

## SECOND DAY.

Friday, July 5th, 1889.

Two o'clock P. M.

The Convention re-assembled pursuant to adjournment. Mr. Kellam, of Brule, in the chair.

Mr. Kellam: I find a note from Judge Edgerton, President of the Convention, asking me to take his place during his absence, for the day; this is the explanation of my being in his place. The Clerk will please read the note.

Which was done as follows:

Sioux Falls, Dak., July 4, 1889.

HON. A. G. KELLAM:

Will you please act as President, pro tem. of the Convention under the rules, during my absence.

A. J. EDGERTON.

The roll was called and every member answered to his name as called.

Mr. Neill: I move that if there are any delegates present today that were not sworn in yesterday, that the presiding officer, (if authorized to do so) administer the oath of office to them at this time.

The President, pro tem: Are there any delegates here now who were not present yesterday to take the oath of office, if so let it be known. It being a matter of considerable doubt whether the President pro tem. will be authorized to administer this oath, if these gentlemen will come forward, a Notary Public is present, and will administer the oath of office.

H. M. Avery, Notary Public, administered the oath of office to the following delegates who presented themselves for that purpose: E. E. Clough, of Codington County; J. G. Davies, of Edmunds; and R. C. Anderson, of Hand, as follows:

You and each of you do solemnly swear that you will support the Constitution of the United States and that as members of this

Convention you, under the Act of Congress enabling South Dakota to be admitted as a State of the Union, will well and faithfully discharge the duties of that office according to your best learning and discretion with all good fidelity to yourselves as well as to the people, so help you God.

The President pro tem: The Convention will now listen to the reading of the Journal.

As the reading of the Journal proceeded the following corrections were suggested:

Mr. Anderson: My residence should be Hand County.

Mr. Lyon: Lake County should read Miner County.

Mr. Scollard: Lawrence there should be changed to Meade; a portion of Lawrence County was attached to Meade County and Butte County, making up the third district; just one tier of townships.

The President pro tem: The territory from which you are elected is now part of Meade County.

Mr. Culver: I would suggest the correction, making the Journal read, Marshall County, where it now reads Day County.

Mr. Jolley: In the Twenty-first District, Kimball, of Union, should be Kimball of Clay County.

Mr. Clough: I am down in the report as a laggard yesterday; I do not like to go into history as a laggard without the knowledge that I am a substitute; I would like to have the Journal of the Proceedings changed just a little; that portion saying, "All members responded except" etc. I was substituted to perform a public service, connected with the national celebration yesterday. I was not a laggard.

The President pro tem: The members, as they take the floor, will announce their names, so that the stenographers may know to whom to credit what is said; we are making history now.

Mr. Neill: I call Mr. Caldwell's attention to the fact that he was clerk, pro tem; the Journal was not so signed.

The President pro tem: The Chair did not understand the suggestion of the gentleman from Codington, to be in such shape that any action should be taken upon it; does the Convention consent to the correction of the minutes so as to correspond with the correction suggested by Mr. Clough?

Mr. Neill: I do not understand how the Convention can.

Mr. Clough: I believe it is due a man that did as hard a piece of work as I did yesterday, without any notice, that he do not go

into history as a laggard; I think it is due to me; that it ought to be said in some form and some way, why I was not here. I was detailed at Sioux Falls, to give a public address, as a substitute, and was so engaged during the hour set for the assembling of this Convention.

The President pro tem: Is there objection to the correction of this record so as to correspond with the suggestion of Mr. Clough?

Mr. Neill: I have no objection to its being done in that form; to take some action today, explaining the absence is another thing; I do not think that a correction in yesterday's proceedings would be regular; I do not think it would be in place.

Mr. Caldwell: I would say that I remember there was some mention made at the time, of Mr. Clough's absence, of his being in the city; I believe some reference was made to the circumstances of his absence; that being the case it might, without any very great disturbance be incorporated in here as of the proceedings of yesterday.

Mr. Lee: I think the gentleman from Minnehaha was correct; we mentioned the fact Mr. Clough was doing his duty on our great celebration day.

Mr. Matson: I noticed particularly, that the explanation was made, that Mr. Clough was in the city; no statement at all as to what he was doing; simple statement was made that Mr. Clough was in the city.

A Voice: If the correction is made as suggested, how will you explain this fact that all the other members were sworn in by the Chief Justice, and he comes in today and is sworn in by a Notary Public.

The President pro tem: I do not understand that the record should be so changed as to show his presence on yesterday, but the record should be so amended as to show why he was absent. Does the Convention object to the words suggested by Mr. Clough, which shall explain upon the record the reason of his absence, being inserted? If there is no objection now made, it will be taken as the sense of the Convention that the record should be so amended.

The Chair hearing no objection, the Journal will be so amended.

Mr. Heninger: In the printed list of the names of the members of the 6th District, my name is spelled wrong.

The President pro tem: There being no further corrections, the record will then stand as read and amended.

The President pro tem: The next order of business is communications and presentations of petitions.

Mr. Caldwell: There are two communications upon the table of the Clerk.

The President pro tem: The Convention will listen to the reading of the communications.

The Clerk reads as follows:

Bismarck, Dakota, July 4th, 1889.

TO THE CONSTITUTIONAL CONVENTION OF SOUTH DAKOTA, SIOUX FALLS, DAKOTA.

The Constitutional Convention of North Dakota sends greeting and bids you God speed in your advance movement towards statehood and full American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of the states to be. Let Washington bring fruits and flowers, Montana its precious metals to add to the beauty and wealth of the nation, while the Dakotas will bring wheat and corn to feed the people of the world.

F. B. FANCHER,

President.

Olympia, Washington Ter., July 4, 1889.

HON. A. J. EDGERTON,

President of the South Dakota Constitutional Convention,  
Sioux Falls, Dakota.

The Washington Constitutional Convention returns greeting to the South Dakota Convention.

The time is auspicious. The Empire State of the Pacific Northwest will join her sister in every onward development.

J. G. MOORE,

Chairman.

The President pro tem: The next order of business under the rules, is unfinished business, of the previous day.

Mr. Caldwell: If I may be permitted, I would like to bring up something that is properly in the nature of a communication.

The President pro tem: The Convention will return to that order of business.

Mr. Caldwell: The general government as it provides the two houses of the Territorial Legislature with a daily journal, and also provides for the printing of the Journal at the close of the session, the representative of Secretary Richardson,—Mr. C. W. Hubbard,—has arranged for the printing, daily, of the Journal of this body, which will be paid for by the general government; and the communication is to the effect that this will be printed.

Now then, I would like to ask for directions here; that the Convention give instruction as to the number of copies it would like to have, and that there be an arrangement made for the correction of the Journal, in order that the daily Journal may be properly arranged for going into the volumes which shall be printed. This is at the request of Mr. Hubbard, representing the Secretary of the Territory.

The President pro tem: The rules now in operation, (being the rules of the last Convention) provide that the President of the Convention shall correct the Journal before presenting it next day. This is a matter of work of the President by the rules. If such rule shall not be reported by the Committee on Rules when they report, then such action can be taken by the Convention as to that matter as they think advisable; the present rules impose upon the President that duty.

Mr. Caldwell: Dictate the number of copies that shall be ordered printed, and the Secretary will liquidate the bill.

Mr. Sterling: In order that the matter may be brought before the Convention, I move that two hundred copies a day be printed, of the Journal; that will bring out an expression.

Mr. Lee: I rise to second the motion.

The President pro tem: Is the Convention ready for the question?

The motion reaching a vote, prevailed.

Mr. Caldwell: I also make a communication from the representative of the Secretary, to the effect, that provision has been made for placing upon the desk of each member a small placard giving his name and county; that these will be furnished at such a time as the Convention may determine the location of its several members. I make this communication in order that if the Convention desires to have any different arrangement of the members,—to determine the seats by lot, it may be attended to, so that once the seats of the various members be definitely determined upon, these placards will be attached to the desk, and so that it will enable members either in front or back to know who it is speaking. I make this communication merely for the convenience of the Convention.

The President pro tem: I think the Convention understands the suggestion clearly with reference to the cards to be attached to the desks, and if the Convention desires to take any action in

regard to the location of the members in seats, it will be desirable to do that before this plan is put into execution.

Mr. Price: I move you, Sir, that we proceed to the selection of seats by lot. I notice today, the seats are not occupied by the same members of the Convention that they were yesterday in a great many instances; in order to avoid any trouble in that direction, I think this should be done without delay.

Mr. Lee: My head is snowed by number and weight of years. I am a little deaf. I selected this seat; I think the majority selected seats yesterday; we are all quite well-fixed here; I do not think we can better ourselves with a change; if we do, I want the privilege of being one to retain the seat already selected.

Mr. Neill: What order of business are we working under just now?

The President pro tem: Communications and presentations of petitions.

The President pro tem: The gentleman from Hyde, (Mr. Price) does not seem to be supported in his motion, and the question can be renewed later, if he desires to do so.

The President pro tem: The Convention will now give its attention to unfinished business of the previous day.

Mr. Neill: I move we proceed to the election of subordinate officers of this Convention.

Which motion was duly seconded and coming to a vote, prevailed.

The President pro tem: The Convention will now proceed to the election of subordinate officers.

Mr. Atkinson: The Act of Congress under which we are at work, does not provide for a very strong clerical force, and as some of the subordinate officers will probably not have much to do in that line, I move you that they be selected with the understanding that they do such work as is required of them, even if it is not in the line their position would indicate. The Door Keeper, and Messengers will have very little to do; we may as well select a man that is a ready penman, that we might use him writing part of the time, and make him earn his money; that will help us out.

Which motion did not receive a second.

Mr. Edgerton, of Yankton: I place in nomination for the position of Chief Clerk, Rev. F. A. Burdick, of Yankton County.

Mr. Van Eps: I place in nomination W. W. Goddard, of Sioux Falls, for Chief Clerk.

The President pro tem: I appoint Mr. Sterling, of Beadle, and Mr. Elliott, of Turner, as tellers to take the ballot.

Mr. Harris: I move that this election be by VIVA VOCE vote upon calling the roll.

Which motion prevailed.

The President pro tem: The motion prevails, and the Chief Clerk will be elected VIVA VOCE; each member responding to his name as called, the candidate of his choice.

As a result of said ballot, Mr. Burdick received fifty votes and Mr. Goddard, twenty-one.

The President pro tem: The Convention has selected F. A. Burdick as Chief Clerk.

Mr. Wescott: If it is in order to make a nomination of Enrolling and Engrossing Clerk, I take pleasure in placing before the Convention, for that position, Dr. A. W. Hyde, of Brookings County, a gentleman of culture and in my judgment peculiarly fitted for the duties of that office, and if he is elected will honor the position.

Mr. Harris: I would place in nomination, James Kingsbury, of Yankton County.

The President pro tem: There being no dissenting voice, it will be taken as the will of this Convention that these elections, be by VIVA VOCE vote. You have as nominees for the position of Enrolling and Engrossing Clerk, Dr. A. W. Hyde, of Brookings County, and James Kingsbury, of Yankton County; as your names are called, respond to the candidate of your choice.

Mr. Hyde received fifty votes, and Mr. Kingsbury nineteen, and Mr. A. W. Hyde was declared duly elected to the position of Enrolling and Engrossing Clerk.

Mr. Corson: I now move we proceed to the election of Sergeant-at-Arms of this body; I nominate James Carney, of Lawrence County, for that position. Mr. Carney is one of our old residents, and is the only officer of the Convention we are asking for west of the river, and I hope he will receive the vote of this Convention.

Mr. Van Buskirk: I nominate W. T. Buchanian, of Minnehaha County.

Mr. Price: I take pleasure in seconding the nomination of Mr. Buchanan.

Nominations being declared closed, the Convention proceeded to VIVA VOCE vote, which resulted in the election of James Carney to the position of Sergeant-at-Arms,—he receiving fifty votes, and Mr. Buchanan, twenty-one votes.

Mr. Dickinson: I move we now take up the election of a Watchman, and name E. C. Warner, of Webster, Day County, for that office.

Mr. Neill: There appears to be no other nominees, and we might expedite matters, by electing Mr. Warner by acclamation; that is the motion I make.

Which motion was duly seconded.

Mr. Caldwell: Does the rule permit it?

The President pro tem: I do not know of any rule upon the subject.

The motion prevailed, and Mr. E. C. Warner, was declared elected to the office of Watchman of the Convention.

Mr. Matson: I move the election to the office of Messenger, Frank Hoppin, of Iroquois.

Mr. Anderson: I place in nomination, Mr. P. D. Durlfänger, of Hand County.

The President pro tem: In the absence of a motion I shall take it the sense of the Convention to proceed as before to a VIVA VOCE vote.

Mr. Hoppin received forty-eight votes, and Mr. Durlfänger twenty-three. Mr. Hoppin was declared elected to the position of Messenger of this Convention.

Mr. Willis: I will nominate to the office of Chaplain, Rev. J. A. Wakefield, of Brookings.

Mr. Ramsey: I wish to place in nomination for the position of Chaplain, Bishop Hare, of Sioux Falls.

Mr. Wakefield received forty-five votes, and Bishop Hare twenty-six.

The President pro tem: By your vote as announced, Rev. Mr. Wakefield is elected Chaplain of the Convention.

Mr. Sherwood: Are the offices now all filled? If that is the case, and it would be in order at this time, I offer this resolution and move its adoption.

The Constitutional Convention of South Dakota, now duly assembled and organized, does hereby declare on behalf of the people of said State, that we do hereby adopt the Constitution of the United States.



Mr. Caldwell: I am not certain Mr. President, and will simply ask generally for information, if he has consulted the Organic Act, and whether or not this complies exactly with the requirements; I do not think such a resolution must be adopted.

Mr. Sherwood: It is as the Omnibus Bill requires; it is exactly the language of the section. (Reading from the Act.)

The President pro tem: The gentleman moves the adoption of this resolution as read by the Clerk.

Mr. Neill: I suggest that that be adopted by rising vote. Which suggestion was acted upon without objection.

The President pro tem: Seventy-three gentlemen have voted, and all have voted in the affirmative. The resolution is unanimously adopted.

The President pro tem: We will now pass to the order of business. Unfinished business.

A Member: I move that each delegate be allowed to write his name upon the desk blotter on the desk in which he prefers to sit (unless there are members who wish to change) and then the cards that are presented can be fastened upon the desks and compared with the names so written, as suggested by Mr. Caldwell, of Minnehaha.

Mr. Lee: Would it not be well to have those of the same county delegation sit near each other; would not it be well to have a few changes.

Mr. Caldwell: I believe it will give better satisfaction if there should be a determination of seats by lot. The custom in at least the Territorial Legislature, I believe is, that the number of seats to be drawn are written upon ballots, put into a box, and that they are then drawn out, then the one who gets the first number has the choice; it is not that he draws a seat per number but that he draws a choice; I believe that will be more satisfactory.

The President pro tem: The gentleman at my right made a motion, but it is not before the Convention.

Mr. Neill: I rise to a point of order; some of these motions being made out of the order of business; this all comes up in the proper place. We now have the matter of unfinished business.

The President pro tem: The Chair entertained that business as long as no objection was made; if the gentleman will let his motion remain until we reach that order of business.

The President pro tem: The report of select committees is called for.

Mr. Jolley: The committee on rules have met and agreed substantially upon the rules that they will submit for the consideration of this convention. That they will differ but slightly from the rules of 1885 convention, and the result is that the rules that the committee are going to report will have to be adopted. (Laughter.)

We have met this dilemma in the Committee; we find we have not a gentleman on this Committee who can write; we will probably be ready to report for the consideration of this Convention tomorrow afternoon; there is one branch upon which the Committee are agreed, and I am instructed to report this afternoon, and this is substantially the views of the Committee.

Sioux Falls, Dak., July 5th. 1889.

MR. PRESIDENT:

Your Committee on Rules have instructed me to report that the Joint Commission on the part of South Dakota to agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records and adjust and agree upon the amounts of debts and liabilities of the Territory shall consist of seven members, to be appointed by the President of this Convention; that said Commission be entitled to a clerk, and to employ such assistance as they shall deem necessary.

JOHN L. JOLLEY,  
Chairman.

Mr. Jolley: For the purpose of bringing this report before the Convention, I move you, Sir, that the report be adopted.

Mr. Neill: I second the adoption of the report.

The President pro tem: You have heard the report of the Committee on Rules; the question before the Convention is upon the adoption of this report just read to you by Mr. Jolley.

Mr. Jolley: That part of the report,—that on which this rule is founded is Section Six of the Omnibus Bill, which reads as follows:

It shall be the duty of the Constitutional Conventions of North and South Dakota to appoint a joint commission, to be composed of not less than three members of each Convention, whose duty it shall be to assemble at Bismarck, the present seat of government of said Territory, and agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, and also adjust and agree upon the amount of the debts and liabilities of the Territory, which shall be assumed and paid by

each of the proposed States of North Dakota and South Dakota; and the agreement reached respecting the territorial debts and liabilities shall be incorporated in the respective constitutions, and each of said States shall oblige itself to pay its proportion of such debts and liabilities the same as if they had been created by such States respectively.

The Committee have instructed me to report verbally that they considered this matter this morning and did not deem it part of their duty, and did not deem it the part of prudence to consult North Dakota before selecting this number. It is not one of those things to be considered; suppose North Dakota had ten, and South Dakota had seven members of that Commission, it is for each of these states to say whether they will adopt the report which is agreed to by the Commission coming from each one of these states. After consultation with a number of the members of the Convention, the highest number asked for by any of the members of the Committee was placed at seven; the Committee reported seven; that they should proceed as quick as they are named, to Bismarck and at once agree upon the division; when that is made, then it comes before this Convention whether it will adopt their report. Mr. President, it is desirable and you assume the responsibility of appointing the committee recommended I should not like to stand in the way, or hinder a speedy settlement of the matter, that we may get the report of this Commission before us. If there is hurry necessary, I certainly shall not in Convention delay this action; the Committee before considered this matter fully and now ask your consideration of the report; I am certainly in favor of receiving the report and relieving the Committee from a portion of their work. I would like to explain a little further why we made the number, "seven". We said if three politicians went up there and made a settlement, they would be in a sort of political purgatory at once; and it was not safe to serve any body of green politicians that way; there are seventy-five members of that Convention, and if they have but three members of that Commission there would be seventy-two others behind them; for moral force; we felt we ought to have just as heavy moral force behind our men proportionately as they have behind theirs; we believe that these gentlemen going into the face of another Convention ought to have the moral force of numbers and therefore, we unanimously, on that ground, settled the number at seven.

Mr. Hartley: I rise to a point of order; as I understand the

first motion will be received instead of being adopted; I therefore move that this report of this Committee be received.

The President pro tem: The Chair did not understand the point of order; this is a report of a select committee presented and read to the Convention; it is received without action on the part of the Convention; the Chair so understands it.

Mr. Peck: I will move as a substitute, that the report be received and the adoption remain an after consideraion.

The President pro tem: It is moved that the report simply be received by this Convention. Are you ready for the question on the amendment?

Mr. Jolley: There can be no question about the parliamentary practice on such a motion as that (?) When this Convention appoints a committee and asks a report at its hands and they present that report, it would be the height of discourtesy to make a motion to receive it; if the gentlemen do not like this report, or if there is anything wrong about it, they can correct it; the proper way is to vote it down or either send it back to that Committee, or another one, but to refuse to receive the work of a committee asked to make a special report is folly.

The President pro tem: The Chair has already expressed its opinion.

Mr. Lee: It is a distinction without a difference which is not right; the question now is upon the adoption of the amendment. I move you that clause of the resolution authorizing a clerk, be stricken out, for the reason there is no provision for paying this clerk; it is too much to ask a man to go up there and pay his own expenses.

Mr. Clough: If it is in order, we believe that there is provision for the payment of this clerk, and believing that the provision is in this matter, we may mention, the Commission will have to have maybe, two or three clerks; the work of the Commission will require a great amount of accountant work.

The President pro tem: The question as to an appropriation for a clerk is not before the House; it is out of order; the question is now upon the adoption of the amendment of the gentleman substituting the term "receive" this report for its adoption.

Mr. Peck: I would like to inquire whether receiving this report, adopts it, or whether receiving it leaves the adoption of it until bye and bye, and leaves the power of appointing this Ccm-

mittee unsettled. My understanding is, if we receive this report, it lays there for consideration by the Convention. If we adopt it, it is past consideration.

The President pro tem: This report is received when it is accepted,—when it is returned to this Convention and read, it is then received; then action is taken as to its adoption or non-adoption; does the gentleman insist upon the motion that the report shall be received? The opinion of the Chair is, that the motion is out of order, but the Chair is disposed to put it. The Chair is now going upon the theory of the mover of this motion, that this will not in any way commit the Convention to the action suggested in the report but simply allows this Committee to make this report to us.

Mr. Peck: If you will allow me to say, we have already received this report,—what I desire to do is not to part with my right and privilege to look this over and a little further consider the matter before it passes out of my hands,—and if it is a fact we have received it already, and must vote upon the resolution that is the end of it so far as we are concerned; and this is action by the Convention that would almost force me to move that it lay upon the table until tomorrow, to accomplish my desire; all I want is to get a little time to consider the matter that the Committee have had before them.

Mr. Wescott: I second the motion of Mr. Peck, (of Hamlin) that it lay upon the table.

Mr. Jolley: I rise to a point of order, that the motion is out of order.

Which point of order was sustained by the Chair.

Mr. Price: I move you, Sir, that the consideration of the resolution as presented, be made a special order for tomorrow after this body convenes. It is a matter of a great deal of importance and something that should be considered carefully. There is another question involved in this matter and the members ought to have plenty of time to think about it. It is this question, whether or not under the provisions of the Omnibus Bill you can delegate the power to the President of this Convention to appoint this Commission. I am not ready to say we can! I think we should thoroughly investigate this matter.

Mr. Jolley: On behalf of the Committee, would say, we are

glad the motion has been made to postpone action. So far as the suggestion made by Mr. Price, that question presented itself to the Committee and we took this view of it, by presenting the report that we did to the Convention, and the Convention adopting that report,—if they did adopt it,—made it the action of the Convention, to delegate the power to the President to appoint the Commission; if that was not sufficient power, then after the Commission had been appointed by the Chair, to have the Convention ratify that again.

Mr. Atkinson: I have no objection as to this delay in this matter, but it seems to me that this Committee should be appointed at the earliest possible moment and be on their way to Bismarck. It seems to me that we might arrange these matters now, as far as the difference in opinion as to whether the President appoint or the Convention elect; we can in a short time elect them this afternoon. Let them be appointed and let them be on their way. This delay is expensive.

Mr. Wood: The suggestion of the gentleman with reference to the cost of delay is not important if my position is correct; I have been advised of the fact that the Convention at Bismarck is not fully organized and its organization will not be completed before Monday, consequently if our Commission should arrive before Tuesday, it will have to wait at Bismarck. The proposition suggested by my friend, Mr. Price, is a matter that presented itself to the Committee and so far as I am concerned, I would like to hear it discussed in the Convention. There may be a question of delegation of power. The Committee of course considered the proposition; I would like to have the members of the Convention consider it for the purpose of making assurance doubly sure that we make no mistake in that regard. We had better take until tomorrow. I would not cause delay, but it is evidently the sense of the Committee that we take a little time to consider this matter; today is Friday, tomorrow is Saturday, and you could not get started the way the trains run to Bismarck. As a matter of fact you will gain nothing by acting today. Sunday comes before you could reach Bismarck. I think the opinion is almost unanimous that the matter rest until tomorrow and give the gentlemen this time to examine the matter thoroughly and discuss it.

Mr. Humphrey: If the only question at issue is the question of the authority of the Convention to confer upon the President

the power to appoint,—said appointments to be ratified by the Convention,—it would save time that might perhaps be more profitable to give to the President in making his selection of the members of that Committee, if this is disposed of at this hour. Mr. President, it is not probable that the appointment would be made in time for the Commission to leave for Bismarck before Monday or Tuesday; it is not probable that he would appoint them in a moment; it is not probable that he would appoint them before sometime tomorrow, at the earliest time, and if this is the only question involved to necessitate delay, it seems to me it might be overcome by adding these words “said appointments to be ratified by this Convention”. I would move you Mr. President, if it is in order to place a motion before the House to that effect, that the words, “said appointments to be ratified by this Convention” be added to the report of the Committee on Rules.

Mr. Spooner: I support the original motion; I think this should be a matter of mutual consideration; the Committee have had an opportunity to consider it, and the Convention desires the same opportunity.

The President pro tem: The question is upon making this partial report of the Committee on Rules the special order for tomorrow.

Which motion prevailed unanimously.

The President pro tem: The next order of business to occupy the attention of this Convention will be consideration of reports of standing committees.

Mr. Price: I desire to present a matter which I think of considerable importance, to the two states about to be formed, and one upon which action should be taken; that is relative, Mr. President, to the boundaries of the two new states. You will remember, Sir, that the Omnibus Bill provides that the boundary shall be changed from the Forty-sixth Parallel to the Seventh Standard Parallel. It is true, Sir, that there are two Seventh Standard Parallels in Dakota Territory; a fact which may not generally be known. It seems to me that this is a matter of great importance; that in defining the boundaries between North and South Dakota, it ought to have the careful attention of this Convention. I say, it is fraught with importance for this reason; there are two Seventh Standard Parallels well defined, and both of them have been endorsed and reported, and have been through the Interior Depart-

ment, adopted. I have before me a diagram showing the exact condition of things relative to this matter, prepared by the Surveyor General of Dakota, together with a letter of explanation, which enters into the full details of the whole matter. It seems to me that if this question is not decided between the Conventions of both North and South Dakota, and boundary lines agreed upon, well defined and interpreted, endless trouble and litigation will grow out of it. It is true if we shall adopt and unanimously declare the 7th Standard the boundary, North Dakota can claim one and South Dakota, the other, both approved by general government. Another thing to be taken into consideration by this Convention especially is this; that if a general plank shall go into this Constitution proclaiming and declaring the 7th Standard Parallel the boundary line, North Dakota will get a great many acres of land which does not belong to her, and in that land are several school sections which sometime we hope will be very valuable; but without discussing this matter further, I desire to move that a commission consisting of three members be appointed by the Chairman of this Convention to confer with a similar committee to be requested to be appointed by the North Dakota Convention, to determine upon and define the boundaries of this Territory. I will suggest this further that I have before me a complete diagram of the whole matter and have a letter which explains the whole matter in its fullest details and the Committee whoever may be appointed especially, shall have the use of them.

Mr. Elliott: I second the motion.

Mr. Sherwood: It seems to me as this is a new matter also coming before the Convention, and as it seems new matter entirely, to all of us, that this should bear consideration as well as the matter we have already considered. If the other needs consideration, and if we are to send a commission to North Dakota to settle other differences, why would it not be well to incorporate into their duties the settlement of this difference? I also move that this matter be made a special order of business for tomorrow.

Mr. Price: I will consent that it be made a special order.

Mr. Dickinson; I move you that a committee of five be appointed by the Chair to take this matter under consideration to report tomorrow as to the facts in the case as they find them, with recommendations.

Mr. Neill: I think we will be under the necessity of placing



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a great many committees, and we are forestalling the work of our Committee on Order of Business. The best thing we can do at the present time, is to adjourn at once and wait for their report. I move we do now adjourn.

Mr. Clough: I move that when we do adjourn, it be until two o'clock.

Mr. Neill: I accept that.

The motion to adjourn, coming to a vote, a rising vote was called for, which resulted in forty-one votes in the affirmative and nineteen votes in the negative, and the Convention stands adjourned until two o'clock, tomorrow afternoon.