

MONDAY, July 8, 1889. - 2 O'Clock P. M.

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

Prayer by Rev. Geo. Kline.

Roll called.

Quorum present.

The minutes of the preceding session were read and approved.

Mr. Williams moved that the Convention proceed to the election of the permanent officers of the Convention.

Which motion prevailed.

Mr. Williams nominated J. G. Hamilton of Grand Forks as chief clerk.

Mr. Parsons of Morton moved that the election of J. G. Hamilton be by a rising vote.

Which motion prevailed, and J. G. Hamilton was declared the duly elected chief clerk.

Mr. Miller moved that the election of the officers of the Convention be by a *viva voce* vote.

Which motion prevailed.

Mr. Johnson moved that Fred Falley of Richland county be elected sergeant-at-arms.

Which motion prevailed, and Mr. Falley was declared the duly elected sergeant-at-arms.

Mr. Rowe moved that C. C. Bowsfield of Dickey county be elected the enrolling and engrossing clerk.

Which motion prevailed, and Mr. Bowsfield was declared elected enrolling and engrossing clerk.

Mr. Spalding moved that E. W. Knight, of Cass county, be elected messenger, which motion prevailed, and Mr. Knight was declared elected messenger.

Mr. Harris moved that George Wentz, of Burleigh county, be elected doorkeeper, which motion prevailed, and Mr. Wentz was declared elected doorkeeper.

Mr. Scott moved that J. S. Weiser, of Barnes county, be elected watchman, which motion prevailed, and Mr. Weiser was declared elected watchman.

Mr. Parsons, of Morton, moved that R. M. Tuttle, of Morton county, be elected permanent stenographer, which motion prevailed, and Mr. Tuttle was declared elected stenographer.

Mr. Williams moved that Rev. George Kline be elected chaplain, which motion prevailed, and Mr. Kline was declared elected chaplain.

Mr. Williams moved that Arthur Linn, Harry G. Ward, Charles W. Conroy and Charles Lauder be elected pages, which motion prevailed, and Arthur Linn, Harry G. Ward, Charles Lauder and Charles W. Conroy were declared elected pages.

The oath of office was then administered to all the foregoing officers by the President of the Convention.

Mr. Selby offered the following resolution, and moved its adoption:

WHEREAS, The organization of the Constitutional Convention for the purpose of framing a constitution for the proposed state of North Dakota is now perfected; therefore

Resolved, That we, the delegates of said Constitutional Convention for and on behalf of the people of said proposed state of North Dakota, hereby declare that we adopt the constitution of the United States.

Which resolution was adopted.

Mr. Spalding moved that the committee to agree upon a settlement and adjustment of the indebtedness and property of the territory as between North and South Dakota shall consist of seven members, and that the committee be authorized to employ such clerical assistance as they may deem necessary.

Which motion prevailed.

Mr. Carland offered the following resolution, and moved its adoption:

Resolved, That the President of this Convention appoint seven of its members to act as members of the joint commission to be appointed by the Constitutional Conventions of North and South Dakota, for the purpose of making an equitable division of all property belonging to the Territory of Dakota, and to adjust and agree upon the amount of the debts and liabilities of said territory which shall be assumed and paid by each of the proposed states of South and North Dakota.

Which resolution was adopted.

Mr. Williams moved that the Convention proceed to the consideration of the report of the Committee on Rules,

Which motion prevailed.

Mr. Johnson moved that the Convention consider the report *serialim*,

Which motion prevailed.

Mr. Scott moved that the Convention do now resolve itself into a Committee of the Whole to consider the report of the Committee on Rules,

Which motion prevailed.

The President called Mr. Scott 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 Rules, and respectfully recommend that the words: "when prayer shall be offered by the chaplain" be inserted after the word "order," in the second line of Rule 1, and with this amendment, recommend the adoption of the report of the Committee on Rules.

JOHN W. SCOTT,
Chairman.

Mr. Miller moved that the report be adopted.

Which motion prevailed.

Mr. Scott moved to add to the committees named in the report a committee on the amendment and revision of the constitution, on homesteads and exemptions and on railroads, each committee to consist of five members.

Mr. Noble moved to amend by making the committee on railroads consist of nine.

Which motion was lost, and the original motion being put, was lost.

The rules as amended and adopted are as follows:

RULES FOR THE REGULATION OF THE PROCEEDINGS OF THE CONVENTION.

OF THE DUTIES OF THE PRESIDENT.

1. He shall take the chair at the hour of meeting of the Convention, and immediately call the delegates to order, when prayer shall be offered by the chaplain, and if upon call of the roll a quorum shall be present, shall cause the Journal of the preceding day to be read, which may be then corrected by the Convention.

2. He shall preserve order and decorum in debate, shall prevent personal reflections, and confine members to the question under consideration. When two or more delegates arise at the same time, he shall name the one entitled to the floor.

3. He shall decide all questions of order. An appeal from his decision may be made by any delegate, or the President may in the first instance submit the question to the Convention. On questions of order there shall be no debate, except on appeal from the decision of the President, or on a reference of a question by him to the Convention, when no delegate shall speak more than once, unless by leave of the Convention.

4. While the President is putting a question or addressing the Convention, none shall walk out of or across the house, or when a delegate is speaking shall entertain private discourse; nor while a delegate is speaking shall pass between him and the chair.

5. The President shall appoint the standing committees, unless otherwise ordered by the Convention.

6. He shall have a general direction of the hall. He may name a delegate to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. In case of the sickness or necessary absence of the President, he may appoint a President *pro tempore* for any period not exceeding ten days, after which, or in default of such appointment by the President, a President *pro tempore* shall be chosen by the Convention. While the President *pro tempore* officiates, he shall be clothed with all the powers, and perform all the duties of the President.

OF THE ORDER OF BUSINESS.

7. After the Journal has been read, the order of business shall be as follows:

1. Letters, petitions, memorials, remonstrances and accompanying documents may be presented and referred.
2. Leave of absence may be asked and original resolutions offered, and on motion considered.
3. Reports of committees may be made:
 - 1st. From standing committees in their order.
 - 2d. From select committees.
4. Articles on third reading.
5. Reports and resolutions may, on motion, be considered.
6. Articles in the following order:
 - 1st. Those in which the Convention has made progress on second reading.
 - 2d. Those reported by a committee of the whole.
 - 3d. Those in which the committee of the whole has made progress, and has leave to sit again.
 - 4th. Those not yet considered in committee of the whole, shall be taken up.

OF BUSINESS AND DEBATE.

8. When a delegate is about to speak in debate, or to communicate any matter to the Convention, he shall rise and respectfully address Mr. President, and upon being recognized by the president shall continue, confining his remarks to the subject before the Convention, and avoiding personal reflections.
9. If any delegate in debate transgresses the rules of the Convention, the President shall, or any delegate may, through the President, call him to order; the delegate so called to order shall immediately sit down, unless permitted to explain. The Convention shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the President shall be submitted to, and if the case requires it, the delegate so called to order shall be liable to the censure of the Convention.
10. No delegate shall speak more than twice to the same question without leave of the Convention.
11. No delegate, when speaking, shall be interrupted, except by a call to order by the President, or by a delegate through the President, or by a member to explain, nor shall any delegate be referred to by name, in debate, unless for a transgression of the rules of the Convention, and then by the President only.
12. A delegate presenting a petition or other paper to the Chair, shall state only the general purport of it. The name of every delegate presenting a petition, or other paper, or making a motion, shall be entered on the journals.
13. No member shall be permitted to make a motion, or address the President, unless such member shall be at his own desk.

ON MOTIONS.

14. All motions made and seconded shall be repeated by the President, who shall put the question distinctly in the following form, viz: "As many as are of opinion," [as the question may be.] "say Aye." And after the affirmative is expressed, "as many as are of a contrary opinion, say No." But the President, or any delegate, may call for a division of the Convention, when the President shall again put the question distinctly and in the following manner, viz: "As many as are in the affirmative will rise." And when he has announced the number in the affirmative, he shall put the opposite side of the question, "As many as are in the negative will rise."
15. If the President, or any delegate requires it, a motion made shall be reduced to writing. Any motion may be withdrawn by the mover before amendment or decision.
16. Any delegate may call for the division of a question, which shall be divided if it comprehends questions so distinct that on being taken away, the rest may stand entire for the decision of the Convention. A motion to strike out or insert shall be deemed indivisible, but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

OF PRIVILEGED QUESTIONS.

17. No business before the convention shall be interrupted except by a motion

For adjournment.

For the previous question, viz: "shall the main question be now put."

For postponement.

For commitment.

For amendment.

For reconsideration.

18. A motion for adjournment shall always be in order and shall be decided without debate, except it shall not be received when the Convention is voting on another question, nor while a delegate is addressing the Convention. When a call for the previous question has been made and sustained, the question shall be upon pending amendments and the main question, in their regular order, and all incidental questions of order arising after a motion for the previous question has been made, and pending such motion shall be decided on appeal or otherwise without debate. But the previous question shall not be called by less than ten delegates rising for the purpose, and shall be decided without debate. A motion for postponement shall preclude commitment. A motion for commitment shall preclude amendment or decision on the original subject. A motion to postpone for the present, or to a day certain shall be decided without debate.

19. No motion for reconsideration shall be permitted unless made and seconded by delegates who were in the majority on the vote on the original question, and within six days of actual session after the decision.

20. When a blank is to be filled, the question shall be first taken on the largest sum, the greatest number and the remotest day.

21. In all cases of elections, a majority of the delegates present shall be necessary to a choice, and the voting shall be *viva voce*.

OF COMMITTEES.

22. Committees may be of three kinds, to-wit:

Committees of the whole.

Standing committees as follows:

1. On printing, consisting of five members.
2. On reporting and publication, consisting of five members.
3. On accounts and expenses, consisting of seven members.
4. On the preamble and declaration of rights, consisting of nine members.
5. On legislative department, consisting of thirteen members.
6. On the executive department, consisting of nine members.
7. On the judicial department, consisting of fifteen members.
8. On the Elective Franchise, consisting of thirteen members.
9. On Education, consisting of seven members.
10. On Public Institutions and Buildings, consisting of nine members.
11. On Public Debt and Public Works, consisting of nine members.
12. On Militia, consisting of five members.
13. On County and Township Organization, consisting of nine members.
14. On Apportionment and Representation, consisting of twenty-five members.
15. On Revenue and Taxation, consisting of fifteen members.
16. On Municipal Corporations, consisting of nine members.
17. On Corporations other than Municipal, consisting of nine members.
18. On Miscellaneous Subjects, consisting of seven members.
19. On Schedule, consisting of seven members.
20. School and other Public Lands, consisting of thirteen members.
21. On Temperance, consisting of five members.
22. On Revision and Adjustment, consisting of five members.
23. On Impeachment and Removal from Office, consisting of seven members.

Select committees.

23. Every member of the committee shall attend the call of the chairman, who shall be the person first named on such committee, and in case of the neglect of the chairman, or in case of his absence, by sickness or other cause, the committee shall attend the call of the person named next on the committee.

24. No committee shall sit during the sitting of the Convention without leave of the Convention

OF THE COMMITTEE OF THE WHOLE.

25. The rules and proceedings observed in the Convention, shall be observed as far as they are applicable in Committee of the Whole, except that a delegate may speak oftener than twice on the same subject, nor can a motion for the previous question be made therein.

26. When the Convention resolves itself into a Committee of the Whole, the President shall appoint a chairman, unless ordered by the Convention

27. Amendments made in Committee of the Whole shall be read on the President resuming the chair, and shall be entered on the Journal.

28. When in Committee of the Whole, any paper laid upon the table of the Convention may be called for by a delegate and read, unless the committee otherwise order.

29. It shall be the duty of the several standing committees to take into consideration the several subjects, and all resolutions touching the same, referred to them by the Convention, and to report thereon.

30. When the names of the delegates shall be called, it shall be done in alphabetical order, except Mr. President, who shall be called last.

31. The yeas and nays of the delegates on any question shall at the desire of any two of them be entered on the Journals, and the delegates shall have the right to insert the reasons of their votes on the Journals.

32. No delegate shall absent himself without first obtaining leave of the Convention.

33. No delegate shall be permitted to vote on an any question unless he be within the bar, and when the yeas and nays are called, be present to answer to his name before the name of the President is called.

34. On the call of yeas and nays, one of the clerks shall read the names of the delegates after they have been called, and no delegate shall be permitted to change his vote unless he at that time declares that he voted under a mistake of the question.

35. On the call of a member for the consideration of a resolution or other subject, on the table of the Convention, the question shall be decided without debate.

36. None but members of the Convention and its officers, and such stenographers, reporters or other persons as shall have permission given them by the President or Convention, shall be permitted to come within the bar of the Convention during its session.

37. No smoking shall be allowed within the hall at any time, whether the Convention be in session or not.

38. No rule shall be altered or dispensed with but by two-thirds of the delegates present.

39. The roll shall be called at any time upon the demand of any fifteen members. A majority of the convention shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and be authorized to compel the attendance of members.

40. The hour of meeting of the convention shall be two o'clock p. m. each day, except Sundays until otherwise ordered.

41. The permanent officers of the convention shall be as follows: President, chief clerk, enrolling and engrossing clerk, sergeant-at-arms, messenger, watchman, doorkeeper, chaplain, stenographer, four pages.

42. All portions of the proposed constitution shall receive three several readings in convention before their passage and the second and third readings shall not occur on the same day.

43. The rules of parliamentary practice contained in Roberts' Rules of

Order shall govern the convention in all cases to which they are applicable and in which they are not inconsistent with the standing rules of this Convention.

Messrs. Clapp, Leach and Chaffee were excused for the day.

Mr. Parsons was excused until Friday.

Mr. Miller moved that when the Convention adjourn it adjourn to meet on Thursday at 2 o'clock p. m.

Which motion prevailed.

Mr. Turner moved that the Convention resolve itself into a Committee of the Whole to listen to an address by Mr. Blackwell.

Which motion prevailed, and the President called Mr. Selby to the chair.

The committee rose without report.

Mr. Spalding offered the following resolution, and moved its adoption:

Resolved, That the Auditor of the Territory be requested to furnish at once for the use of this convention a statement showing the cost of construction and repairs of all public buildings and institutions of the Territory, the indebtedness incurred and outstanding against the same, what part of such indebtedness was by the acts creating it to be assumed by the states of North Dakota and South Dakota, respectively, all assets and liabilities of the Territory, and to what accounts the same belong, a list of all public records, archives and other property of that nature now belonging to the Territory, and all other information within his department necessary for the use of this convention or any committee thereof, in dividing the property, assets and liabilities of the Territory of Dakota.

Which resolution was adopted.

Mr. Williams moved to correct the journal of July 5th so as to show that Mr. Meacham voted for Mr. Fancher for President.

Mr. Stevens moved to adjourn,

Which motion prevailed, and the Convention adjourned.

JOHN G. HAMILTON,
Chief Clerk.