

States for the State of North Dakota, one for the full term and one for the short term to be designated at the time of their election respectively, and at said election the two persons who shall receive a majority of all the votes cast by said senators and representatives, shall be elected such United States senators for such designated terms respectively, and the presiding officers of the senate and house shall each certify the election to the Governor and Secretary of the State of North Dakota, and the Governor and Secretary of State shall certify the elections of such senators as provided by law.

SEC. 20. All the existing archives, records and books belong to the Territory of Dakota shall belong to and be a part of the public records of the state of North Dakota and be deposited at the seat of government of the said state with the secretary of state.

SEC. 21. This constitution is formed and the state of North Dakota asks to be admitted into the Union on an equal footing with the original states, on the condition and faith of the terms and propositions stated and specified in act of congress approved February 22, A. D. 1889, authorizing the people of North Dakota to form a constitution and state government, the people of the state of North Dakota hereby accepting the conditions in said act specified.

Which was read the first time.

Mr. Stevens moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,
Chief Clerk.

MONDAY, July 22, 1889.

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

The President presiding.

Prayer was offered by the Rev. C. F. Bollinger.

The roll was called, and all members absent were excused.

Mr. Purcell moved that all standing committees be required to make reports by Thursday next.

Which motion prevailed.

Mr. Williams introduced the following resolution:

Resolved, That the official reporter be required to furnish to the chief clerk of the convention each day, as near as possible, the manuscript of his report of the proceedings of the preceding day.

Resolved, That whenever a member of the Convention shall be of the opinion that he is incorrectly reported, he may apply to the reporter for a correction. In case of disagreement between them, the matter may be brought before the Convention for disposition. It is hereby made the duty of the chief clerk of the Convention to make a full and complete index of the journal and debates, and it shall be a part of the duties of the chief clerk and official reporter to revise the proofs of the printed matter as they come from the printer, and each member of the Convention shall, if he so desires, be afforded the opportunity of examining the proof sheets of any portion of the debates for the purpose of making such corrections only as referred to above. The whole work shall be completed and the volumes bound within sixty (60) days after the rising of the Convention.

Further consideration was postponed until July 23.

Mr. Parsons of Morton, introduced the following resolution and moved its adoption.

Resolved, That the Constitution of South Dakota as appears in Long's Legislative Hand Book, (a copy of which is upon the desk of each member) be considered as introduced for adoption by this Convention, without being printed in the files or journal.

Which resolution was adopted.

Mr. Colton moved that File No. 44 be indefinitely postponed.

Which motion prevailed.

Mr. Richardson moved that File No. 46 be recommitted to the Committee on Revenue and Taxation.

Which motion prevailed.

Mr. Moer moved that the vote by which File No. 44 was indefinitely postponed be reconsidered.

Which motion prevailed.

Mr. Moer moved that File No. 44 be referred back to the Committee on Revenue and Taxation.

Which motion prevailed.

Mr. Robertson introduced the following resolution and moved its adoption:

Resolved, That the several standing committees hereafter report and refer back to the Convention no articles, unless the same be deemed of use to other committees.

Mr. Moer moved that the resolution be laid on the table.

Which motion prevailed.

FIRST READING OF ARTICLES, RESOLUTIONS, ETC.

Mr. Appleton introduced File No. 107—

SCHOOL AND SCHOOL LANDS.

SECTION 1. After six months from the assembling of the first Legislature the lands granted to the state by the United States for the use of public schools may be sold upon the following conditions and no other. Not more than one-fourth of all such lands shall be sold within the first five years and no more than two-thirds within the first ten years after the title thereto is vested in the state.

SEC. 2. The commissioner of school and public lands, the county auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands to be sold within the several counties.

SEC. 3. No lands shall be sold for less than the appraised value, and in no case for less than ten dollars an acre; all sales shall be at public auction to the highest bidder after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold.

SEC. 4. All sales shall be conducted by the commissioner of school and public lands as may be prescribed by law, and all lands shall be sold at the county seat of the county in which the lands to be sold are situated.

Which was read the first time.

Mr. Harris introduced File No. 108—

LEGISLATIVE APPORTIONMENT.

SECTION 1. In the apportionment of the State of North Dakota for legislative purposes every organized county shall have at least one member of the house of representatives.

SECTION 2. Until otherwise provided by law the Senate shall consist of 35 members, and the House of Representatives of 70 members and the Senatorial and Representative districts shall be formed and the senators and representatives shall be apportioned as follows:

SENATORIAL APPORTIONMENT.

District 1 shall consist of Pembina county and be entitled to two senators.

District 2 shall consist of Cavalier county and be entitled to one senator.

District 3 shall consist of Towner, Benson and Pierce counties and be entitled to one senator

District 4 shall consist of Bottineau, Rolette, Renville and Mountraile, and be entitled to one senator.

District 5 shall consist of Ward, McHenry, McLean, Church, Sheridan and Stevens, and be entitled to one senator.

District 6 shall consist of Walsh county and be entitled to three senators.

District 7 shall consist of Ramsey county and be entitled to one senator.

District 8 shall consist of Grand Forks county and be entitled to three senators.

District 9 shall consist of Nelson county and be entitled to one senator.

District 10 shall consist of Foster and Eddy counties and be entitled to one senator.

District 11 shall consist of Traill county and be entitled to two senators.

District 12 shall consist of Steele and Griggs counties and be entitled to one senator.

District 13 shall consist of Cass county and be entitled to four senators.

District 14 shall consist of Barnes county and be entitled to one senator.

District 15 shall consist of Stutsman county and be entitled to one senator.

District 16 shall consist of Wells and Kidder counties and be entitled to one senator.

District 17 shall consist of Morton, Oliver, Mercer, Garfield, Williams, Wallace, Flannery and Buford counties and be entitled to one senator.

District 18 shall consist of Stark, Billings, Hettinger, Bowman, Dunn, McKenzie and Allred counties and be entitled to one senator.

District 19 shall consist of Richland county and be entitled to two senators.

District 20 shall consist of Ransom county and be entitled to one senator.

District 21 shall consist of Sargent county and be entitled to one senator.

District 22 shall consist of LaMoure county and be entitled to one senator.

District 23 shall consist of Dickey county and be entitled to one senator.

District 24 shall consist of Emmons, Logan and McIntosh counties and be entitled to one senator.

District 25 shall consist of Burleigh county and be entitled to one senator.

REPRESENTATIVE APPORTIONMENT.

District 1 shall consist of Pembina county, and be entitled to four representatives.

District 2 shall consist of Cavalier county, and be entitled to two representatives.

District 3 shall consist of Towner county, and be entitled to one representative.

District 4 shall consist of Rolette county, and be entitled to one representative.

District 5 shall consist of Bottineau county, and be entitled to one representative.

District 6 shall consist of Walsh county, and be entitled to five representatives.

District 7 shall consist of Ramsey county, and be entitled to two representatives.

District 8 shall consist of Benson county, and be entitled to one representative.

District 9 shall consist of Pierce county, and be entitled to one representative.

District 10 shall consist of McHenry county, and be entitled to one representative.

District 11 shall consist of Ward county, and be entitled to one representative.

District 12 shall consist of Grand Forks county, and be entitled to six representatives.

District 13 shall consist of Nelson county, and be entitled to one representative.

District 14 shall consist of Eddy county, and be entitled to one representative.

District 15 shall consist of Foster county, and be entitled to one representative.

District 16 shall consist of Wells county, and be entitled to one representative.

District 17 shall consist of McLean county, and be entitled to one representative.

District 18 shall consist of Traill county, and be entitled to three representatives.

District 19 shall consist of Steele county, and be entitled to one representative.

District 20 shall consist of Griggs county, and be entitled to one representative.

District 21 shall consist of Cass county, and be entitled to seven representatives.

District 22 shall consist of Barnes county, and be entitled to three representatives.

District 23 shall consist of Stutsman county, and be entitled to two representatives.

District 24 shall consist of Kidder county, and be entitled to one representative.

District 25 shall consist of Burleigh county, and be entitled to two representatives.

District 26 shall consist of Morton county, and be entitled to two representatives.

District 27 shall consist of Oliver county, and be entitled to one representative.

District 28 shall consist of Mercer county, and be entitled to one representative.

District 29 shall consist of Stark county, and be entitled to one representative.

District 30 shall consist of Billings county, and be entitled to one representative.

District 31 shall consist of Richland county, and be entitled to three representatives.

District 32 shall consist of Ransom county, and be entitled to two representatives.

District 33 shall consist of Sargent county, and be entitled to two representatives.

District 34 shall consist of LaMoure county, and be entitled to one representative.

District 35 shall consist of Dickey county, and be entitled to two representatives.

District 36 shall consist of Logan county, and be entitled to one representative.

District 37 shall consist of McIntosh county, and be entitled to one representative.

District 38 shall consist of Emmons county, and be entitled to one representative.

Which was read the first time.

Mr. Lauder moved that the rules be suspended and that articles be read by title only.

Which motion prevailed.

Mr. Lauder introduced File No. 109—

SECTION 1. The Legislature shall protect by law from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Land belonging to the state, which is suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as may be prescribed by law.

Which was read the first time.

Also File No. 110—

SCHEDULE.

That no inconvenience may arise by reason of the change in the form of government, it is hereby ordained and declared:

SECTION 1. That all laws in force at the time of the adoption of this Constitution shall so far as not inconsistent therewith, remain of the same force as if this Constitution had not been adopted, until they expire by their own limitation or are repealed by the Legislature; and all rights actions, prosecutions, claims and contracts of the territory of Dakota, counties, individuals or bodies politic, (not inconsistent therewith) shall continue as if the form of government had not been changed and this Constitution adopted.

SEC. 2. That all recognizances, obligations and all other instruments entered into or executed before the admission of the state, to the Territory of Dakota, or to any county, school district, or other municipality therein, or any officer thereof, and all fines, taxes, penalties, forfeitures due or owing to the territory of Dakota, or any such counties, school district or municipality or officer, and all writs, actions, causes of action, except as hereinafter otherwise provided, shall continue and remain unaffected by the change of the form of government. All indictments which shall have been found or may hereafter be found, all informations which shall have been filed or may hereafter be filed for any criminal offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place except as otherwise provided in the Constitution.

SEC. 3. That all property, real and personal, and all moneys, credits, claims and choses in action belonging to the territory of Dakota at the time of the adoption of this Constitution, shall become vested in and become the property of the state of North Dakota.

SEC. 4. The Legislature of the state of North Dakota, shall pass all necessary laws to carry into effect the provisions of the Constitution.

SEC. 5. Whenever any two of the judges of the supreme court of the state elected or appointed under the provisions of this Constitution, shall have qualified in their office the causes theretofore pending in the supreme court of the territory of Dakota, taken to said court on appeal or otherwise from any county which shall be included in, and form a part of the state of North Dakota, the

papers, records and proceedings of said court pertaining to said causes, shall pass into the jurisdiction and possession of the supreme court of the state of North Dakota; and until so superseded the supreme court of the territory, and the judges thereof shall continue with like powers and jurisdiction as if this Constitution had not been adopted. Whenever the judge of the district court of any district, elected or appointed under the provisions of this Constitution shall have qualified in his office the several causes theretofore pending in the district court of the territory of Dakota within any county in such district, the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court for such county, and until the district courts of the territory shall be organized in manner aforesaid, said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial district respectfully as heretofore constituted under the laws of the territory of Dakota.

Sec. 6. The terms of office of the several judges of the supreme and district courts as elected under this Constitution, shall commence on the — day of ——— A. D., 1889. Before entering upon the duties of their respective offices, the several judges of the supreme and district courts shall severally subscribe the oath of office as provided by law, which said oath of office after having been taken and subscribed as aforesaid shall be filed in the office of the secretary of state.

Sec. 7. All officers, civil and military, now holding office by election or appointment in this territory under the authority of the United States or of this territory, shall continue to hold and exercise their respective office and appointment until superseded under this Constitution or the laws of the state of North Dakota.

Sec. 8. It is hereby made the duty of the Legislature at its first session, to provide for the payment of all debts and indebtedness authorized to be incurred by the Constitutional Convention of North Dakota which shall remain unpaid after the appropriation made by Congress if the same shall have been exhausted.

Sec. 9. The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the state of North Dakota into the Union; and the governor, secretary, auditor, superintendent of public instruction and all other officers of the territory of Dakota shall continue to discharge the duties of their respective offices after the admission of the state into the Union and until the qualification of the officers elected or appointed under said government. And said officers for the time they may serve shall receive the same compensation as the state officers shall by law be paid for like services.

Which was read the first time.

Also File No. 111—

SECTION 1. All property in the state, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word property as used in this article and section is hereby declared to include moneys, credits, bonds, stocks, dues, franchises and all other matters and things, real, personal and mixed capable of private ownership; *Provided*, that growing crops, property used exclusively for religious or charitable purposes, and such as may belong to the United States, this state or to any county or other municipal corporation within the state shall be exempt from taxation. The Legislature may provide, except in case of credits secured by lien upon real estate for a deduction from credits of debts due to *bona fide* residents of this state.

Sec. 2. Land and the improvements thereon shall be separately assessed; cultivated and uncultivated land, of the same quality and similarly situated, shall be assessed at the same value.

Sec. 3. A mortgage upon real estate or a deed of trust thereof or contract or other obligation by which a debt is secured thereon shall for the purposes

of assessment and taxation be deemed and treated as an interest in the real estate affected thereby, except as to railroad and other *quasi*, public corporations; in case of debts so secured, the value of the real estate affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the real estate, and the value of such security shall be assessed and taxed to the owner thereof in the county, city, or district in which the real estate affected thereby is situated. The taxes so levied shall be a lien upon such real estate and security and may be paid by either party to such security; if the owner of such real estate shall pay the tax so levied upon such security it shall constitute a payment thereon and to the extent of such payment a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors after assessment, and before the tax levy the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy of the preceding year.

SEC. 4. Every contract hereafter made, by which any debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

SEC. 5. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any county, or other municipal corporation, shall be a party.

SEC. 6. The Legislature shall have the power to provide by law for the payment of all taxes on real estate by installments.

SEC. 7. All property, except as hereinafter in this section provided, shall be assessed in the county, city, or township, town, village or district in the manner prescribed by law. The franchise, road way, road bed, rails and rolling stock of all railroads operated in this state, shall be assessed by the state board of equalization at their actual value, and the same shall be apportioned to the counties, cities, towns, townships and districts in which said roads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and districts; *provided*, that for the purposes of assessment and taxation, said railroads shall not be valued at more than seven thousand dollars per mile, nor less than three thousand dollars per mile.

SEC. 8. Income taxes may be assessed to and collected from persons, corporations, joint stock associations or companies, resident or doing business in this state, or any one or more of them, in such cases and amounts and in such manner as may be prescribed by law.

SEC. 9. The Legislature may provide for the levy, collection and disposition of an annual poll tax of not more than three dollars on every male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots, insane persons and Indians not taxed.

SEC. 10. The Legislature shall pass all laws necessary to carry out the provisions of this article.

Which was read the first time.

Mr. Sandager introduced File No. 112—

It shall be the duty of the legislature to provide by law for the deduction from salaries of public officers who may be guilty of neglect of duty.

Which was read the first time.

Also File No. 113—

Every person who shall be found guilty of giving or receiving any money or thing of value for votes or influence in elections shall be forever thereafter disfranchised.

Which was read the first time.

Also File No. 114—

The Legislature shall have power to pass all laws necessary to prevent the formation of combinations of capital or business in the nature of trusts.

Which was read the first time.

Also File No. 115---

No law shall ever be passed exempting under a gross-earning system or otherwise the property of any corporation, except such is actually used in the operation of the business of said corporation.

Which was read the first time.

Also File No. 116---

The Legislature shall provide by law for exemptions, but in no case shall such exemptions include more than a homestead not exceeding in value one thousand dollars and personal property, not to exceed in value five hundred dollars.

Which was read the first time.

Also File No. 117—

Nothing shall be exempt from distress and sale for taxes, except wearing apparel and household goods, and all liens created after the adoption of this Constitution shall be subject to any legal tax that may be levied on any property on which such tax is levied.

Which was read the first time.

Mr. Bennett, (by request of W. J. Anderson, of Grand Forks,) introduced File No. 118—

The Legislature may provide that at the general election immediately preceding the expiration of the term of a United States Senator from this state, the electors may by ballot express their preference for some person for the office of United States senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for state officers.

Which was read the first time.

Mr. Williams introduced File No. 119--

Resolved, That among the permanent officers of the state of North Dakota there shall be a commissioner of agriculture, to be appointed by the Governor every two years; the salary of said official to be — dollars per annum.

Which was read the first time.

Mr. Parsons of Morton, introduced File No. 120, being the constitution of South Dakota as appears in Long's Legislative Hand Book.

Which was read the first time and ordered not printed.

SECOND READING OF ARTICLES.

File No. 94 was read the second time and referred to the Committee on Corporations other than Municipal.

File No. 95 was read the second time and referred to the Committee on Legislative Department.

File No. 96 was read the second time and referred to the Committee on Judiciary.

File No. 97 was read the second time and referred to the Committee on Judiciary.

File No. 98 was read the second time and referred to the Committee on Education.

File No. 99 was read the second time and referred to the Committee on School and Public Lands.

File No. 100 was read the second time and referred to the Committee on Legislative Department.

File No. 101 was read the second time and referred to the Committee on Legislative Department.

File No. 102 was read the second time and referred to the Committee on Legislative Department.

File No. 103 was read the second time and referred to the Committee on Revenue and Taxation.

File No. 104 was read the second time and referred to the Committee on Corporations other than Municipal.

File No. 105 was read the second time and referred to the Committee on Elective Franchise.

Mr. Rolfe moved that the vote by which standing committees be required to report by next Thursday be reconsidered.

Which motion was lost.

Mr. McHugh moved that that the Convention do now resolve itself into a committee of the Whole.

Which motion prevailed.

The President called Mr. McHugh to the chair.

When the committee rose the following report was presented:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration File No. 25 providing that the legislative authority be vested in a single body and report progress and ask leave to sit again.

P. McHUGH,
Chairman.

Mr. Williams moved that the report of the Committee of the Whole be adopted.

Which motion prevailed.

The Journal of the preceding session was read and corrected by inserting Section 6, in File No. 105, as follows:

"The Legislature shall from time to time make such laws as to carry out the provisions herein provided for, and to enact such laws as shall be more effectual in securing an honest ballot and to prevent fraud, bribery and improper expenditure of election funds, but shall have no power to make any law less stringent than herein provided."

Also by adding at the close of said article the words, "which was read the first time," and also adding the same words following File No. 106.

Mr. McHugh moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,
Chief Clerk.