

THIRD DAY.

SIOUX FALLS, DAK., July 6, 1889.

2 o'clock P. M.

Convention called to order by the president.

Prayer was offered by Chaplain J. A. Wakefield.

The enrolling and engrossing clerk, Dr. A. W. Hyde, having taken oath of office on yesterday, July 5th, took his place at his desk at the opening of the convention.

The minutes of the second day's meeting were read, and there being no corrections, were approved.

Mr. Clark G. Coats of Minnehaha being present was duly sworn in by Joseph Kirby, notary public.

Upon motion Roll call was dispensed with.

COMMUNICATIONS.

A communication from the Montana Constitutional Convention was received, reading as follows :

HELENA, MONTANA, July 5, 1889.

TO HON. A. J. EDGERTON:

Montana, standing on the threshold of statehood, reciprocates your cordial greeting, and indulges the hope that the constitution which you have met to frame may be based upon the virtues and intelligence of the people, and when 'so framed, it may survive the years to come in all its vigor, unimpaired, until a hundred sovereign states shall have been erected into one confederacy, there to remain an indestructible and indissoluble union.

(Signed), J. K. TOOLE,
Temporary Chairman.

SPECIAL ORDER OF THE DAY.

On motion of Mr. A. G. Kellam of Brule, the convention went into committee of the whole to consider special order of the day, whereupon the president called Mr. Thomas Sterling of Spink to the chair.

The committee of the whole arose and submitted their report through their chairman, Mr. Sterling favoring the adoption of the special report of the committee as follows:

SIoux FALLS, Dakota, July 5, 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 amount 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.

Report adopted.

The special order offered by Mr. Price relative to boundaries

By general consent was referred to the committee on Boundaries.

REPORTS OF COMMITTEES.

The committee on Rules reported
Through Mr. J. L. Jolley, chairman.

SIoux FALLS, DAKOTA, July 6, 1889.

MR. PRESIDENT:

Your committee on rules and order of business have had the subject committed to our charge under consideration, and beg leave to submit the following report, consisting of a list of the standing committees and their number.

The standing committees of the convention shall consist of the following and such as have been or may be created by the convention.

We recommend the following standing committees:

1. Judiciary—13 members.
2. Executive and Administrative—7 members.
3. Legislative—7 members.
4. Bill of Rights—5 members.
5. Rights of Elections and Suffrage—7 members.
6. Name, Boundaries and Seat of Government of State—7 members.
7. Federal Relations—5 members.
8. Education and School Lands—9 members.
9. Municipal Corporations—5 members.

10. Corporations other than Banking and Municipal—7 members.
11. County and Township Organization—7 members.
12. State, County, and Municipal Indebtedness—9 members.
13. Revenue and Finance—7 members.
14. Public Accounts and Expenditures—7 members.
15. State Institutions and Public Buildings—Including Penitentiaries and other Reformatory Institutions—9 members.
16. Congressional and Legislative Apportionment—25 members.
17. Mines, Mining and Water Rights—7 members.
18. Roads, Bridges, and other Internal Improvements—7 members.
19. Exemptions and Personal—9 members.
20. Rights of Married Women—7 members.
21. Banking and Currency—7 members.
22. Military Affairs—7 members.
23. Amendments and Revision of the Constitution—7 members.
24. Printing—5 members.
25. Seal of State, Coat of Arms and Design of Same—7 members.
26. Schedule and Submissions—25 members.
27. Miscellaneous Subjects—7 members.
28. Compensation of Public Officers and Members—7 members.
29. Arrangement and Phraseology of the Constitution—9 members.
30. Manufacturers and Agriculture—9 members.
31. Expenses of the Convention—7 members.
32. Engrossment and Enrollment—5 members.

We have submitted for the consideration of the convention the following Rules for the government of its proceedings and the number of employes which your committee deemed necessary to an orderly and prompt conduct of business of the convention, and we have also considered and reported what we, your committee, deem a just, but very reasonable compensation for the services of such employes, all of which is respectfully submitted.

RULES.

1. A majority of the members of the convention, who shall have qualified and not been excused by order of the convention shall constitute a quorum, but a small number may adjourn from day to day.

2. The convention shall keep a Journal of its proceedings which shall be preserved, and upon the adjournment deposited with the president of the convention to be by him filed with the secretary of state or other keeper of the archives of the State of South Dakota as soon as said officer shall be elected and qualified, and to be hereafter disposed of as provided by law. And such proceedings shall be published in pamphlet form for general distribution.

3. Two members shall be sufficient to demand the yeas and nays on any question and when so demanded they shall be entered on the Journal.

4. Any member shall have liberty to have entered upon the Journal his protest and dissent against any act or resolution when such protest and dissent shall be made in writing in respectful and brief language, and filed with the secretary, and such entry shall be made without debate.

5. The convention may, with the concurrence of two-thirds of all the members present, expel a member, and the reasons therefor shall be entered on the Journal.

6. The sergeant-at-arms and doorkeeper shall not permit any person not a member or officer or employe of this convention, to pass inside the railing at any time during the sessions, except reporters of the press, duly assigned as such by the president of the convention, and such other persons as shall be invited therein by the president or the convention.

7. No smoking shall be allowed in said hall during the sessions of the convention, and no person shall be permitted to manifest any signs of approbation or disapprobation, either on the floor or in the lobby.

8. The president shall take the chair at the hour to which the convention shall have adjourned, shall immediately call the convention to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read, unless such reading shall be dispensed with by order of the convention. He shall preserve order and decorum, shall decide questions of order, subject to an appeal to the convention by any one member, on

which appeal no member shall speak more than once, unless by leave of the convention.

9. Except where the yeas and nays are demanded, as in these rules provided, all questions shall be determined either by putting them in the ordinary mode, or a division be called for, by rising from the seats, unless count by tellers is ordered.

10. The president shall examine and correct the Journal before it is read, he shall leave the general direction and control of the hall, and may name any member to perform the duties of the chair, but such substitution cannot extend beyond three days, and such substitute, during such time, shall be vested with all the powers of the president.

11. All committees shall be appointed by the president, unless otherwise ordered by the convention.

12. If any member, in speaking or otherwise, shall transgress the rules of the convention, the president shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted to explain, and if appeal is taken to the convention, a decision shall be had without debate; but this rule shall not apply to the point of order raised under provisions of rule 8.

13. Every member who shall be within the bar of the convention when a motion shall be stated from the chair, shall vote thereon, unless he shall be excused. Any member desiring to be excused from voting shall make his request before the roll-call shall be commenced; he may then state concisely, without argument, his reasons for asking to be excused, and the question of excusing shall be taken without debate.

14. Every motion shall be reduced to writing if the president or any member requests it.

15. After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the convention but may be withdrawn at any time before decision or amendments, with the consent of the convention.

16. When a question is under debate, no motion shall be received but to adjourn, call the house, lay on the table, the previous question, to postpone indefinitely, to postpone to a day certain, to commit, or amend; which several motions shall have precedence in the order in this rule stated.

17. A motion to adjourn shall always be in order, and be decided, as well as the motion to lay on the table without debate.

18. No motion to postpone to a day certain, or indefinitely,

or to commit, being decided in the negative, shall be again allowed on the same day or at the same stage of the proposition.

19. Motion to strike out the proposition shall have precedence of a motion to amend, and, if carried shall be equivalent to its rejection.

20. When a blank is to be filled, and different sums, times, or quantities are proposed, the question shall first be put on the largest sum or quantity and the longest time.

21. If the question in debate contains several propositions, any member may have the same divided, and on a motion to strike out and insert, it shall be in order to move for a division of the question, and the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion to strike out only, nor shall the rejection of a motion to strike out only prevent a subsequent motion to strike out and insert.

22. When a question has been once put and decided it shall be in order for a member voting with the majority to move for a reconsideration thereof on the same or during the two succeeding business days, but not afterwards. Such motion shall take precedence of all other questions, except a motion to adjourn.

23. When motions are made for a reference of the same subject to a select committee and to a standing committee, the question of reference to a standing committee shall be first put.

24. A motion to commit and a motion to postpone indefinitely or to a day certain, until decided, shall preclude all amendments on the main question.

25. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

26. A motion to lay an amendment on the table being sustained shall not have the effect to convey to the table any proposition except what is contained in the amendment.

27. The previous question shall be always in order, and shall be put in this form: "Shall the main question be now put?" And until it is decided shall preclude all amendments or debate.

28. When on moving the previous question, the Convention shall decide in the negative, the main question shall be considered as still under debate.

29. The effect of the main question, being ordered shall be

to put an end to all debate and bring the Convention to a direct vote; First, on all amendments reported or pending, the last amendment moved being first considered, and then on the main question.

30. After the motion for the previous question has prevailed, it shall not be in order to move a call of the Convention prior to a decision of the main question.

31. No call of the Convention shall be ordered except upon the demand of one-third of all the members present at the time the call is demanded.

32. The unfinished business on which the Convention was engaged at its last adjournment shall at the next meeting of the Convention, have precedence of all other business except as provided in the order of business.

33. All motions and resolutions not pertaining to the current business of the Convention, shall be, upon being read, referred by the president to the appropriate committee without debate.

34. The hour of meeting shall be 2 o'clock P. M. daily except Sunday until otherwise ordered.

35. Order of business.

1. Reading the Journal.
2. Communications and presentations of petitions.
3. Unfinished business of the previous day.
4. Reports from standing committees.
5. Consideration of reports of standing committees.
6. Reports from select committees.
7. Consideration of reports of select committees.
8. Presentation of resolutions and propositions relating to to the constitution.

36. It shall be the duty of the secretary to keep a journal in which he shall record all the proceedings of the convention, and to do and perform such other acts appertaining to his office as may be required of him by the convention or its presiding officers.

37. It shall be the duty of the watchman to perform such acts as may be required of him by the secretary of the convention or its presiding officers.

38. It shall be the duty of the sergeant-at-arms to attend the convention during its sittings, and to execute the commands of the convention from time to time.

39. No rule of the convention shall be altered, suspended

or recinded without the vote of two-thirds of the members present.

40. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the convention in all cases in which they are applicable and not inconsistent with the standing rules and orders of the convention.

41. The first named member of any committee shall be its chairman, and in his absence, or in case he is excused by the convention, the next named member shall constitute its chairman and so on, unless the committee, in case of the absence of the first named member, shall by majority of the members of said committee, elect a chairman.

42. It shall be the duty of the engrossing and enrolling committee to supervise the transcript to be furnished to them by the stenographers and all matter for publication.

43. There shall be employed by this convention two stenographers at ten dollars per day each and twenty-five cents per folio for one transcript of the proceedings of this convention.

Two pages at two dollars per day each.

One clerk for the Congressional and Legislative Apportionment committee at five dollars per day.

One clerk for the Judiciary committee at five dollars per day.

One clerk for the Schedule and Submission committee at five dollars per day.

All persons employed by this convention shall be paid from appropriations now, or hereafter to be made.

44. The employes herein provided for shall be appointed from time to time by the president of this convention, and be subject to removal by him, unless ordered by the convention, except stenographers who shall be elected by this convention.

All of which is respectfully submitted.

JOHN L. JOLLEY.
CHAUNCEY L. WOOD.
E. E. CLOUGH.
H. A. HUMPHREY.
F. G. YOUNG.

On motion of Mr. J. L. Jolley

The convention proceeded to vote on the adoption of the Rules as read.

Mr. C. R. Westcott moved

To amend by voting on section by section.

Amendment lost.

Moved by Mr. Huntley

To strike out (2) and insert (5) in rule No. 3.

Amendment lost.

And the principal motion being put

Prevailed.

On motion of Dr. I. R. Spooner

All members of previous Dakota constitutional conventions were accorded the privileges of the floor.

Moved by Mr. Neill

That Messrs Ivan W. Goodner of Huron, and Theron G. Brown of Sioux Falls, be employed by this convention as stenographers.

Carried.

Moved by Mr. Neill

That 500 extra copies of the Journal be provided for the use of the convention.

Upon motion of Mr. Anderson

It was referred to the committee on Printing.

Moved by Mr. Jolley

That 300 extra copies of the Rules be printed for the convention.

Moved by Mr. Kellam

To amend by making the number 150.

Upon a division of the house the vote stood

49 yeas; 22 nays.

Carried.

Whereupon Mr. Harris moved

A substitute providing 300 extra copies of to-day's Journal which should contain the rules for the use of the convention.

Substitute carried.

Moved by Mr. Humphrey

That the president of this convention be instructed to inform the constitutional convention of North Dakota by telegram that the constitutional convention of South Dakota has provided for a commission of seven (7) to agree upon an equitable division of all property belonging to the Territory of Dakota, the disposition of all public records, to adjust and agree upon the amount of debts and liabilities of the Territory to be assumed by each.

Motion prevailed.

Moved by Mr. Young

That 100 copies of the omnibus bill be procured from the Secretary of the Interior for the use of the convention.

Moved by Mr. Coats

That the motion be laid on the table.

By permission of the house Mr. Young withdrew his motion.

Moved by Mr. Buechler

To adjourn until Monday at 2 P. M.

Carried.

FIFTH DAY.

SIoux FALLS, DAKOTA, July 8, 1889.

2 o'clock P. M.

Convention called to order by the president.

Prayer by the Chaplain, Rev. J. A. Waketield.

The president announced

As pages the names of Albert J. Keith and Charley C. Walts.

Journal of third day's session read and after the following corrections, were approved:

Line 2 on page 9 amended to read, "bound" copies instead of "extra."

Line 12, page 9, amended to read Mr. Dickinson instead of Mr. Harris.

Line 31, page 9, amended to read Mr. Price instead of Mr. Coats.

Mr. E. C. Warner, watchman elect, having taken oath of office on July 6th was present.

UNFINISHED BUSINESS.

The president announced

The following special committee to form a part of the joint commission to proceed to Bismarck under the Omnibus bill, viz: Messrs. Kellam of Brule, McGillicuddy of Pennington, Neill of Grant, Caldwell of Minnehaha, Elliott of Turner, Price of Hyde and Brott of Brown.

On motion

Mr. Coats was excused for absence the first two days of the convention.