily, and last night it was generally understood and agreed to among the members of the committee that the gentleman from Richland should have the right to make a minority report on that particular article, and it seems to be but just and right for the Convention to postpone further consideration of this question till he has had an opportunity to submit his minority report.

Mr. ROLFE. Do I understand the gentleman from Richland to say that the consideration of his report touching minority representation should necessarily precede our discussion of the number of members of which the Legislature should be composed?

Mr. PURCELL. That will in a great measure depend on the number they fix. If they fix the number of Senators so large after having fixed the number of the lower house—if they fix a greater number in the upper house than one-third, it certainly would make my measure inapplicable. At least it might become so. If they saw fit to adopt my measure, the upper house would only consist, possibly, of one-third the number of the lower. They might make the number in excess of that if they consider it now.

Mr. ROLFE. The proposition before us is simply to fix the maximum and the minimum in both houses. The proposition is not to definitely fix the number of each house of the first Legislature, but to determine the boundaries within which the Legislature may at any time in the future fix the number. There must be a further report from the Committee on Apportionment fixing the number of which the first House will be composed, and that will come before the House for consideration. We are here setting boundary lines within which future Legislatures must work. So that I cannot understand how it touches the question of minority representation, if I understand the question at all, that is proposed by the gentleman from Richland. I have no wish to be discourteous to him, first because that would not be fair, and second because I like the gentleman.

Mr. PARSONS of Morton. It seems to me that our action thus far will not interfere with the gentleman from Richland. But in deference to the gentleman's wishes, I think we should allow the matter to lie over till the minority report is handed in.

Mr. ROLFE. The matter to be settled here is simply on the question of the maximum and minimum of which both houses shall be composed. No other question as to representation comes in here. It simply fixes the limit—that is all.

Mr. WILLIAMS. I would move that when the committee rise it recommends that the further consideration of the question be postponed till to-morrow. The report of the Legislative Committee would not have been made to-day without the consent of the gentleman from Richland, and we owe this to him.

The motion was seconded and carried.

Mr. TURNER. I move that the report of the Committee on Temperance be read a second time.

The motion was carried.

TEMPERANCE.

The report was read.

Mr. POLLOCK. I move that the Convention now resolve itself into the Committee of the Whole for the purpose of considering the report of the Committee on Temperance.

The motion was carried.

Mr. FLEMINGTON. I move that the committee when it rise, do recommend that that portion of the report of the committee which provides for a separate subdivision be stricken out, so that the prohibitory part of the report will go straight into the Constitution.

The motion was seconded by Mr. ROWE.

Mr. POLLOCK. I sincerely hope that this amendment will not prevail, for the reason that the people of this Territory, and in our State desire, as I view it, to settle this matter for themselves, and not to have this Convention here assembled determine the matter. The delegates have not been selected on that issue, and they didn't come here, as I understand it, for the purpose of deciding this question, and there was no intimation that they would so decide it. The people only ask that they may be privileged to determine this question for themselves, and they ask that it may be submitted for that purpose. It may as well be conceded that no advantage would be gained by our putting this in the Constitution unless a majority of the people are in favor of it, for the incorporation of a prohibitory clause in the Constitution, if we do not have a majority of the people in favor of it, would be useless. For that reason I hope the amendment will not prevail.

Mr. BARTLETT of Dickey. I agree with the last speaker. It is well known that there are but few men who feel more deeply than I do on this temperance question, but for that reason I want prohibition to go through on its merits. I don't want it to ride through on the Constitution, nor do I want it to be an impediment to the Constitution. I want it to go through on its own merits, and I hope the amendment will be voted down.

Mr. MILLER. I might add that it was the expressed wish by resolution of the convention held in our county, and of a good many other conventions held in other counties that this matter should be submitted to the people separately. The temperance people in different parts of North Dakota have expressed by resolution a good many times that they wished this matter submitted as a separate issue.

Mr. MATHEWS. A resolution adopted in Grand Forks, signed by the liquor men and by the prohibitionists was in favor of having this matter submitted to the people separately.

Mr. FANCHER. The people of Stutsman county, like the people of Grand Forks county and Cass, are of the same opinion, and I trust that the amendment will not prevail.

Mr. MCKENZIE. My people in Sargent county are also opposed to having it put in the Constitution, as is contemplated by the amendment.

Mr. WALLACE. Of course we represent our various constituencies. A majority of the people in the state are in favor of the submission of this clause as a separate measure. I speak for the people of Steele county. They are in favor of putting it into the body of the Constitution. I recognize the signs of the times which say it shall be submitted as a separate clause, but I wish to indicate what is the prevailing sentiment in my county.

Mr. PARSONS of Morton. I hope the amendment will not prevail, for it will have one effect—that of arraying every one who is opposed to prohibition against the Constitution adopted in this Convention. It is a question that should be voted on separately irrespective of the Constitution, so that every voter may have a chance and opportunity to express himself on the Constitution and on the question of prohibition. I believe the people of the West Missouri country are in favor of a separate submission.

Mr. ROWE. I will say in representing the constituency of Dickey county that the people of that county take a more advanced ground on this temperance question than some, and believe that it should be incorporated right in the body of the Constitution. We represent the banner temperance county of the Territory of Dakota, and Dickey county in casting her vote the second time for local option gave a majority of 500 in favor of local option, and local option is a thriving success in that county. We believe that this prohibition amendment or section should be incorporated right in the body of the Constitution, that it may go along with the other movement towards statehood without being subjected to individual attack by the corporations or the interests that may be in favor of the license system. When we come into statehood we wish to come over the threshold with an article in our Constitution that is in favor of free homes, free speech and a free press, and against the freedom of the rum power.

Mr. BARTLETT of Dickey. I, too, have the honor of repre-

senting Dickey county, but I will say that I was instructed by the Democratic party of my county to have it submitted separately. I say here that I firmly believe that if this clause were incorporated in the Constitution it would result in the defeat of the Constitution. I believe that; I believe there is such a large element of people who are opposed to having it engrafted into the Constitution that it would be the means of defeating the Constitution. There are many here who know me, and I will say that if I thought it would be for the best, and if I thought the people would open a warfare against intoxicating drinks and defeat the liquor interests, I would feel all right. But you know how it was when we first had local option. It was not effective, simply because they said it was not the sentiment of the people, and that it went through on a side issue. But when we had it as a plain issue a second time, local option became the law on its own merits. It was a great deal more effective then, and if this amendment would carry it would take all the zeal and all the hope out of a great many honest men.

The amendment of Mr. FLEMINGTON was lost.

Mr. NOBLE. As I understand it, this report has not yet been printed. There seems to me very little question as to the submission, but there may be a question as to whether all is in this report which should be there, and I would move that the committee rise and report the report back, recommending that it lie over until it is printed.

Mr. NOBLE's motion was lost.

The report of the committee was then adopted unanimously.

Moved by Mr. BLEWETT that the article on Militia be taken up and given a second reading.

Mr. PARSONS of Morton. Everything in the report of the Committee on Militia may be all right and proper, but it does seem to me to be a little hasty to consider these things when the members have no copies of them on their desks. I could not tell six words in that report from hearing it read. If there is nothing to do on it but vote, why can't we wait?

The article on Militia was given its second reading.

Mr. TURNER. I move that we now consider the report of the Committee on Impeachment.

Mr. FLEMINGTON. It does not seem to me that we should consider these reports before they are printed and on the desks of the members. I am not in favor of further consideration of

reports of standing committees until they are printed, and until we all have had an opportunity to read them. I think we have been acting on some reports concerning which only the members of the committees have been informed as to what they contained, except what we have been able to gather from the reading of the clerk. It seems to me that the consideration of these matters under such ' circumstances is immature. We at least should have a chance to read them carefully before we vote.

The motion of Mr. TURNER was lost.

Mr. PARSONS of Rolette. I move to adjourn.

The motion prevailed, and the Convention adjourned.

T W E N T Y - T H I R D D A Y .

BISMARCK, *Friday, July 26, 1889.*

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

Prayer was offered by the Rev. Mr. KLINE.

Mr. MOER. I would like to ask that the consideration of the report of the Committee on Revenue and Taxation be laid over for consideration till Tuesday. I do so for this reason—it seems to me now that there will be a minority report submitted and three members of the committee, who I understand desire to put in a minority report, are absent, and will not return till Tuesday. It is possible that there will be no minority report, but I am informed that in all likelihood there will be one.

Mr. McHUGH. I move that the Convention now go into a Committee of the Whole for the consideration of File No. 121.

Mr. MILLER. I see that we have quite a lengthy minority report on that File. I have not the slightest objection to considering the File, but we must consider the minority report with it, and that is not printed yet, and there are no copies to be had.

Mr. BARTLETT of Griggs. I hope that the motion of the gentleman from Cavalier will not prevail until we have the minority report in the hands of the delegates.