

each member of the Convention shall be entitled to receive six copies thereof, each employee of the Convention one copy, each state or territorial library one copy, the congressional library one copy and the first state officers elected one copy each, and when so amended the Committee recommends the adoption of the resolution.

S. H. MOER,  
Chairman.

Mr. Pollock moved that the report of the Committee be adopted.  
Which motion prevailed.

The President *pro tempore* called Mr. Stevens to the chair.

Mr. Blewett moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.

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FRIDAY, July 19, 1889.

The Convention assembled at 2 o'clock p. m., pursuant to adjournment.

The President *pro tempore* presiding.

The roll was called, all members being present except Messrs. Camp and Whipple, who were excused.

The Journal of the preceding session was read, and the words "the resolution was adopted," following the resolution introduced by Mr. Camp, was stricken out, and with this correction the Journal was approved.

Mr. Lauder moved that the vote by which the resolution introduced by Mr. Camp was adopted be reconsidered.

Which motion prevailed.

Mr. Lauder moved to amend the resolution so as to read after the word "final" in the last line the following: "Adoption or amendment, section by section, by this Convention, and to be then adopted as a whole."

Which amendment prevailed, and the resolution was adopted.

Mr. Williams moved that the resolution be laid over until next Tuesday, and then come up as unfinished business.

Which motion was lost.

Mr. Parsons, of Morton, introduced the following resolution, and moved its adoption:

*Resolved*, That the Committee on Revision and Adjustment be instructed to report to this Convention every change made in the text of matter referred to it.

The yeas and nays were demanded on the passage of the resolution.

The roll being called there were ayes 63, nays 8, viz:  
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Allin,	Haugen,	Paulson,
Almen,	Hegge,	Peterson.
Bartlett, of Dickey,	Hoyt,	Powers,
Bartlett, of Griggs,	Johnson,	Powles,
Bell,	Lauder,	Purcell,
Bennett,	Linwell,	Pollock,
Best,	Lohnes,	Ray,
Brown,	Lowell,	Richardson,
Carland,	Marrinan,	Robertson,
Carothers,	Mathews,	Rolfe,
Chaffee,	Meacham,	Rowe,
Clapp,	McBride,	Scott,
Clark,	McHugh,	Selby,
Colton,	McKenzie,	Shuman,
Douglas,	Miller,	Slotten,
Elliott,	Moer,	Spalding,
Fay,	Noble,	Stevens,
Flemington,	Nomland,	Turner,
Gayton,	O'Brien,	Wallace,
Glick,	Parsons, of Morton,	Wellwood,
Harris,	Parsons, of Rolette,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Appleton,	Budge,	Holmes,
Bean,	Gray,	Sandager.
Blewett,	Griggs,	

Absent and not voting:

Messrs. Camp,	Mr. Whipple,	Mr. President.
Leach,		

So the resolution was adopted.

#### FIRST READING OF ARTICLES, RESOLUTIONS, ETC.

Mr. Lowell introduced File No. 94—

#### CORPORATIONS.

**SECTION 1.** The term "corporation" as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, and all corporations shall have the right to sue, and shall be liable to be sued in all courts in like manner as natural persons.

**SEC. 2.** Corporations shall not be formed under special acts except for municipal purposes.

**SEC. 3.** All railroad and transportation companies are declared to be common carriers, and shall be required to transport freight and passengers, and shall receive for such transportation only such compensation as is reasonable and just, to be determined as a judicial question by the courts of this state.

**SEC. 4.** Lands may be taken for public way for the purpose of granting to any corporation the franchise of way for public use; in all cases, however, a fair and equitable compensation shall be paid for such lands and the damages arising from the taking of the same, which compensation shall be paid or secured before the taking thereof.

Which was read the first time.

Mr. Rowe introduced File No. 95—

State senators shall be elected for a term of four years, and they shall be divided as equally as may be into two classes. The first class shall consist of the senators from the even numbered districts, and the second class shall consist of the senators from the odd numbered districts, but the terms of office of the two classes of senators shall not expire on dates less than two years apart. *Provided*, That in consequence of the first election the senators of the first class shall only hold their office for one year, and the senators of the second class shall hold their office three years.

Which was read the first time.

Mr. Lohnes introduced File 96—

They, the Supreme court judges, shall be obliged to give their opinion upon important questions of law when required by the Governor, Council, or House of Representatives.

Which was read the first time.

Mr. Rowe introduced File No. 97—

The three-fourths majority vote of the petit jury of any court in this state shall constitute a verdict.

Which was read the first time.

Mr. Clark introduced File No. 98—

School treasurers must deposit all school money in a national or other duly incorporated bank, and can only pay out the same on a check countersigned by the school clerk.

Which was read the first time.

Also File No. 99—

SECTION 1. There shall be at the first general election of state officers two persons, duly qualified electors, whose term of office shall be fixed by the Legislature, who with the Lieutenant Governor, Attorney General and Commissioner of Public Lands, shall constitute a Board of Commissioners for the sale and leasing of school lands and general management of school funds in such manner as may be provided by law.

SEC. 2. The first Legislature convening after the adoption of this Constitution shall provide for the sale, as speedily as possible, of not more than one-fourth of the school lands, at a price not less than \$10 per acre.

Which was read the first time.

Mr. Bartlett of Dickey, introduced File No. 100—

SECTION 1. The Legislature shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

SEC. 2. The Legislature shall make no law respecting the observance of a Sabbath, but shall afford equal protection to all in the observance of the day they may select.

Which was read the first time.

Mr. Gray introduced File No. 101—

The state of North Dakota shall be divided into twenty-five senatorial districts, bounded by the same lines and comprising the area, as are the districts described in the executive proclamation, which called into existence this convention. From each of these districts there shall be elected one state senator and three members of the House of Representatives, and that in voting for the members of the lower house, the elector may cast three votes—one for each—or may cast one and

one-half for two—or may cast three votes for one candidate. At the first general election the senators in the even-numbered districts shall be elected for four years, and in the odd-numbered districts for two years, and every four years thereafter; and that this apportionment shall stand until changed by the Legislature; *Provided*, That whatever number of senators may be determined upon, the lower house shall have three times the number, to be elected on the cumulative plan.

Which was read the first time.

Mr. Fay introduced File No. 102—

That at the first election for members of the senate in the even-numbered districts, one senator shall be elected for two years, and in the odd-numbered districts one senator shall be elected for four years; and thereafter all members of the senate shall be elected for four years.

Which was read the first time.

Mr. Hegge introduced File No. 103—

SECTION 1. Laws shall be passed taxing all personal property of all descriptions, such as moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, by a uniform rule, and all real property shall be taxed by a uniform rule according to its true value in money, but the property of the United States and of the state, county and municipal corporations, both real and personal, shall be exempt from taxation, and the legislature shall, by general law, exempt from taxation property used exclusively for public schools, religious, cemetery or charitable purposes, and personal property to any amount not exceeding in value two hundred dollars to each individual liable to taxation.

SEC. 2. The Legislature shall provide for a Board of Assessors, elected by the people, whose duty it shall be each year to assess each railroad in the state, and shall ascertain the amount for which each railroad company shall be assessed in each county of the state, said assessment to be subject to the same levy as other property in the respective locality where it is situated.

SEC. 3. In arriving at the actual value of real property the cultivation of the soil shall not be taken into consideration.

Which was read the first time.

Mr. Pollock introduced File No. 104—

The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

#### SECOND READING OF ARTICLES.

File No. 84 was read the second time and referred to the Committee on Revenue and Taxation.

File No. 85 was read the second time and referred to the Committee on Legislative Department.

File No. 86 was read the second time and referred to the Committee on Miscellaneous.

File No. 87 was read the second time and referred to the Committee on Judiciary.

File No. 88 was read the second time and referred to the Committee on Legislative Department.

File No. 89 was read the second time and referred to the Committee on Preamble.

File No. 90 was read the second time and referred to the Committee on Corporations other than Municipal.

File No. 91 was read the second time and referred to the Committee on Corporations other than Municipal.

File No. 92 was read the second time and referred to the Committee on Judiciary.

File No. 93 was read the second time and referred to the Committee on Temperance.

#### REPORTS OF STANDING COMMITTEES.

**MR. PRESIDENT:**

The Committee on Revenue and Taxation would respectfully report back to this Convention File No. 44 and File No. 46, and recommend that they do not pass, as the matter is already covered by other proposed articles.

J. L. COLTON,  
Chairman.

Mr. Scott moved that the convention do now resolve itself into a Committee of the Whole to consider the report of the Committee on County and Township Organization.

Which motion prevailed, and

The President called Mr. Lauder to the chair.

When the committee rose the following report was presented:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration the report of the committee on County and Township Organization and recommend that sections one and two of the report be adopted as sections of the constitution. Also recommend that section three be amended by adding to the close of the section the words "As the assessed valuation of the part so stricken off shall bear to the total assessment of the said county or counties," and that when so amended the section be adopted as a section of the Constitution. Your Committee reports progress and asks leave to sit again.

W. S. LAUDER,  
Chairman.

Mr. McHugh moved that the report be adopted.

Which motion prevailed.

Mr. Mathews moved that when the Convention adjourn it take a recess until Tuesday, 2 o'clock p. m.

Which motion was lost.

Mr. Miller moved that the further consideration of File No. 63 be postponed until next Tuesday.

Which motion prevailed.

The following members were excused until next Tuesday: Messrs. Douglass, Flemington, Griggs, Lander, Miller, Mathews, Rowe, Bean, Holmes.

Mr. Bean moved to adjourn until Tuesday next. Yeas and nays demanded on the motion:

The roll being called there were ayes 21, nays 43, viz:

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Almen,	Douglas,	Powers,
Bartlett, of Griggs,	Flemington,	Pollock,
Bean,	Hoyt,	Robertson,
Brown,	Linwell,	Rolfe,
Budge,	Lowell,	Shuman,
Chaffee,	Mathews,	Stevens,
Clark,	Meacham,	Williams,

Those who voted in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Allin,	Gray,	O'Brien,
Appleton,	Haugen,	Parsons, of Morton,
Bartlett, of Dickey,	Hegge,	Parsons, of Rolette,
Bell,	Holmes,	Paulson,
Bennett,	Johnson,	Peterson,
Best,	Lauder,	Powles,
Blewett,	Lohnes,	Ray,
Carland,	Marrinan,	Richardson,
Carothers,	McBride,	Rowe,
Clapp,	McHugh,	Selby,
Colton,	McKenzie,	Slotten,
Elliott,	Moer,	Turner,
Fay,	Noble,	Wallace,
Gayton,	Nomland,	Wellwood,
Glick,		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Camp,	Miller,	Spalding,
Griggs,	Purcell,	Whipple,
Harris,	Sandager,	Mr. President,
Leach,	Scott,	

So the motion to adjourn was lost.

Mr. Parsons, of Morton, moved to adjourn.

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.