

SIXTEENTH DAY.

Sioux Falls, Dak., July 19th, 1889.

Two o'clock P. M.

Pursuant to adjournment the Convention re-assembled with President Edgerton in the chair.

Prayer was offered by Mr. Matson as follows:

O God, our Father, we recognize Thee as the Giver of all good. Thou art our sufficiency in times of temptation and in need. In trial we have the assurance that all our needs shall be supplied according to Thy wishes. If we lack wisdom we are encouraged to ask of Thee, who giveth liberally. We acknowledge at this hour our need of wisdom and understanding in our work and most ardently do we pray that we may receive of Thy knowledge so that all we do may be approved of Thee. May it commend itself to the best judgment of the people. We ask that Thou wilt help us to be thoughtful and discreet, carefully weighing all the interests that may come before us for our consideration, both here and in our committees. May we studiously endeavor to be both harmless and wise. We ask that we may personally be careful that we injure no man in his rightful interests, and also personally alert that we do no injury to those interests pertaining to the best welfare of the people. We ask these things in our Redeemer's name.

AMEN.

Mr. Fellows: I move that we dispense with the reading of the Journal.

Which motion prevailed.

Mr. Spooner: Ought we not to make corrections now in the Journal where they have been observed? I notice the names of some of the Committees have been omitted. The Committee on Amendments and Revision of the Constitution; also the Committee on Corporations Other Than Banking and Municipal, the names of the Committee have been omitted; I move that they be inserted.

The President: They will be inserted where they are not in the report. The Clerk will so correct it.

Mr. Spooner: Also in regard to the uniformity in the reports according to the form which was suggested by the Committee on Rules, it would indicate that the Chairman only was to sign which I did in the case of the Committee on the Bill of Rights; I move that the names of the whole Committee be inserted.

The President: I would suggest, Dr. Spooner, that suggestions do not go in the record.

Mr. Spooner: I move that in the case of the report of the Committee on Bill of Rights that the names of the whole Committee be inserted.

Which motion prevailed.

The President: The Clerk would like to have the Chairman of the Committee inform him who would make the correction; the difficulty is, the report is printed and handed in; now the Clerk is ordered to amend the report; that is in and printed; the report was made yesterday, signed by the Chairman and has become a part of the records of this Convention; now the Convention orders it amended.

Mr. Hole: I see no way but to make a motion to re-commit it to the Committee, and let it come in properly signed.

Mr. Dickinson: As I am a member of the Committee I would like to make a statement; I am not so desirous for glory that I want my name to appear with all the Committees of which I am a member. It will save a good deal of printing if only the name of the Chairman appears; I should prefer to let it remain as it is, the Chairman reporting in behalf of the Committee.

Mr. Sterling: I move that we re-consider the vote, by which the Clerk was instructed to amend this report.

Which motion prevailed.

The President: The question now before the Convention is, shall the Clerk amend the report of the Committee by adding the balance of the names of the Committee to the report?

Mr. Humphrey: It would seem to me that the position held by the Chair is that of order. It is incompetent for us to amend this report until the report is before the Convention for consideration and the omission of the names would be regarded as an ordinary error of the Journal, and might be inserted simply as the Journal. It does not seem to me proper to take up that report prior to the time that we have the report itself before the Con-

vention for consideration. I do not think it would be a proper time to consider an amendment to the report and think the motion is out of order.

The President: The motion before the Convention is, shall the Clerk amend the report of the Committee?

Which motion was lost.

Under the order of business, reports from Standing Committees, Mr. Stoddard as Chairman of the Committee on Election and Right of Suffrage, reported as follows:

MR. PRESIDENT:—

The Committee to whom was referred Article VII, entitled, "Election and Right of Suffrage" respectfully report that we have found the same to be in conformity with the Enabling Act and recommend that no alterations be made, and the article as attached hereto I send to the Secretary's desk.

Mr. Murphy: As Chairman of the Committee on Federal Relations, I report that our report is ready and is sent to the desk of the Secretary.

Education and School Lands.

Mr. Humphrey: In the absence of Mr. Coats, the Committee have prepared a report and it is ready with the exception of a couple of signatures of a couple of members who have not yet arrived.

State Institutions and Public Buildings.

Mr. Young: The report is sent to the desk.

Exemptions.

Mr. Buechler: The report is in the hands of the Secretary.

Mr. Davies: The report of the Committee on Banking and Currency, is ready and sent to the desk of the Clerk.

Mr. Clough: The report of the Committee on Military affairs is ready, but three members of the Committee are absent.

Mr. Houlton: Announced that the report of the Committee on Seal and Coat of Arms was ready and sent to the Clerk's desk.

Mr. Eddy: The report of the Committee on Miscellaneous Subjects is ready and sent to the desk.

Mr. Lee: I announce the report of the Committee on Manufactures and Agriculture, as complete with the exception of one name, and as in the hands of the Clerk.

Mr. Sterling: I send to the Clerk's desk the report of the Judiciary Committee on the resolution referred to it.

Under the order of business consideration of reports of Standing Committees.

Mr. Davies: I move that the reports of the Standing Committees of today, be made the special order for tomorrow.

Mr. Dickinson: I move as an amendment that it be made a special order for Tuesday.

Mr. Davies: I accept that.

The motion prevailed and the reports were made the special order for Tuesday afternoon.

The President: The time for the special order has arrived; we will now proceed to the consideration of the reports of yesterday, made a special order for today.

Mr. Van Buskirk, of Codington County, called to the chair.

The Chairman: The first matter upon the special order is the report of the Committee on Compensation of Public Officers, read as follows by the Clerk.

The Chairman: Gentleman, what will you do with the report of this Committee?

Mr. Sterling: I move the adoption of the report as read.

The Chairman: Is there anything to be said upon this motion? If so you will have an opportunity to make any suggestions,—the motion is to adopt the report of the Committee on Compensation of Public Officers.

The matter coming to a vote prevailed, and the report of the Committee was declared adopted.

The Clerk: Reads the report of the Committee on Public Accounts and Expenditures as follows:

The Chairman: The report of the Committee on Public Accounts and Expenditures is before the Convention; what will you do with it?

Mr. Davies: I move that the report be adopted.

Motion seconded.

Mr. Humphrey: I should like to inquire of the Committee what changes or amendments are made in their report from the original Constitution.

Mr. Jolley: The Chairman of the Committee is away; I know there are no changes made.

The Chairman: The motion before the Convention now is, shall we adopt the report of the Committee on Public Accounts?

The motion prevailed, and the Chair announced that said report was adopted.

The Clerk reads the report of the Committee on Amendments and Revision of the Constitution, as follows:

The Chairman: Gentlemen of the Convention, you have before you the report of the Committee on Amendments and Revision of the Constitution.

Mr. Dickinson: I notice in Section 2, near the last of the Section, the Convention was to consist of as many members as the House of Representatives. When the copy of the Constitution in the hand book was compared with the original Constitution it was found that the words "Of the Legislature" was inserted there; I think they are omitted. It should be the House of Representatives of the Legislature.

The Chairman: Do you make the motion?

Mr. Dickinson: I move that it be re-committed to the Committee for amendment in that particular.

Mr. Boucher: I move as an amendment that the amendment be made at this time without re-committing the report.

Mr. Hole: I would like to inquire of the Chairman of the Committee with what copy this is compared by the Committees. If it is compared with the various copies that are floating around, I can see how these mistakes will be made.

Mr. Boucher: I will state I had what I supposed was a correct copy. The correction was made at the time Mr. Humphrey was Chairman of the Committee. I thought he had a correct copy.

Mr. Humphrey: I would like to inquire what is the question before the House as it stands.

The Chairman: I do not remember whether the first motion as made was seconded.

Mr. Sterling: I seconded the amendment that the correction be made now.

Mr. Humphrey: I would suggest that in connection with that errata found in the hand book that that is an error on the part of the Committee without doubt. The correction will be made by the Committee from the errata. I remember well that

the number should be the number of the members of the House of Representatives of the Legislature.

The Chairman: The motion of Mr. Dickinson was that it be referred back to the Committee for correction; the amendment was made that it be now amended in this particular, by inserting these words, "Of the Legislature"; are you ready for the question?

The amendment prevailed.

The Chairman: The motion of Mr. Dickinson as now amended will be put.

The motion prevailed.

The Clerk reads the report of the Committee on Corporations Other Than Banking and Municipal, as follows:

Mr. Dickinson: As this article is quite length yand no changes were made in it, I move that the reading of it be dispensed with.

Mr. Corson: I would ask the Chairman of this Committee if any changes were made.

Mr. Dickinson: I am Chairman of that Committee and there were no changes made in that article.

The Chairman: Unless there are objections made, the reading of the report will be dispensed with.

The motion to adopt said report reaching a vote, prevailed.

The report of the Committee on Bill of Rights was read by the Clerk as follows: (Here insert.)

The Chairman: You have before you the report of the Committee on Bill of Rights; what is the pleasure of the Convention.

Mr. Fellows: I would like to have the report of the Committee as to what changes they have made.

Mr. Spooner: The amendment was indicated in the report as read by the Clerk.

The Chairman: Perhaps the Chairman might add it is the original bill only with the word added that would make it read as desired.

Mr. Boucher: I move that the report of the Committee on Amendments and Revision of the Constitution be adopted.

Which motion was seconded.

The Chairman: This is the report of the Committee on Bill of Rights; I think the report of the Committee on Amendments and Revision of the Constitution has been adopted; I so understand it; this is the Bill of Rights that is under consideration now.

Mr. Chairman: The question before the House now is upon the adoption of the report of the Committee upon the Bill of Rights. As I understand, it is precisely as before with the exception of the amendment so that it will read "South Dakota" instead of "Dakota".

The motion prevailed and the report of the Committee on Bill of Rights was adopted.

Mr. Dickinson: It is my recollection, that Mr. Boucher is correct as to the report of the Committee on Amendments and Revision of the Constitution not having been adopted. It was the report to which I made an amendment; it was amended and I do not recollect that the motion was made to adopt the report as amended. I move you, Sir, that the report as amended be adopted.

Mr. Atkinson: That is my recollection; I second the motion.

Mr. Humphrey: I would like to have the Chairman state to the Convention if there was any amendment or alteration reported.

Chairman of the Committee: No there was not.

The motion to adopt the report of the Committee on Amendments and Revision of the Constitution as amended, prevailed.

The Chairman: The next order of business is consideration of the Committee on Municipal Corporations.

The Clerk reads the report of the Committee as follows: (Here insert it).

Mr. Davies: I would ask if there were any changes in this.

Mr. Whitlock: There was none.

Mr. Davies: I move the adoption of the report.

Which motion prevailed.

Mr. Atkinson: I notice in the names of the Committee as printed is "J. Atkinson"; I move it be changed to read "I. Atkinson."

Which motion prevailed.

Mr. Harris moved that the Convention do now adjourn.

Mr. Sterling: There were some reports from the Judiciary Committee; other than the reports upon the general work assigned to them; I suppose it would be well to read those reports; they are up in the Clerk's desk.

The Clerk read as follows:

MR. PRESIDENT:—

Your Committee on Judiciary, to whom was referred the resolution requesting the Committee to report as to the necessity

of accepting the several new grants of lands, moneys and buildings to South Dakota by a resolution of the Convention, would respectfully report: That without determining the necessity of such resolution, the Committee recommend, that a section be incorporated in the Constitution, formally accepting such grants.

THOMAS STERLING,
H. A. HUMPHREY,
A. J. BERDAHL,
H. W. EDDY,
W. T. WILLIAMS,
S. A. RAMSEY,
D. CORSON,
C. J. B. HARRIS,
S. B. VAN BUSKIRK,
of the Judiciary Committee

The President: What will the Convention do with the report of the Committee?

Mr. Wescott: I move that the report be adopted.

Mr. Davies: I would amend that and make it the special order for next Tuesday.

Mr. Humphrey: I move as a substitute of the motion before the House that the report of the Judiciary Committee be referred to the Committee on Amendments and Revision of the Constitution with instructions to report on Tuesday.

Which motion prevailed.

The Clerk reads the second report of the Committee on Judiciary, as follows:

Sioux Falls, July 19, 1889.

MR. PRESIDENT:—

Your Committee on Judiciary to whom was referred the resolution pertaining to the signing of the Constitution by members of the Constitutional Convention of 1885, who by inadvertance or other cause were prevented from signing the same, respectfully report;

That upon consideration of such resolution it is the sense of the Committee that this Convention has no authority to grant permission to such members to affix their signatures to the Constitution of 1885.

THOMAS STERLING,
H. A. HUMPHREY,
A. J. BERDAHL,
H. W. EDDY,
W. T. WILLIAMS,
S. A. RAMSEY,
D. CORSON,

C. J. B. HARRIS,
S. B. VAN BUSKIRK,
of the Judiciary Committee.

The Chairman: What will you do with the further report of the Judiciary Committee?

Mr. Young: I move that it be adopted.

Which motion prevailed.

Mr. Sterling: Under the call of business, introduction of propositions relating to the Constitution I sent to the Clerk's desk a resolution providing for an amendment to the Section but did not have an opportunity to call it to the attention of the members and the Chair at that time. I move you that we return to that order of business.

Which motion prevailed and the Clerk read the resolution, as follows:

RESOLVED: That the report of the Committee on Education and School Lands be amended so that Section 9 of Article 5 shall read as follows:

SEC. 9. The lands mentioned in this article may, under such regulations as the Legislature may prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company. All rents shall be payable annually in advance, nor shall any lease be valid until it receives the approval of the Governor.

Mr. Sterling: I move now that the resolution be made a part of that special order under which the report of the Committee on Education and School Lands is to be considered next Tuesday.

The Chairman: It will be made the special order for next Tuesday unless objection is made.

Mr. Hole: I think in deference to the Committee that has that special work before them, that this should be referred to them, and as there is no second to the gentleman's motion, I will move you that this be referred to the Committee on Education and School Lands.

Which motion was duly seconded, and by vote of the Convention, adopted,

Mr. Harris: I renew my motion to adjourn.

Mr. Clough: I sent a request to the desk for the old soldiers to sign their names, their rank, company and regiment on a slip of paper and hand the same to me. The object of this is to find

out how many members of the Convention are veterans; that this information may be made a matter of record and be preserved.

The Chairman: The motion before the House is to adjourn and will now be put.

The motion prevailed and the House stands adjourned.