

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.

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## 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.

The motion of Mr. McHUGH was lost.

Mr. PARSONS of Morton. I have been requested to make the following motion, that when we adjourn we take a recess until next Tuesday. I make this motion for the following reasons: A great many delegates here are farmers, and they claim that the situation of affairs at home demands their presence. It is time that they should make preparations for harvesting their crop. Time and tide wait for no man, and in deference to their wishes and interests I think that this recess should be taken. Personally I should prefer to continue at work here, but in deference to the wishes of the gentlemen who asked me to make the motion, I have said what I have, and I hope the motion will prevail.

The motion was seconded.

Mr. MOER. I am surprised that the gentleman from Morton county should, or any other man, make this motion, and still more surprised that the gentleman from Steele should second it. The gentleman from Steele has objected strenuously to all delays in the work of this Convention, and he has insisted that we should get through with our work as speedily as possible. By this motion we are put in a position where we lose two days. If there are any farmers or lawyers who want to go home they can be excused as has been the custom without adjourning this Convention. The business of this Convention has been delayed from day to day, and it now looks as though we might have to sit here for the next thirty days, and I fail to see any warrant or excuse for this adjournment.

Mr. BARTLETT of Griggs. I believe that I am one of those who has, so far, opposed all delays, but I believe now that it would be to the advantage of this Convention, and would expedite business to adjourn till Tuesday. One reason why I desire this is because we can see now, I think, almost all of the questions we shall soon have to vote upon in this Convention. I don't think that I embrace all the wisdom of my district, and there are many questions that I shall be required to vote on next week that I am at a loss to know their views upon, and I think it is so with a good many delegates here. As far as I am concerned I should like to consult with them on some of these matters, and therefore I am in favor of the motion.

Mr. SCOTT. As I understand the gentleman, he wants this Convention to adjourn in order that he may be able to go home and see a number of his constituents, and see how he shall vote.

If I know anything about the gentleman from Griggs I think I may say that he has made up his mind on most of these questions already, and has decided opinions, and if he does consult his constituents they won't make any material change in his views. We have any quantity of work before this Convention. Here are six reports of committees which we can take up any moment. If there is any gentleman who desires a leave of absence for a day or two it can be granted. It has been granted before, but the fact that the gentleman wants a leave of absence is no reason why we should all adjourn and thus lose two day's work.

Mr. WALLACE. I am not at all surprised that there are some gentlemen who don't appreciate the situation. The facts are as have been stated—the business affairs of some of the members are in such a condition that they desire to go home for a short time. There are a good many who will be compelled to leave to-night. A week ago an attempt was made to adjourn over from Friday to Tuesday, but it failed, but so many went home that we did not do any business, and I anticipate that the same thing will occur in the present case.

Mr. LAUDER. I have no doubt that there are many gentlemen who have business that it would be well if they might have an opportunity to look after it. If that is so, they can be excused and can go and attend to their business. But it seems to me that it would be unjust to tie up the hands of the rest of the members in order to accommodate a few. I am so fortunate or unfortunate as to have some grain of my own, and probably it is as necessary that it should receive my attention as the grain of the gentleman from Steele requires his. But we came here to do a certain work. It has been delayed too long now, and I believe that there will be enough delegates left here to transact business and go right on with the work after we have excused all those who have business at home which requires their attention. I hope this motion will not prevail.

Mr. BARTLETT of Dickey. I am a good deal of the opinion of the last gentleman who spoke. I have not heard a gentleman ask to be excused who has not been promptly excused. I don't suppose there are five men here who have not business at home that they would like to look after. When we stop work for two days it makes a big hole in the appropriation, and I think we had better go slow about adjourning in this way. Let us stay here and

attend to our work, and those who wish to be excused can be excused.

Mr. WILLIAMS. I hope the motion will not prevail. As far as I am concerned I shall be willing to excuse any gentleman who has business away that must take him. But it does not seem to me that public business should be delayed in order that members may look after their personal affairs. We have an abundance of business before this Convention. Reports have been made and are now on our desks, and it seems to me there is no reason why we should not proceed to the consideration of these reports. I can see no just excuse in adjourning this Convention over for two days to subserve the interests of a few members. I am perfectly willing to excuse any member who desires a leave of absence.

Mr. PARSONS of Morton. I desire to repeat the remark I made at the first—this motion was put before the House by request. Were I to consult my own wishes I should vote no, but I was the witness to a motion last week of a similar nature, and it is amazing to me—the change of tune on the part of some. I don't believe that the public interest will suffer from now till Tuesday. It seems to me that one of the principal dangers we have to guard against is that of voting on questions without giving them sufficient consideration, and here are before us reports which it seems to me need considerable consideration before we vote on them. I don't stand here as the champion of this motion, but it seems to me that in view of the fact that there are so many who want to go away, and the further fact that we can be studying the committee reports, there will be no time lost by the adjournment.

Mr. MOER. I don't know to whom the gentleman from Morton refers when he speaks of a change of front on this question. Certainly it does not apply to me, as I have been consistent in this matter, for I have voted against every and all adjournments. In view of the fact that the appropriation from the United States Government is about exhausted, or entirely so, I think we should hesitate before we put the Territory to an expense of \$500 or \$600 a day. The State has got to pay it after this, and it seems to me it is unwise to adjourn just to suit the convenience of the gentlemen who want to go home and look after their farms or law business.

The motion to take a recess until Tuesday was lost.

## EDUCATION.

File No. 124 was taken under consideration in Committee of the Whole.

It reads as follows :

SECTION 1. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people, being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the Legislature shall make provision for the establishment and maintenance of a system of public schools, which shall be open to all children of the State of North Dakota, and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.

Mr. McHUGH moved that the committee recommend its adoption.

Mr. CAMP. I would like to compare this with the compact with the United States which we have adopted. What reason is there for the last two lines of this article: "This legislative requirement shall be irrevocable without the consent of the United States?"

Mr. SCOTT. That refers to section fourteen of the Enabling Act.

Mr. CLAPP. The original File proposed, which is File No. 3, contains words which are in this report, but the committee referred that part to the Committee on Education, and we embodied the language which is printed as the fourth part of section four of the Omnibus Bill, in this section. It seemed to make it necessary that the sentiment and the particular language should be made part of this article.

Mr. CAMP. I move you that the first three lines of the article down to the word "people"—as follows: "A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people, being necessary in order to insure the continuance of that government and the prosperity and happiness of the people," be stricken out.

The motion was seconded and lost.

The first section was adopted.

Mr. McHUGH. I move that the words "a uniform" be stricken out, and the words "an independent district" be inserted in the place. The section was read:

SEC. 2. The Legislature shall provide at their first session after the adoption of this Constitution for a uniform system of free public schools throughout

the State, beginning with the primary and extending through all grades up to and including the normal and collegiate course.

The amendment was lost.

Mr. ROLFE. I move that all of section two after the word "State" be stricken out.

The motion was seconded.

Mr. HARRIS. I hope this amendment will not prevail. If our educational system in the State of North Dakota is ever going to be a perfect system, and amount to anything, we want a head, and we want to build right up through the primary classes to our university. We want a complete system of education that will begin in the primary department, and end in the university. For that reason I am in favor of leaving in this section the words "beginning with the primary, and extending through all grades up to and including the normal and collegiate course."

Mr. ROLFE. I made the motion because it did not seem to me that the words "primary," "normal" and "collegiate" had any such distinct significance as to make it definite enough for the Legislature to proceed upon. These words may vary in their significance according to the various understanding which the several and separate members of the Legislature might have of the words, and unless this section goes further—to such an extent as to define carefully the particular significance, the intent and the scope of these words, it seems to me they should be struck out.

Mr. ELLIOTT. I hope the amendment of the gentleman from Benson will not prevail. The committee that drew up this report did not presume to incorporate in it merely their own words and ideas. The principal part of it was taken from the report that was submitted to them from some of the principal educators of the State of North Dakota that met about two weeks ago at Fargo. The very words which the gentleman from Benson wants to strike out were drafted by no less a personage than Professor Sprague of Grand Forks. If these words are vague and out of place it is not the fault of the committee. We presumed that they were all right, and for my part I think they are. Every one knows, and there is no dispute, what a primary course is, and what a normal and collegiate course is. It was the intention of the committee who drafted this report that it should be made compulsory on the Legislature to begin at the primary and build up to the head—the college—as the gentleman from Burleigh has stated.

Mr. ROLFE's amendment was lost and sections two and three approved.

Mr. ROLFE. Section 4—It is always to be presumed that any report presented by a committee has been carefully considered in all its parts. In this section I suppose there was deemed to be good reason for adopting the word "gubernatorial" instead of the word "general." The section now reads:

SEC. 4. A State Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election after the adoption of this Constitution, whose qualifications, powers, duties and compensation shall be prescribed by law.

But it does not appear clear to me why this word "gubernatorial" was used.

Mr. ELLIOTT. The idea was simply this. The first set of State officers must be elected for one year, or three years, so that our general elections may fall in with the presidential elections. That has been conceded by every one. The first term must be for one or three years. If we proceed to elect a State Superintendent of Public Instruction, it is necessary that we should have one at once in order that our school system may become what it should be, and be set on a firm footing. It is necessary that we should have a State Superintendent of Public Instruction at once. If we put the word "general" in where we have "gubernatorial" we should have to wait a year for a superintendent.

Mr. ROWE. This section is covered in the Executive report.

Mr. ELLIOTT. As this is a fact, I move that this section be stricken out. But I would first ask if this Convention has adopted section twelve of the Executive report?

The CHAIRMAN. No.

Mr. ELLIOTT. Then I don't see why section four of File No. 124 should be struck out.

Mr. ROLFE. It would seem to me that it is fairly well understood in the Convention that the Committee on Schedule and Ordinance will take pains to provide for the election of all officers that shall be decided upon by the Convention, so as to bring the election of general officers, hereafter, at general elections. If I understand the position correctly there will be no general election till the year 1890, and I still cannot see the occasion for the use of the word "gubernatorial" instead of "general."

Mr. McKENZIE. If section four is out of place, or is covered by some other part of the Constitution, we have a Committee on

Revision and Adjustment whose duty it will be to take the various sections and put them together, leaving out those that conflict. I think that we are wasting time in discussing this matter, but should leave it to that committee.

Mr. ROLFE. I move as an amendment to section four that the words "at an election for the adoption of this Constitution, and at each general election thereafter" take the place of the words "at each gubernatorial election after the adoption of this Constitution."

The amendment was seconded and lost.

Sections five, six and seven were approved.

#### IMPEACHMENT.

File No. 126 was then taken up. Section one was adopted and section two was read as follows:

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senate shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant-Governor is on trial, the presiding Judge of the Supreme Court shall preside.

Mr. LAUDER. I would like to inquire if it is intended that when the Presiding Judge of the Supreme Court shall preside whether or not he shall be considered a member of the tribunal, and have a vote in the deliberations of the assembly.

Section two was adopted.

Section three was read as follows :

SEC. 3. The Governor and other State and Judicial officers, except county or probate judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

Mr. POLLOCK. I would like to inquire why the word "crimes" is included in the third line after the enumeration of drunkenness, and so forth ?

Mr. O'BRIEN. That word "crimes" was put in for the purpose of giving the Legislature the fullest scope over the matter. We have included certain specific crimes, and if the Legislature thinks that it will be well to provide that other acts shall be in-



cluded in the list of offenses worthy of impeachment, they can so include them.

Mr. WALLACE. I fail to see any reason for the use of the word "habitual" in this section. If a man who is Governor of this State gets drunk he should be impeached.

Mr. O'BRIEN. The committee gave this matter some little consideration, and they made up their minds that if a man were unfortunate enough in one instance to become under the control of strong drink, he should not be liable for that to be removed from office. They thought that they should simply cover cases where a man by the habitual use of intoxicating drinks, rendered himself unfit to perform the duties of his office. The idea of compelling an impeaching board to go to the trouble of taking up every single case where a man was unfortunate enough to become drunk on one occasion, did not commend itself to us. We thought that the Constitution should simply provide that if a man is habitually guilty of such an act, it should be ground enough for removal from office. I hope the gentleman's motion to strike out the word "habitual" will not prevail.

Mr. WALLACE. It seems to me that the gentleman is assuming a state of affairs that there is no reason for assuming. I understand very well that a man might possibly become too much influenced by liquor to present a very creditable appearance on the street, and if he should happen to have done that once, I don't think there would be any desire to impeach him, provided it was known that he was not liable to do it a great number of times. When it is made necessary to have a man an habitual drunkard before you can impeach him, he is liable to be pretty far gone. You might put in the section a clause something like this: "He shall be guilty of repeated acts of drunkenness," but a man has got to be very far gone to be an habitual drunkard. If it is an accidental thing I don't think there will be any desire to impeach him.

Mr. POWLES. I move that the word "habitual" be struck out and the words "repeated acts of" inserted.

The motion was seconded.

Mr. WALLACE accepted Mr. POWLES' amendment.

Mr. JOHNSON. It occurs to me that the committee adopted a fair and reasonable rule—certainly a rule that has always prevailed in this country. It is well known—it is the experience of mankind—that sometimes the very best of citizens, in a com-

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munity, may fall in this matter. They may become jubilant and enthusiastic and their good qualities of heart and sympathy may draw them into company to such an extent that they may become intoxicated. But they should be given a chance to repent and return to good society. We have not yet in our progress in temperance reform reached that stage where drunkenness—a single instance of it—is regarded as intolerable, and the gates and the avenues of decent society should not be barred for ever against a man for an act of this sort. You will doubtless see very good men in your community in election times, if their party has carried the election, who will be beside themselves for a while. I heard one of the most temperate men say last fall—he is an honored public official—“If we carry this election”—he said it in a public meeting—“I am going on a big drunk, or I am going to give \$25 worth of wood to the poor people in my neighborhood.” That was not an unreasonable alternative. It was a sentiment that called forth the applause of his hearers. They would have been equally divided as to which they should expect. Many good citizens have gone on a big drunk. That may be deplored, but under the conditions of temperance as they now prevail, the report of the committee is fair and reasonable, and unless a person is an habitual drunkard—unless he shows such a state of mind and character that his neighbors cannot trust him, he should be allowed to hold his office and draw the emoluments and enjoy the honors attached to it. I am opposed to the amendment, and I hope it will not carry.

Mr. ROLFE. In addition to that which has just been said, it occurs to me that the object of the article in our Constitution on impeachment and removal from office, is not to provide for the punishment of delinquencies of this kind, but to protect the public from acts of officers who have become incapacitated by reason of their unfortunate habits for the transaction of such business as would come before them. Our present beautiful code provides punishment for offenses such as those specified here; if we wish to punish individuals, either official or otherwise, we have provisions enough for it. I understand the object of this is to protect the public against acts of officers who become incapacitated. Officers would not be incapacitated for the transaction of the business of their offices by simple occasional drunkenness, but by habitual drunkenness. I don't believe that our courts should be lumbered up with proceedings for removal from office

in case of occasional drunkenness, and I also believe that proceedings looking to the punishment of officials for drunkenness should be taken in other than the Court of Impeachment. I like the word "habitual" there. I think it agrees with the precedents set in other states.

Mr. BARTLETT of Dickey. That word "habitual" covers a great deal. How many gentlemen are there here to-day that have not seen some police Justice sitting up with a red nose adjudicating on the rights of the people in the cities of the United States? When you try to convict these men of drunkenness so that they may be thrown out of office, you call witnesses and these witnesses universally favor the old bloat. These are facts that are a terror to every thoughtful man. I like the amendment. Then you can count out one, two, three, four, five times, and spot the officer. The witnesses can testify to the number of times, and I say that a man who adjudicates on the rights of an individual should not set an example of drunkenness before the people. I, for one, am proud to stand up here and say that any man who would be guilty of intemperance should never have the privilege of passing sentence on a human being.

Mr. O'BRIEN. I don't see what good it would do for us to say here in this Constitution that any man who gets drunk two or three times should be removed from office. We have provided sufficient ground for removal from office, and it is left so that the Legislature can fix the number of times that a man must get drunk to constitute habitual drunkenness. We are sufficiently protected now. We desire to have men in office who will do the duties of their office properly, and if they do not, we desire to have them impeached and removed. If a man happens to take a drink occasionally, and perhaps if he got drunk on one occasion, what does that matter to the public so long as he performs the duties of his office to which he has been elected? If the gentlemen who are supporting the amendment want to have the Legislature fix the number of times that constitutes habitual drunkenness, let them apply to the Legislature. But we have enough in here to cover all they want.

The amendment was lost, and the rest of the article was adopted without further discussion.

SCHOOL LAND.

File No. 130 was then taken up for discussion.

Section one was adopted.

Mr. CLAPP. I move that in line two of section two the words "Proceeds of all fines for violation of State laws" be stricken out. The section now reads as follows:

SEC. 2. The interest and income of this fund together with \* \* \* \* all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the State, and shall be for this purpose apportioned among and between all the several common school corporations of the State in proportion to the number of children in each of school age as may be fixed by law; and no part of the fund shall ever be diverted even temporarily from this purpose or used for any other purpose whatever than 'the maintenance of common schools for the equal benefit of all the people of the State; *Provided however*, That if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to, and become a part of the school fund.

Mr. POLLOCK. If this conflicts with the provisions made by the reports of other committees, the whole matter will come before the Committee on Revision and Adjustment. It seems to me however, that considering this upon its merits, the place for the fines paid for the violation of any of the State laws, is here. This would be a source of revenue that would be of great value to this fund, and it would then be placed where it will do the most good.

Mr. CARLAND. I think the language used in this section is the proper expression, for there may be fines for the violation of city ordinances, and fines of that kind would not go into the school fund.

The amendment was lost.

Section two was approved.

Section three was read as follows :

SEC. 3. After one year from the assembling of the first Legislature, the lands granted to the State from the United States for the support of the common schools may be sold upon the following conditions, and no other: No more than one-fourth of all such lands shall be sold within the first five years after the same become saleable by virtue of this section. No more than one-half of the remainder within ten years after the same become saleable as aforesaid. The residue may be sold as soon as the same becomes saleable at not less than ten dollars per acre. The Legislature shall provide for the sale of all school lands subject to the provisions of this article.

Mr. JOHNSON. It occurs to me that this is a subject that should not be passed over entirely without discussion. It is certainly a matter for consideration whether these lands should be sold at all or not. There are a good many people in this State who are anxious that these lands should not be sold. Before we

vote for this section it certainly is due the members of this Convention who are not on that committee, that the reasons that were urged in the committee, and on which it acted, should be given to the Convention. In order to give them an opportunity to be heard, I propose to offer the following amendment and move its adoption—as a substitute:

No lands granted to the State from the United States for the support of the common schools shall ever be sold, but the same may be leased from time to time as provided by law, and the rents thereof be applied to the support of the “common schools.”

Seconded by Mr. LAUDER.

Mr. JOHNSON. More fortunes have been made in the United States out of holding lands, than out of all other causes combined. You may take our western farmers that have grown wealthy, and almost in every instance you will find they took land when they were poor—perhaps government land—went into debt for it, or they were laboring men or tenants, and went into debt for their land. They managed to make a living and supported their families, and in course of time, perhaps ten, fifteen, twenty or thirty years, they found themselves wealthy; not on account of what they had earned by their labor, but on account of the rise in the value of their land. We live in a country where landed property has gone steadily up in value for the past hundred years. We live in a country where these values will go forward as steadily and much more rapidly in the next hundred years. Large fortunes were made before our present homestead laws went into effect. Speculators who went into the western states—notably into Illinois, Wisconsin, Iowa and Minnesota—and invested their money in lands and held them for a rise, made large fortunes. An individual who has but the short period of an ordinary business lifetime to count on, is in a poor condition to speculate in lands as compared with the state or corporation. The individuals that went into these western states, say at the close of the Mexican war, they knew those lands would rise in value, but they could only hope to reap the fruits of that rise in values if they could hold on to them for twenty or thirty years. A state has a longer life than that. North Dakota will be younger in all its activities and ambitions and possibilities a hundred years from now than it is to-day. If it is feasible, practical and sensible for a farmer to buy a piece of land and hold it for a rise; if it is possible for a speculator to buy and sell out and enjoy the fruits of his speculation within his lifetime—

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to invest his money in western lands and hold them for a rise and make money—it certainly is much more so for a state, because the state is endowed with the possibilities of eternal life. A thousand years from now North Dakota will be here with children to educate, while we shall have passed away within a century. You can lease these lands, and within our lifetime you can get just as much out of them as you could by selling them, and then the lands will have increased in value tenfold—perhaps a hundred fold in value. How often land is leased for ninety-nine years. You can lease a lot in town for ninety-nine years for practically the same as you can sell it. They will build large brick and granite blocks on lots that are so leased. Railroad companies will lease a line for ninety-nine years or 100 years, and invest as much in them for permanent improvements as if they were buying the property for ever. Now then, if we sell these lands, there will be a great danger that the money will be scattered. There will be, at the least calculation, as we are forbidden to sell them for less than \$10 per acre, probably from \$13,000,000 to \$15,000,000 realized. You will find that all the safeguards you can throw around that trust fund—that all the safeguards the Legislature and honest state officials are able to throw around it—will not be sufficient to prevent the formation of the greatest ring you have ever seen in North Dakota to steal the proceeds of the sale of these lands. In order to save the proceeds we must put them in good security. Bonds of the state will be good security. But where are we to put the rest? Companies in the East that have millions of money are seeking an opportunity to invest their money in western securities—mortgages on western lands. We would be obliged, in order to have this fund secure, to seek real estate security—the very security we have now, and we would find that the interest of that fund would grow less and less as time went on. We have found since we have been in Dakota that the value of money is growing less and less every year, and the same is likely to continue. The per cent. is getting less and less, so that as we advance in population and our schools become more and more expensive and we have more children to educate, more need for money, we shall find if we sell these lands and trust to loaning out the money, that in all probability, instead of our having more money each year, we shall have less. On the other hand, if we keep the lands, their rental value would increase, and as population increased and schools increased the rental would keep on in-

creasing, and we should still have the lands rapidly increasing in value.

Mr. BARTLETT of Dickey. I have been delighted to hear the last gentleman talk, but I can't think it possible that he has read the bill. If he had he would not have spoken of having so much money on hand. This bill provides that there can be only one-fifth of the purchase money paid down. It also provides that there shall be a given amount sold, so that the country cannot be flooded with money. It further provides that we can only rent the lands for five years at a time—the Omnibus Bill provides that. Every man here who runs a farm knows that when he can get land for only five years, that is not a very long time, and he won't pay very much for it. The Omnibus Bill provides that we can only rent the lands for pasturage and only five years for that. The gentleman spoke of renting them for ninety-nine years. I would state, as a member of that committee, that if the law would allow us to rent these lands for ninety-nine years I would not favor the selling of a dollar's worth. But we cannot. We are cramped, and therefore we have to do the best we can with it.

Mr. PURCELL. It seems to me that the substitute offered by the gentleman from Nelson is not practicable, for in starting out to statehood the school funds are low. The schools must necessarily be maintained, and it simply resolves itself into a question as to whether the people of the present generation are to continue to pay taxes for the support of the public schools and allow their lands to remain unsold, or whether they are to sell their lands and realize what the Omnibus Bill provides shall be a reasonable price therefor, and as the bill provides, invest that money and use the interest in support of the public schools. If the gentleman from Nelson had read the Omnibus Bill he would have seen that only the interest on the school funds could be used for the support of the public schools. I take it that every man in this Convention knows that at least one-third to one-half of the ordinary taxes of to-day are those which he has to pay in support of the public schools. It is all very nice in theory to argue that by holding our lands we should become rich in the future. That is very nice for future generations, but for us who are here now and who have to bear the burden of maintaining our public schools it is not logical. The argument would be all right if the schools could be maintained other than by taxes collected from the tax-payers. But we are not in a condition to do as has been suggested, for as I say, the

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majority of the taxes paid to-day are exacted from us for the schools. This bill provides in section six that only one-fifth of the value of the lands is paid in cash. The balance is to be paid for at a future time. The bill, in section ten, provides that all monies realized from the sale of these lands are to be invested in government bonds, school bonds or the bonds of the State of North Dakota. I don't think that there is any danger of a ring being formed to take this money. I feel that the fund will be just as safe in the hands of those who will take hold of the helm of government as the funds of any other resources that might come to the Treasurer of the State. There should be no question but what every man under the new state regime will be held to a strict account for every dollar he handles. This argument as to the funds being squandered falls without any weight, for there is no distinction between the fund realized from the school lands and that realized from some other source. It seems to me that the best and most practical way for the people to deal with this school fund question is the way provided in this bill. Let us take the land that the government has given to us, and use it so that it will lighten the burdens of the taxpayers of to-day and for some time to come. It is true that land will increase in value, but it is also true that there are a number of acres of the school lands that will never increase in value to any appreciable extent. There are lands which could be sold to-day and realize just as much for them as at any time, and inasmuch as we are limited in the price of these lands, no one will see that there is any danger of our selling them for less than their actual value. To say that the lands which have been donated to the state for school purposes should be held intact and should not be sold, is virtually to say that we must bear the burdens of the support of these schools, and that it will be necessary for us to provide an officer who shall see that the school lands are leased. In this country lands leased for grazing purposes will realize but a very small revenue. If the lands were allowed to be broken and cultivated and planted, then in a few years we might realize some revenue, but to say that we could realize any considerable revenue from leasing lands for grazing purposes is to make a statement that cannot be supported, for everybody realizes that the money so obtained would not be sufficient to pay the man who would look after its collection.

A vote was taken on the substitute of Mr. JOHNSON, and the substitute was lost.



Mr. LAUDER. I desire to offer an amendment to section three by adding the following:

“Land belonging to the State, which is suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding 320 acres to each settler, under such conditions as may be prescribed by law.”

This is no doubt a question that has already engaged the minds of the members of this Convention, and they have undoubtedly studied it in all its bearings, and perhaps it would be a waste of time for me to detain the committee with any extended remarks upon it, and I do not intend to. But it seems to me that the provision contained in this amendment should be incorporated in this article. The tendency of the times is to the accumulation and to the acquisition of large areas of land. I believe that every member of this committee will agree with me that that tendency does not promote the best interests of the people at large. The policy to be pursued, it seems to me, should be to prevent the acquisition by individuals of large and unwieldy tracts of land. It prevents the settlement of the country; it prevents the best and most profitable kind of farming. Men get these large tracts of land; they do their business away from their farms; they don't assimilate with and mix with the people, and it seems to me that it would be far better if the holding of these large tracts of land could be prevented. I understand that as this land is not connected it would be impossible to get large tracts of it, but the passage of this amendment would, in my opinion, promote the interests of the State. Three hundred and twenty acres of is land all that any man ought to own.

Mr. GRAY. I think the amendment of the gentleman from Richland should prevail for the reason that in my town there are four settlers on one school section of land. They have built themselves good buildings that have cost them \$1,000 each, dug wells, are good, industrious citizens, and it looks to me as though it would be unfair to allow a speculator to come in there and buy those lands and crowd them off and have them lose their improvements. Again, on another section there is one settler; he has got good buildings, has dug three wells, and has shown that he went on the land with honest intentions—with the intention of making his home there. It looks to me that in the interests of such men that the amendment should prevail.

Mr. CARLAND. I hardly see how this amendment has much force without we are to understand what is meant by the words—

“actual settler.” If it is intended to limit the sale of the lands in the proposed state to persons who have actually settled in the state already, then there would not be much sale of these lands, because those who have actually settled here would not be so numerous or so desirous of purchasing lands as to want to take all the lands that would be offered for sale. If you mean that this land is for persons who intend to settle, then it would be inoperative from the fact that the person might say he wanted this land for actual settlement—he might get it and not settle; or an actual settler might buy it and turn it over to a speculator. I don’t see how it would have any force—to use the words “actual settler.”

Mr. WELLWOOD. I don’t agree with the gentleman who moved the amendment. I think that one man’s money is just as good as another man’s, and I think our object should be to sell the lands where and how we can realize the most for them. If there are any men who have settled on school lands and have used the lands for four or five years and got the goodness out of the lands for their own purposes, I think they would be satisfied to pay as much for them as anybody else would. If they would not, then they should not stay on them. I cannot agree with the gentleman in his amendment.

Mr. LAUDER. I don’t agree with the gentleman that one man’s money is as good as another’s under all circumstances. I don’t believe that that sentiment prevails throughout the country, as has been evidenced by the law recently passed by Congress preventing aliens from holding lands in the territories. This law prevents the aliens from coming in here and buying up all our land and holding it for speculative purposes, and I believe that the sentiment of the people of the country is favorable to that law. It was to simply apply that principle to aliens in the State of North Dakota that I offered my amendment.

Mr. SCOTT. This amendment requiring the land to be purchased by actual settlers is vague for this reason—it says lands that are suitable for cultivation. There might be a great difference of opinion between the Superintendent of Public Instruction, and the person who has charge of the sale of these lands as to whether or not a certain section or part of a section was suitable for cultivation. That, and the objection to which the gentleman from Burleigh referred seems to me to make the amendment too indefinite to be incorporated as an article of this Constitution.

Again, we are now looking after the interests of the State. We are endeavoring to frame an article which will conserve our school fund, and increase it in every way possible. We want to get the most for our money that we can get. A farm of 640 acres is not a very large farm in this country. That could not be held to be a large farm; it is the holding of lands in much larger tracts than a section that is a damage to the country at large. Very frequently you will find a man who wants to purchase 640 acres who would be willing to pay more for it than if he could only get 320 acres. I believe that it would be difficult for us to sell these lands for some years to come for \$10 an acre. The great majority of this land will not be sold for the next ten or fifteen years for \$10 an acre, and for that reason I think it would be unwise to limit it to the man who is actually living in the State, or to the man who intended to come and settle immediately on purchasing the land.

Mr. MATHEWS. I believe as the gentleman from Barnes does. Take in Grand Forks county to-day—one of the best settled counties in the Territory, and I don't believe the school lands will sell there for \$10 an acre. In the county of Nelson, I don't think there is any danger of selling the land there. Taking it in all these counties it is doubtful if there is much that will sell. I don't believe that we can sell all that the law allows us to sell at these figures, and I don't believe that we should restrict a man to 320 acres, for very often parties want to secure a section who will become actual settlers, and pay more than those who are living in the country. Take through any of these counties, and there is comparatively little land that will find a ready sale at \$10 per acre. You will very often find that a man won't buy 160 or 320 acres when he would buy 640.

Mr. PARSONS of Morton. This is a very important subject, and in view of the fact that some of us have not given it the consideration that we ought, I move that the committee do now rise, report progress and ask leave to sit again.

The motion was seconded and lost.

Mr. BARTLETT of Dickey. It seems to me that some of the gentlemen have not paid enough attention to the law under which we are working. The bill under which we are making this article provides that no man can lease more than 320 acres, if I mistake not. Where the land is sold in small quantities it will let the little fish in, and that is what we want. The provision is this—we

only get one-fifth down. The balance is to be paid later, and it is to bear interest at six per cent. per annum right along, so it will be a long term of years before we will handle much money.

Mr. GRAY. It looks to me that the pen that drew this article as it stands was guided somewhat by the hand of the speculator, and that it was to be sold in the interests of the speculator, instead of the interest for which it was designed when it was given to the new State of North Dakota. We are inviting settlers here, and yet we are so going to fix this Constitution that the school lands will go into the hands of speculators first. I had an amendment which I thought of introducing which would provide that settlers on school lands should have a prior right, other things being equal. The land will have been appraised before it can be sold, and it is the duty of this Convention to throw safeguards around these school lands so that speculators cannot get hold of them, but it should go to the tillers of the soil—to people who will settle on it and cultivate it and help to build up the State of North Dakota.

Mr. LAUDER. The remarks of the gentleman from Barnes seem to convey the impression that these lands would not be sold in quantities of more than 640 acres. I am not particular; I don't know but that I would consent that 640 should be inserted in lieu of 320 in my amendment. I am not so particular about that, but my objection to the article as it now stands is that it permits speculators to buy not only 640 acres, but just as much as they can buy, tie it up, take it out of the market and prevent settlement. That is what I object to. I cannot see the force of the argument that these lands will not sell for \$10 per acre, and I would incorporate something here that would prevent the buying of these lands by individuals, or corporations, or speculators, and leave it in such a manner that at least every section, after the lands were sold, would have a settler upon it. If we provide by law that no man shall buy more than 320 acres or 640 acres, it will prevent speculators from buying these lands to any great extent, for if a man is unable to buy more than 320 acres, in most cases he will buy that to use as a farm and will live on it and work it. The gentleman says that it is our business at this time to look after the interests of the state. I agree with him, but when we are looking after the interests of the citizen, we are at the same time looking after the interests of the State, and if we can arrange this matter so that on every quarter section there will be an actual settler living with his family and cultivating the soil,

mingling with the people, increasing the volume of business, we will be caring for the interests of the state.

Mr. WILLIAMS. It is now about five o'clock, and there are eight more sections of this bill. It was only laid on our desks this afternoon, and it is one of the most important measures that this Convention will have to deal with. It will be impossible for us at this sitting to consider this bill fully and report it back to the Convention with the recommendation that it do pass and give it that consideration which it should have. I move that the committee do now rise, report progress and ask leave to sit again.

Mr. BLEWITT. I move to adjourn.

The motion prevailed, and the Convention adjourned.

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## T W E N T Y - F O U R T H D A Y .

BISMARCK, *Saturday, July 27, 1889.*

The Convention met pursuant to adjournment.

The CHIEF CLERK called the Convention to order and announced that the PRESIDENT had appointed Mr. ROWE to act as President *pro tempore* during his absence.

Prayer was offered by the Rev. Mr. KLINE.

The roll was called and there being no quorum, upon motion of Mr. WILLIAMS the Convention adjourned until Monday at 2 o'clock p. m.

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## T W E N T Y - S I X T H D A Y .

BISMARCK, *Monday, July 29, 1889.*

The Convention met pursuant to adjournment, with President *pro tem.* ROWE in the Chair.

Prayer was offered by the Rev. Mr. KLINE.

The roll was called, and there being no quorum, the Convention adjourned until Tuesday at 2 o'clock p. m.