

On motion of Mr. Fellows the Journal of the sixteenth day was approved.

Communication from the Prison Reform Society read.

On motion of Mr. Hall

The Convention adjourned.

TWENTY-FIRST DAY.

SIoux FALLS, DAKOTA, July 24, 1889.

2 o'clock P. M.

Convention called to order by the President.

Prayer was offered by Rev. Willis.

Journal read and approved.

PETITIONS AND COMMUNICATIONS.

A petition was received from a mass meeting held in Huron asking the adoption of the Australian system of voting.

Referred to the Committee on Schedule.

REPORTS OF STANDING COMMITTEES.

The committee on Congressional and Legislative apportionment submitted the following report.

SIoux FALLS, July 24, 1889.

MR. PRESIDENT:

Your Committee on Congressional and Legislative Apportionment, to whom was referred Article XIX of the Constitution having had the same under careful consideration, beg leave to submit the following report relative thereto, and in which report there are no changes of the Constitution, except as relates to the reapportionment of districts as provided for in the Omnibus Enabling Act, and adding thereto a provision that the State shall constitute one congressional district, from which two (2) congressmen shall be elected at large. All of which changes are within the provisions of the Enabling Act, and herewith report Article XIX with said changes incorporated therein and respectfully recommend the adoption of the changes and the resubmission of the article as amended.

ARTICLE XIX.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the members of the House of Representatives of the United States, apportioned to this State, shall be elected by the State at large.

SEC. 2. Until otherwise provided by law, the Senatorial and Representative Districts shall be formed, and the Senators and Representatives shall be apportioned as follows:

SENATORIAL DISTRICTS AND MEMBERS.

Dist.	Counties	Senators.
1	Union.....	1
2	Clay.....	1
3	Yankton.....	1
4	Bon Homme.....	1
5	Lincoln.....	1
6	Turner.....	1
7	Hutchinson.....	1
8	Charles Mix and Douglas.....	1
9	Minnehaha.....	2
10	McCook.....	1
11	Hanson.....	1
12	Davison.....	1
13	Aurora.....	1
14	Brule.....	1
15	Moody.....	1
16	Lake.....	1
17	Miner.....	1
18	Sanborn.....	1
19	Jerauld and Buffalo.....	1
20	Brookings.....	1
21	Kingsbury.....	1
22	Beadle.....	1
23	Hand.....	1
24	Hyde and Hughes.....	1
25	Sully and Potter.....	1
26	Deuel.....	1
27	Hamlin.....	1
28	Codington.....	1
29	Clark.....	1
30	Spink.....	2
31	Grant and Roberts.....	1
32	Day.....	1
33	Brown.....	2
34	Marshall.....	1
35	Faulk.....	1
36	Edmunds and McPherson.....	1
37	Walworth and Campbell.....	1
38	Lawrence.....	2

39	Pennington	I
40	Meade and Butte	I
41	Custer and Fall River,	I

Representative Districts with number of Representatives to each district—

Dist.	Counties.	No. Representatives.
1	Union	3
2	Clay	2
3	Yankton	4
4	Bon Homme	3
5	Lincoln	3
6	Turner	3
7	Hutchinson	2
8	Douglass	2
9	Charles Mix	2
10	Minnehaha	7
11	McCook	2
12	Hanson	2
13	Davison	2
14	Aurora	2
15	Brule	3
16	Moody	2
17	Lake	3
18	Miner	2
19	Sanborn	2
20	Jerauld	I
21	Buffalo	I
22	Brookings	3
23	Kingsbury	3
24	Beadle	5
25	Hand	3
26	Hyde	I
27	Hughes	I
28	Sully	I
29	Deuel	2
30	Hamlin	2
31	Codington	3
32	Clark	3
33	Spink	5
34	Faulk	2
35	Potter	I
36	Grant	2
37	Roberts	I
38	Day	3

39	Marshall	2
40	Brown	8
41	Edmunds	2
42	Walworth	1
43	McPherson	2
44	Campbell	1
45	Fall River	1
46	Custer	2
47	Pennington	2
48	Meade	2
49	Lawrence	6
50	Butte	1
	Total	124.

All of which is respectfully submitted,

C. H. VANTASSEL, Chairman.

W. H. MATSON,

J. V. WILLIS,

R. F. LYONS,

A. O. RINGSRUD,

JOSEPH ZITKA,

M. P. STROUPE,

WM. S. O'BRIEN,

SANFORD PARKER,

E. E. CLOUGH.

M. R. HENINGER,

I. ATKINSON,

C. R. WESTCOTT,

T. W. P. LEE,

E. G. EDGERTON,

C. A. HOULTON,

J. G. DAVIES,

H. M. WILLIAMSON,

S. F. HUNTLEY,

J. A. FOWLES,

GEO. H. CULVER,

T. F. DIEFENDORF,

C. G. COATS,

T. W. THOMPSON.

The Committee on Schedule and Ordinance submitted the following report:

SIoux FALLS, S. D., July 24, 1889.

MR. PRESIDENT:

Your Committee on Schedule and Ordinance, to whom was referred Article XXV of the Constitution, entitled, "Minority

Representation," having had the same under consideration, beg leave to report, that no changes or amendments are necessary to comply with the provisions of the "Omnibus" Enabling act.

And we herewith report Article XXV as found in the Constitution, and respectfully recommend the re-submission of the same.

ARTICLE XXV.

MINORITY REPRESENTATION.

[To be submitted to a separate vote as provided by the Schedule and Ordinance.]

SECTION 1. The House of Representatives shall consist of three times the number of the members of the Senate and the term of office shall be two years. Three Representatives shall be elected in each senatorial district at the first general election held after this Constitution takes effect, and every two years thereafter.

SECTION 2. In all elections of Representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

Schedule and Ordinance Committee,

By L. H. HOLE, Chairman.

The same committee also submitted the following report:

SIoux FALLS, July 24, 1889.

MR. PRESIDENT:

Your Committee on Schedule and Ordinance, to whom was referred Article XXIV of the Constitution, entitled, "Prohibition," having had the same under consideration, beg leave to report, that no changes or amendments are necessary to comply with the provisions of the "Omnibus" Enabling Act.

And we herewith report Article XXIV as found in the Constitution and respectfully recommend the re-submission of the same.

ARTICLE XXIV.

PROHIBITION

[To be submitted to a separate vote as provided by Schedule and Ordinance.]

No person or corporation shall manufacture, or aid in the manufacture for sale, any intoxicating liquor; no person shall sell or keep for sale, as a beverage, any intoxicating liquor. The

Legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable and adequate penalties for the violation thereof.

Schedule and Ordinance Committee, by

L. H. HOLE, Chairman.

The Committee on Revenue and Finance submitted the following report:

SIoux FALLS, SOUTH DAKOTA, July 24, 1889.

MR. PRESIDENT:

Your Committee on "Revenue and Finance," to whom was referred Article XI entitled "Revenue and Finance" have considered the same and have compared said Article XI with the Sioux Falls Constitution and the Act of Congress known as the "Omnibus Bill," and have instructed me to report the following as Article XI of the Constitution and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the "Omnibus Bill."

ARTICLE XI.

REVENUE AND FINANCE.

SECTION 1. The Legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the State for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. And whenever it shall appear that such ordinary expenses shall exceed the income of the State for such year, the Legislature shall provide for levying a tax for the ensuing year, sufficient with other resources of income to pay the deficiency of the preceding year together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt, provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State as ascertained by the last assessment made for State and county purposes.

SEC. 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money to be ascertained by such rules of appraisement and assessment as may be prescribed by the Legislature by general law, so that

every person and corporation shall pay a tax in proportion to the value of his, her or its property. And the Legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. The Legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. The property of the United States and of the State, county and municipal corporations, both real and personal shall be exempt from taxation.

SEC. 6. The Legislature shall, by general law, exempt from taxation property used exclusively for agricultural and horticultural societies, for schools, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

SEC. 7. All laws exempting property from taxation, other than that enumerated in Sections 5 and 6 of this Article shall be void.

SEC. 8. No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same, to which the tax only shall be applied.

SEC. 9. All taxes levied and collected for State purposes, shall be paid into the State Treasury. No indebtedness shall be incurred or money expended by the State, and no warrants shall be drawn upon the State Treasury except in pursuance of an appropriation for the specific purpose first made. The Legislature shall provide by suitable enactment for carrying this section into effect.

SEC. 10. The Legislature may vest the corporate authority of cities, towns and villages, with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

SEC. 11. The making of profit, directly or indirectly, out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

SEC. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the Legislature may provide.

W. H. GODDARD, Chairman.
C. A. HOULTON,
JOSEPH ZITKA,
C. J. B. HARRIS,
A. O. RINGSRUD,
L. T. BOUCHER,
WM. VANEPS.

Committee.

REPORT OF SELECT COMMITTEES.

Mr. Jolley, from the Committee on Rules, submitted the following:

SIoux FALLS, Dakota, July 24, 1889.

MR. PRESIDENT:

Your Committee on Rules have instructed me to report that they recommend the two following additional rules for the government of this Convention, to wit:

RULE 46.

That all claims and accounts against this Convention, not paid by the United States, shall at once be presented to the Committee on Expenses of the Convention, and shall be considered by that committee and reported to this convention; and after any claim is allowed by this convention, a certificate of indebtedness shall be issued and signed by the President and Chief Clerk of this Convention to the person to whom said claim is allowed, in substantially the following form:

SIoux FALLS, Dakota, 1889.

That A. B. has acted as
of the Constitutional Convention held at Sioux Falls, Dakota, in
the year 1889, for . . . days, at \$. . . per day, and
is entitled to the sum of . . . as allowed by
said Constitutional Convention.

President.

Chief Clerk.

RULE 47,

That each member and officer of this Convention shall have a certificate of indebtedness issued to him, as provided by Rule 46, at the same per diem as is allowed by the United States in the Omnibus Bill, for each and every day he attends this Convention, after the appropriation of \$20,000, made by the United States, is expended.

JOHN L. JOLLEY;
Chairman.

On motion of Mr. Jolley the report was adopted.

SPECIAL ORDER.

The report of the Committee on Education and School Lands was called, and upon motion of Mr. Corson, action was postponed, making the report the Special Order for tomorrow.

The report of the Judiciary Committee was read.

Mr. Sterling moved to adopt.

Mr. Spooner moved the following amendment:

I move as an amendment that the report of the Judiciary Committee be adopted with the exception of the proposed division of the Territory included in the proposed Third, Fifth and Sixth Judicial Circuits and that the territory included in said proposed circuits be divided into circuits containing the following counties, viz.:

Third Circuit: The counties of Brookings, Deuel, Hamlin, Codington, Clark, Spink, Grant, Roberts, and all that part of the Wahpeton and Sisseton Indian Reservation in this State except that portion lying in Marshall county.

Fifth Circuit: The counties of Kingsbury, Beadle, Hand, Hyde, Hughes, Sully, Potter, Faulk and Stanley.

Sixth Circuit: The counties of Day, Marshall, Brown, McPherson, Edmunds, Walworth, Campbell, and all the territory within said State not included in any other judicial circuit.

Mr. Wood of Pennington moved to recommit the whole subject to the committee with the instruction to report nine (9) judicial circuits instead of eight (8) and to report tomorrow.

On motion of Mr. Humphrey the motion to recommit was laid upon the table.

On motion of Mr. Clough the previous question was ordered.

The vote being taken upon the amendment.

The result was,

Ayes—Messrs. Cook, Cooper, Corson, Couchman, Craig, Culver, Dickinson, Diefendorf, Fellows, Goddard, Harris, Heninger, Hole, Jolley, Lyons, Matson, Ringsrud, Spooner, Stoddard, Stroupe, VanTassel, Wood of Pennington—(22).

Noes—Messrs. Anderson, Atkinson, Berdahl, Buechler, Clough, Coats, Davies, Downing, Eddy, Edgerton of Yankton, Fowles, Gifford, Hall, Hartley, Houlton, Huntley, Humphrey, Jeffries, Kimball, Lee, McFarland, O'Brien, Peck, Ramsey, Scollard, Sherwood, Smith, VanBuskirk, VanEps, Westcott, Wheeler, Whitlock, Willis, Williams, Williamson, Young, Zitka, Sterling and Mr. President—(39).

So the amendment was lost.

The vote being taken upon the adoption of the report of the Judiciary Committee the result was as follows:

Ayes—Messrs. Anderson, Berdahl, Buechler, Clough, Coats, Cooper, Corson, Davies, Downing, Eddy, Edgerton of Yankton, Fellows, Fowles, Gifford, Hall, Hartley, Houlton, Huntley, Humphrey, Jeffries, Jolley, Kimball, Lee, McFarland, O'Brien, Peck, Ramsey, Ringsrud, Scollard, Sherwood, Smith, Sterling, VanBuskirk, VanEps, Wheeler, Whitlock, Willis, Williams, Williamson, Wood of Pennington, Young, Zitka—(42).

Noes—Messrs. Atkinson, Cook, Couchman, Craig, Culver, Dickinson, Diefendorf, Goddard, Harris, Heninger, Hole, Lyons, Matson, Spooner, Stoddard, Stroupe, VanTassel, Westcott and Mr. President—(19).

So the report was adopted.

Mr. Hall moved to reconsider the vote by which the report was adopted.

On motion of Mr. Humphrey the motion to reconsider was laid upon the table.

On motion of Mr. Willis the Convention adjourned.