

SATURDAY, July 13, 1889.

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

The President presiding.

Prayer was offered by the Chaplain.

The roll was called, all members being present except Messrs Bennett, Budge, Griggs, Lowell, McHugh, Miller, Scott and Whipple, who were excused.

Mr. Purcell moved that the privileges of the floor be extended to the Commission from South Dakota.

Which motion prevailed.

Mr. Stevens introduced the following resolution, and moved its adoption.

Resolved, That all matter to be incorporated in the Constitution shall be first introduced in the Convention by resolution, be read a first time and on second reading shall be referred to the appropriate committee without debate, and no matter shall be incorporated in the Constitution until the subject to which it relates shall have first been considered and reported upon by the Committee of the Whole. Each article or resolution so introduced shall be printed, giving its consecutive number of introduction, and a copy thereof furnished to each member before its second reading.

Mr. Harris moved to amend by striking out the words "by resolution," and to add at the close thereof the words "providing that nothing in this resolution shall prevent the introduction of original matter by any standing committee.

Mr. Spalding moved that the resolution be made a special order for Monday, at 3 o'clock p. m.

Which motion prevailed.

Mr. Stevens moved that the Committee on Printing ascertain the probable cost of printing, if the provisions of the resolution are carried out.

Which motion was lost.

Mr. Lauder offered the following resolution and moved its adoption:

Resolved, That a select committee of five be appointed by the President to whom shall be referred all questions relating to the seat of government.

Mr. Moer moved that the further consideration of the resolution be indefinitely postponed.

Which motion prevailed.

The Committee on printing submitted the following report:

MR. PRESIDENT:

Your committee to whom was submitted the matter of printing the daily Journal of the Convention, 500 copies to be bound at the end of the session for distribution among the members and for exchange with other state and territorial libraries, and not less than 300 copies daily to be furnished for the immediate use of the members, either in pamphlet or newspaper form, submit the following terms given by the TRIBUNE of Bismarck, N. D: Composition 75c per 1000 ems; press work 60c per 240 impressions; binding, paper, etc., at regular commercial rates as now paid by the Government for similar work; \$3.50 per one hundred copies of daily Journal in pamphlet form, \$3 newspaper form. Your committee also recommend that in addition to the daily Journal there be printed in pamphlet form for the use of members 240 copies of each article introduced by the members of this Convention and that the same be printed after first reading. We recommend the acceptance of the TRIBUNE's proposition and that the Journals be printed in pamphlet form.

ROGER ALLIN,
Chairman.

Mr. Stevens moved that the report of the committee on printing be adopted.

Which motion prevailed.

INTRODUCTION OF ARTICLES.

Mr. Johnson introduced File No. 3—

COMPACT WITH THE UNITED STATES.

The following article shall be irrevocable without the consent of the United States and the people of this state.

SECTION 1. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Sec. 2. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States. Lands belonging to citizens of the United States, residing without this state, shall never be taxed at a higher rate than lands belonging to residents of this state. No taxes shall ever be imposed by this state on lands or property herein belonging to, or which may hereafter be purchased by, the United States or reserved for its use. But nothing herein contained shall preclude this state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting such lands from taxation, and such lands shall be exempt from taxation by this state so long and to such extent as such act of congress may prescribe.

Sec. 3. The debts and liabilities incurred by the Territory of Dakota previous to the adoption of this Constitution, shall be assumed and paid by this

state in such proportion as shall be agreed upon by a joint commission composed of members of the Constitutional Conventions of North Dakota and South Dakota, respectively, as set forth in Article — of this Constitution.

Sec. 4. There shall be established and maintained a system of public schools in this state which shall be open to all the children of this state and free from sectarian control.

Which was read the first time.

Also File No. 4—

CORPORATIONS.

SECTION 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state; but the Legislature shall provide by general laws for the organization of all corporations hereafter to be created.

Sec. 2. All existing charters, or grants of special or inclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

Sec. 3. The Legislature shall not remit the forfeiture of the charter to any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate or distribute them upon two or more candidates, as he may prefer.

Sec. 6. No foreign corporation shall do any business in this State without having one or more places of business and an authorized agent or agents in the same upon whom process may be served.

Sec. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 8. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Sec. 9. The legislature shall have the power to alter, revise or annul any charter of any corporation now existing and revokable at the taking effect of this constitution, or any that may be created whenever in their opinion it may be injurious to the citizens of the state; in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 10. No law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Sec. 11. No president, director, officer, agent or employe of any railroad company shall be personally interested, directly or indirectly, in the furnishing of material or supplies for such company in any contract with such company for construction, or in the business of transportation as a common carrier of

freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 12. Every railroad corporation organized or doing business in this state, under the laws or authority thereof, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of its stock shall be made and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom, the transfers of said stock; the amount of its assets and liabilities and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 13. The rolling stock and all other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no laws exempting such property from execution and sale.

SEC. 14. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

SEC. 15. Railways heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to Legislative control; and the Legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight, as such common carriers from one point to another in this state.

SEC. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with the railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each others passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 17. The Legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

SEC. 18. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages in all cases or appeal shall on the demand of either party, be determined by a jury as in other civil cases.

SEC. 19. The term "corporations" as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Which was read the first time.

Mr. Flemington introduced File No. 5—

No person, association or corporation shall manufacture, or aid in the manufacture for sale, any intoxicating liquor, and no person, association or corporation 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.

Which was read the first time.

Mr. Parsons, of Rolette, introduced File No. 6—

SECTION 1. The General Assembly shall have no power to change or to locate the seat of government of the State, but shall, at its first session subsequent to the admission of the State, provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the State at the general election then next ensuing, and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said General assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State at the next general election; *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall be at the city of Bismarck.

SEC. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question at a general election at which the question of location of the seat of government shall have been submitted by the General Assembly.

SEC. 3. The General Assembly shall make no appropriation or expenditure for capitol buildings or grounds until the seat of government shall have been permanently located as herein provided.

Which was read the first time.

Mr. Rowe introduced File No. 7—

No intoxicating liquors shall be manufactured, nor shall any intoxicating liquors be given away, exchanged or sold as a beverage. The Legislature shall by law prescribe suitable regulations and penalties for the enforcement of the provisions of this section.

Which was read the first time.

Mr. Camp introduced File No. 8—

SECTION 1. The Governor, the Attorney-General, and the judges of the Supreme Court shall constitute a board of pardons, in which shall be vested the sole power to remit fines and forfeitures, grant reprieves, commutations of sentence and pardons. The meetings of said board shall be held at the capitol, shall be called by the governor, and not less than ten days public notice thereof shall be given. Two-thirds of the members of said board shall be a quorum for the transaction of business. A record of the proceedings of said board shall be kept. No fine or forfeiture shall be remitted, no reprieve, commutation of sentence or pardon granted unless two-thirds of all the members of said board shall vote for such remission, reprieve, commutation or pardon; and the voting shall be by ballot.

Which was read the first time.

Mr. Haugen introduced File No. 9 (to be submitted as a separate proposition)—

PROHIBITION.

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.

Which was read the first time.

Mr. Clark introduced File No. 10—

WHEREAS, The present method of referring questions in dispute to our courts for settlement is both tedious and expensive; therefore be it

Resolved, That this Convention shall make it the duty of the General Assembly to establish courts of arbitration whereby differences may be settled without submitting them to trial by jury, except as a last resort.

Which was read the first time.

Mr. Rolfe introduced File No. 11—

SECTION 1. All taxes to be raised in this state shall be uniform on all real and personal property, to be ascertained by such rules of appraisement and assessment as may be prescribed by the legislature by general law, and uniform as to the time when the same shall become assessable so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property; and if the Legislature shall, in its laws pertaining to the assessment of real and personal property, provide for any deduction to any person or corporation by reason of any bona fide indebtedness of such person or corporation existing at the time of such assessment, such deduction shall be made from the total assessment to such individual or corporation.

Which was read the first time.

Mr. Spalding introduced File No. 12—

PREAMBLE.

We, the representatives of the people of North Dakota, in convention assembled at the city of Bismarck, on the Fourth day of July, A. D., 1889, pursuant to an act of Congress entitled "An Act to Provide for the Division of Dakota into Two States, and to Enable the People of North Dakota, South Dakota, Montana and Washington to Form Constitutions and State Governments, and to be Admitted into the Union on an Equal Footing with the Original States, and to Make Donations of Public Lands to Such States," approved February 22d, 1889, do ordain and establish this Constitution.

Which was read the first time.

Mr. Gray introduced File No. 13—

MINORITY REPRESENTATIVES.

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.

SEC. 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.

Which was read the first time.

Mr. Pollock introduced File No. 14 (to be submitted to a separate vote with the Constitution, a part of which it shall become if carried.)

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.

Which was read the first time.

Mr. Bean introduced File No. 15—

COUNTY SEATS.

SEC. 1. In counties already organized, where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at the first general election held after the admission of the state of North Dakota into the Union. The place receiving a majority of all the votes cast at said election shall be the county seat of said county. If no place receive a majority of all the votes cast at said election it shall be the duty of the county board to re-submit the location of the county seat to the electors of said county at the next general election. The electors at said election may vote for one of the two places receiving the highest number of votes at the preceding election. The place receiving the majority of all the votes cast for county seat at said second election shall be the county seat.

SEC. 2. Whenever a majority of all the legal voters of any organized county shall petition the county board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said county board shall submit the same to the people of said county at the next general election. If the proposition to change the county seat be ratified by two-fifths of all the votes cast for county seat at said election, then the county seat shall be changed. A proposition to change the county seat of any county shall not be submitted more often than once in six years.

SEC. 3. No person shall vote on the location of any county seat who shall not have resided in the county six months, and in the precinct ninety days next preceding said election.

Which was read the first time.

Mr. Bartlett, of Griggs, introduced File No. 16—

The legislative power shall be vested in the Legislature, which shall consist of a Senate and House of Representatives, both to be elected by the people. The Senate shall be composed of one member from each organized county in the state. The House of Representatives shall have not less than seventy-five nor more than one hundred and fifty members, apportioned upon a basis of population as provided by law.

Which was read the first time.

Also File No. 17—

All ballots shall be printed on plain white paper, without any distinguishing mark or sign, except the name of the party or political organization at the top. The name of no person shall be printed, or stamped, upon any ballot, unless such person be the regular nominee of the political party or organization named on the top of said ballot. Any ballot cast or voted containing the name of any person so wrongfully upon said ballot, shall be considered as fraudulently voted, and shall not be counted for the person whose name is so inserted.

Which was read the first time.

Mr. Camp introduced File No. 18—

No act shall embrace more than one subject, which shall be clearly expressed in its title.

Which was read the first time.

Mr. Bartlett of Dickey, introduced File No. 19—

The Legislature shall make provision in conformity with this constitution for ascertaining the qualifications of those desiring places or employment in the public service, but shall not establish any religious or political test for office or public employment.

Which was read the first time.

Mr. Selby introduced the following resolutions:

Resolved, That the compensation of the official stenographer of this Convention for reporting the debates and proceedings in full, be, and the same is hereby, fixed at eight dollars per diem during the session thereof. Said official stenographer shall also furnish to the Convention, a transcribed, fairly written and legible printer's copy of said debates and proceedings, for which he shall receive an additional compensation of ten cents per folio; the compensation hereby provided, including the cost of all stationary and other material used by said stenographer in making said stenographic report and transcribing the same. And said official stenographer is hereby made responsible for the proper execution of said work.

Resolved, That no petitions, letters, memorials or remonstrances, responses from any of the departments or other sources, to resolutions of inquiry by the Convention, shall be included in said reporting or transcribed printer's copy, unless by special order of the Convention; nor shall discussions on questions of order or adjournment be included therein.

Mr. Blewett moved that the resolutions be referred to the Committee on Reporting and Publication.

Which motion prevailed.

Mr. Johnson moved that H. B. Sprague, President of the University of North Dakota, be invited to address the Convention.

Which motion prevailed, and

President Sprague addressed the Convention.

Mr. Camp was excused from attendance until Tuesday, July 16.

Mr. Selby moved to adjourn.

Which motion prevailed and
The Convention adjourned.

J. G. HAMILTON,
Chief Clerk.