

EIGHTH DAY.

SIOUX FALLS, Dakota, July 11, 1889.

2 o'clock P. M.

Convention called to order by the president.

Prayer by the chaplain.

On motion

The reading of the journal was dispensed with.

Mr. Humphrey submitted

The following memorial:

To the President of the United States:

Your memorialists, the members of the Constitutional Convention, for the State of South Dakota, now in convention assembled at Sioux Falls, in said state respectfully represented:

That several of the most valuable sections of the lands reserved for the use of the state for school purposes, which lie in agricultural districts, and some of which are contiguous to considerable towns and cities are sought to be improperly appropriated under pretense or claim that they are mineral or coal lands, and therefore subject to appropriation and entry under the mineral and coal land laws of the United States. Successful efforts in this behalf will cause great loss to the school fund of the state.

Proceedings by the claimants to such lands are necessarily *ex parte*, and at present no authority exists in the state, or any of its agents to oppose these claims.

Your memorialists are advised that applications for patents have been, or are about being made to the land department of the United States for such lands based upon their alleged mineral character. We know of no proceeding by any authorized agent of the people of South Dakota by which the applications for patent can be as yet successfully resisted. The people have no standing in the department for such purpose. As soon as the state shall be admitted, and its agents qualified, South Dakota will be in condition to resist their claims successfully, or to protect the rights of the state whatever they may be relating thereto.

Therefore your memorialists respectfully but earnestly pray the President of the United States to direct that all proceedings relating to the entry of or issuance of patent to alleged mineral or coal lands situated within the agricultural districts of South Dakota be postponed and stayed until the State is by proclamation of the President declared admitted into the Union of States and until the Legislature of said State shall have the opportunity to appoint the requisite agents therefor and provide by law for contesting the right to make such entries and obtain from the government patents to such lands.

H. A. HUMPHREY,
Acting Chairman of Committee on School Lands.

REPORTS OF SELECT COMMITTEES.

Mr. Humphrey made report on proof-reading and errata of Sioux Falls Constitution of 1885. The report was referred to the Committee on Phraseology.

CONSIDERATION OF REPORTS OF STANDING COMMITTEES.

The memorial to the President of the United States relative to school lands was considered.

Mr. Hole moved

To recommit the memorial to the Committee on School Lands for further consideration and amendment.

The motion was lost by a vote of

Ayes 28; noes 32.

The previous question was moved and roll call demanded.

The vote stood

Ayes—

Atkinson, Berdahl, Boucher, Buechler, Caldwell, Clough, Cook, Cooper, Corson, Culver, Davies, Dickinson, Downing, Eddy, Edgerton of Yankton, Fellows, Gifford, Harris, Hartley, Heninger, Hole, Houlton, Huntley, Humphrey, Jolley, Lee, Matson, McCusick, McGillicuddy, Murphy, O'Brien, Peck, Ramsey, Ringsrud, Scollard, Sherwood, Smith, Spooner, Stoddard, Sterling, Stroupe, Thompson, Van Tassel, Westcott, Wheeler, Whitlock, Williams, Williamson, Wood of Spink, Zitka and Mr. President. (56).

Noes—

Couchman, Diefendorf, Fowles, Goddard, Kellam, McFarland, Price and Wood of Pennington. (8).

So the previous question was ordered, the question being upon

The Adoption of the Memorial.

The vote was Ayes—

Atkinson, Berdahl, Buechler, Clough, Cook, Corson, Culver, Davies, Dickinson, Downing, Eddy, Edgerton of Yankton, Gifford, Houlton, Huntley, Humphrey, Lee, Matson, McGillycuddy, O'Brien Peck, Ringsrud, Sherwood, Smith, Spooner, Stoddard, Sterling, Stroupe, Thompson, Westcott, Wheeler, Willis, Williams, Williamson, Wood of Spink, and Mr. President. (36).

Noes—

Boucher, Caldwell, Cooper, Couchman, Diefendorf, Fellows, Fowles, Goddard, Harris, Hartley, Heninger, Hole, Jolley, Kellam, McKusick, McFarland, Murphy, Price, Ramsey, Scollard, Van Tassel, Whitlock, Wood of Pennington, Zitka. (24.).

So the Memorial

Was Adopted.

SPECIAL ORDER.

Mr. Corson asked unanimous consent to withdraw motions of yesterday made special order.

Consent granted.

Article XXIV

Was referred to the Committee on Schedule.

Article XXV

Was referred to the Committee on Amendments to the Constitution.

The Schedule and Ordinance

Was referred to the Committee on Schedule and Ordinance.

Mr. Williams, of Bon Homme, submitted a resolution relative to the powers of the committees of this convention.

Resolved, That a committee of five be appointed by the president of this convention, whose duty it shall be to procure from its custodian the Original Sioux Falls Constitution of 1885, and carefully compare the same with the "Omnibus Bill," and report said Original Constitution of 1885 to this convention, together with the changes therein authorized by the "Omnibus Bill," with its recommendations thereon, together with the powers granted to and prohibited this convention by the Omnibus Bill.

Mr. Price moved

To postpone indefinitely.

The vote stood Ayes 40, Noes 18,

So the consideration of the resolution was postponed indefinitely.

Mr. Williamson introduced a resolution for which
Mr. Humphrey offered the following substitute which was
accepted:

Resolved, That the several committees provided for by the
convention be directed to proceed to the discharge of their sev-
eral duties, and report to this convention only such changes and
amendments to the constitution as in their judgment are directed
by or are necessary in order to comply with the provisions of
the enabling act known as the Omnibus Bill, under the authority
of which we are here convened, and by the provisions of which
we must be guided and controled.

Mr. Lee moved

To lay the resolution on the table,
Which motion prevailed.

Mr. Boucher introduced

Resolutions relative to religious freedom, public land, rights
of Indians and public schools which

Upon motion of Mr. Corson

Were referred to the Committee on Federal Relations.

Mr. Clough presented

A petition from the Sioux Falls District meetings of M. E.
Church, asking for safeguards about elections.

Referred to Committee on Schedule.

On motion of Mr. Lee

The Convention adjourned.

NINTH DAY.

SIoux FALLS, DAKOTA, July 12, 1889.

2 o'clock P. M.

Convention called to order by the president.

Prayer by the chaplain.

Journal read, corrected and approved.

Mr. Sherwood moved

A reconsideration of the Memorial to the President of the
United States passed yesterday, in order to amend by correcting
error in the last section.

The president decided

That a reconsideration for any purpose brings the whole
subject before the convention.