

## FIFTH DAY.

Sioux Falls, Dakota, July 8th, 1889.

Two o'clock P. M.

The Convention assembled pursuant to adjournment.

Prayer was offered by the Chaplain as follows:

Oh Thou God of hosts, we thank Thee for the privilege we enjoy of life, liberty, and the pursuit of happiness; and we would ask Thee that Thou wilt help us, that we so conduct the affairs that are placed in our hands, that the world shall be better that we have lived therein. These favors we ask, and Thy continued favor, in Jesus' name,

AMEN.

After the reading of the Journal had proceeded some little time Mr. Caldwell moved that further reading of the Journal be dispensed with.

Which motion prevailed.

Mr. Kellam: As I remember the motion of Mr. Jolley, (of Clay) for printing three hundred copies of the rules was disposed of; I understood that there was an amendment, or substitute carried?

Mr. Caldwell: There are several of the members, (myself among the number) who have not yet received today's Journal at the desk.

Voices from different parts of the house: "None here".

Mr. Dickinson: The mover of that substitute as given by the Journal, is a name I do not recognize as a member of this Convention. It should read Dickinson,—not Harris.

The President: The Clerk will note the correction.

Mr. Caldwell: I believe it is the ordinary practice, and would certainly be well in this instance at least, in order to prevent encumbering the Journal, with motions which may be made and not carried, that such motions shall not be entered upon the minutes;

unless the motion made has reference to a subsequent action. Where a motion is merely made and not carried, I suggest that they be omitted from the records.

The President: You now move that hereafter the Clerk be required to omit from the Journal, the motions that are made and lost, that they do not really become the proceedings of the body; would not it be well to refer that to the Committee on Rules.

Mr. Caldwell: I was suggesting merely, parliamentary practice of deliberative bodies, without any rules.

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

Mr. Caldwell: If it will be in order to make a verbal communication under this order of business I would, on behalf of the Commissioner of Immigration of the Territory, state that he has forwarded to me several copies of a map of North Dakota, and also maps of South Dakota for distribution to the members; and likewise copies of these hangers (Indicating.) These are from his office and there is one for each member of the body; and also the Secretary has forwarded to me a copy for each member of Long's Legislative Handbook, containing a copy of the Sioux Falls Constitution and a large amount of statistics which will be desirable for this body to have, and that he requested me to have them distributed.

Mr. President: Under the order of unfinished business of the preceding day, I will state to the Convention that I have not been able to complete,—fully complete the list of the committees; I will have it tomorrow at the session of the Convention. I can only announce the committee that will go to Bismarck. The committee forming a part of the joint commission to proceed to Bismarck under the Omnibus Bill, is Mr. Kellam, of Brule; Mr. McGillicuddy, of Pennington; Mr. Neill, of Grant; Mr. Caldwell, of Minnehaha; Mr. Elliott, of Turner; Mr. Price, of Hyde; and Mr. Brott, of Brown.

Mr. Coats: My business was such that it was impossible for me to be present at the first two days' meeting of this Convention; I shall be obliged to ask to be excused and have it so appear upon the record.

The President: If there is no objection, it will be so ordered. The Chair hears no objection; it is so ordered.

The President: The Chair appoints Charles C. Walts and Albert J. Keith, as Pages.

Mr. Jolley: I make the report verbally that the Committee on Rules, ask that Rule 43, page 4, as published in these proceedings, be amended by striking out the words "two pages" and inserting in lieu thereof, the words "three pages". The Committee arrived at this conclusion for this reason to give a page to this side of the hall and an extra Page for the presiding officer of this Convention, and the officers. I move you that the words "two Pages", in line four, of Rule Forty-three, be stricken out and insert in lieu thereof, the words "three Pages".

Which motion prevailed, and the Rule was declared so amended.

Mr. Price: The members on this side of the hall have not been furnished copies of the Journal.

The President: Only a few copies have been received from the printers.

Mr. Price: It is a small matter, but the Journal reads in line 31, page 9, that Mr. Coats moved the motion with relation to procuring 100 copies of the Omnibus Bill, be tabled; that should appear Mr. Price, instead of Mr. Coats:

The President: The Clerk will make the necessary change.

Mr. Caldwell: I would ask if there has been any direction yet to the Commission to go to Bismarck, as to the time it shall go.

The President: I sent the communication ordered by the Convention, on Saturday, to the President of the Constitutional Convention at Bismarck; it probably went so late that he did not receive it until after the adjournment of the Convention on Saturday; I have received no answer as yet.

Mr. Young: As we are forming a document here, the importance of which is so great that it is absolutely necessary that it be correct in every detail, and although I do not know as to the quality of the copy in Long's Legislative Manual, I do know that these copies that have been distributed by the Central Committee and the copy in the Argus-Leader are different, greatly; I notice in Section Five, of Article Eight, that there is a discrepancy in regard to three words in one section; now I do not think that such copies are right copies to have as a basis of our work, therefore, I re-submit the following resolution:

RESOLVED, That a committee of five be appointed whose duty it shall be to procure from the President the original and authentic

engrossed and certified copy of the Constitution, and procure the same to be carefully and correctly copied, and to have the same carefully and correctly printed under their supervision and laid upon the desks of the members, and the same committee be instructed to procure and place upon the tables of the members carefully and correctly printed copies of the Enabling Act, under which this Convention has assembled; the same committee be also instructed to procure from H. M. Avery, the assistant secretary of the last Convention, the engrossed copy of the Constitution in his possession, and that the same committee be instructed to carefully compare said copies with a view to the correction of any mistakes.

Mr. Young: I move the adoption of that resolution.

Mr. Dickenson: I second the motion.

The President: Do you mean the engrossed copy or the enrolled copy? Under the authority of the last Convention it was committed to my custody and has remained there until today.

Mr. Young: I was instructed there were two copies; one in your possession and one in the possession of Mr. H. M. Avery.

The President: I cannot tell what Mr. Avery has; I have the original copy; the only copy that can be authority anywhere; that was committed to me by the Convention, and ordered by the Convention to be kept by me, until it was deposited with the Secretary of State of the state to be. My intention was to present that at some proper time to this Convention, as I believe now it belongs to and should be the property of this Convention. As I said before, the original enrolled bill, I have just as signed by the members of that Constitutional Convention. I only make this suggestion for the information of the members of the Convention.

Mr. Peck: Not having been furnished the Journal of Saturday, in which the several committees were named, I have no way of knowing whether a committee was appointed on Constitution; I presume in that connection that the Committee is to correct that Constitution; we have parted with our rights as a Convention to correct that Constitution except through that Committee; and we require of the Committee to get such information as will enable them to give us a correct copy of the report.

Mr. Caldwell: It occurs to me that the necessities of the case are scarcely sufficient to warrant the printing of another Constitution. It seems to me that if the Chairman should have the official copy of the Constitution it would be possible to thereby indicate to this Convention the changes which the Committee

might deem to be necessary, by comparison with this copy of Long's Legislative Handbook,—that the Convention would then have in its possession, that which would enable it to understand what it has got to do in the work before it. The time required to print a sufficient number of copies from this enrolled copy of the Constitution would be greater than the benefits to be derived from it would amount to. I would therefore oppose the motion as it is made.

Mr. Sterling: I simply wish to say that I agree with the speaker last upon the floor in this respect. It seems to me that with the official copy here, such as I understand the Chairman to say he has, a comparison can be readily made with the copies that we have at our desks; it can be ascertained whether the copies are true or not, while we have the original here and the time and expense would be both saved. I would oppose the resolution.

Mr. Young: It seems to me a misapprehension that some are laboring under is this: The Committee will have this perfectly correct copy to work with in making their reports; I would for that reason supply them with copies that they might work with uniformity,—so that the comparison might be made by one committee instead of every committee.

Mr. Peck: I have since my remarks been served with a copy of the Rules; I find committee twenty-three are appointed for revision and correction of the Constitution; I understand that they have that in hand, and one copy will be quite sufficient for seven men to make the correction from, I fancy.

The resolution reaching a vote of the Convention, was lost.

Mr. Dickenson: Referring to the top of the ninth page of the Journal, Mr. Neill of Grant, moved that five hundred "bound" copies of the Journal be printed instead of five hundred "extra" copies. That motion was referred to the Committee on Printing.

The President: Mr. Dickenson asks that the Journal be corrected by striking out the word "extra" and inserting the word "bound".

Mr. Caldwell: With regard to this matter I would like to urge the necessity of prompt action on the part of the Committee on Printing in determining the number of bound volumes the Convention will desire; there are certain mechanical questions involved as to the facilities for doing the printing, and if it is possible for

this Committee to determine pretty near about it, it will greatly facilitate the matter of providing the Journal.

The President: It will be pretty difficult for the Committee to act until they are appointed.

Mr. Caldwell: It will be pretty difficult! (Laughter.)

Mr. Neill: I think when it comes to be left to the Committee on Printing, to determine the number of copies, that they will be as much at sea as the Convention now is, in recommending the number. This Convention might just as well settle the number of copies at once, as to do it at a later date, and therefore to bring this matter before the Convention and have it decided, I move you that five hundred bound copies of the Journal be printed; that is of the complete Journal.

Mr. Jolley: Can you entertain that motion while this matter has already been sent to a Committee?

The President: Not if any objection is made.

The President: The Chair hears no objection.

Mr. Spooner: I rise to a point of order; it is not the proper motion to submit; there was a previous motion referring the matter to the Committee on Printing.

The President: The gentleman from Kingsbury raises the point of order that on Saturday some motion was before the Convention and the Convention referred the matter to the Committee on Printing; the Chair is of the opinion that the point of order is well taken.

Mr. Caldwell: If it is not to be regarded as discourteous to a committee not yet in existence (laughter) I would move that the matter of bound copies, be withdrawn from the Committee on Printing and again brought before the House, for consideration.

Mr. Peck: I will gladly second that if in order; can probably facilitate the work of the Committee, if we can give them such consideration.

Mr. Caldwell: It is suggested that it would make the Journal in better form if the motion referring this to the Committee on Printing, be reconsidered; I would by consent of the House, withdraw the previous motion, substituting therefor, the motion to reconsider the vote by which the subject of bound copies of the Journal was referred to the Committee on Printing.

Which motion prevailed.

Mr. Neill: The motion I believe before the House, is the one

made Saturday, that five hundred bound copies of the Journal be printed for the use of the Convention; am I right?

The President: Yes, Sir.

Mr. Neill: Mr. President; my reason for making that the number of bound copies is this: We will get five hundred about as cheaply as we will get three hundred, because the greater part of the expense in getting up a book of that kind comes in the first three hundred or five hundred. Yet we do not wish to act with extravagance that would require us to modify that order. I think we should order the largest limit compatible with the needs, and with the expenses that this Convention could well afford to pay. I, for these reasons, move that we have five hundred copies of the bound volume of the Journal. I do not think that three hundred copies would be as satisfactory as five hundred; it would only make something like five or six to each of us.

Mr. Peck: I would second that if the mover would designate his manner or recommendation of dividing those; how they will be distributed.

The motion of Mr. Neill, (of Grant) prevailed.

Mr. Peck: I would make a resolution supporting the same thing; that six copies be given to each member of this Convention, and the balance remain in the Parliamentary Library for further use.

Mr. Caldwell seconded the motion.

Mr. Caldwell: I would suggest the correction of the motion as I intended it; I didn't intend "Parliamentary Library".

Mr. Peck: That simply shows where I came from, that is all. (Laughter.)

By rising vote the motion prevailed.

Mr. Goddard: It seems to be necessary for me to be absent tomorrow; I ask to be excused.

The President: If there is no objection, the member will be excused tomorrow; the Chair hears no objection.

The President: I think I shall be able to announce the committees tomorrow at two o'clock; I had hoped to do it today. It has been more difficult than I at first supposed possible to entertain all the conflicting interests and claims of members and localities; therefore, I have to claim the indulgence of the Convention for another day.

Mr. Price: I move we do now adjourn until tomorrow at two o'clock.

Which motion prevailed.

The President: I announce the name of Frank E. Clough, as the third Page of this Convention.