

Which motion prevailed.

Mr. Stevens moved that the report be referred to the Committee of the Whole.

Which motion prevailed.

Mr. Noble moved to adjourn.

Which motion prevailed, and the Convention adjourned.

J. G. HAMILTON,
Chief Clerk.

WEDNESDAY, July 17, 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 Mr. Whipple, excused.

The Journal of the preceding session was read and approved.

FIRST READING OF ARTICLES, RESOLUTIONS, ETC.

Mr. Appleton introduced File No. 65—

SECTION 1. The Legislative power shall be vested in a Legislature, which shall consist of a Senate and House of Representatives.

SEC. 2. The number of members of the House of Representatives shall not be less than sixty nor more than one hundred and twenty. The number of members of the Senate shall not be less than thirty nor more than sixty.

SEC. 3. The terms of the office of the members of the Legislature shall be two years. They shall receive for their services the sum of four hundred dollars, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route.

Which was read the first time.

Also File No. 66.

LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law the House of Representatives shall consist of sixty-two members, and the Senate shall consist of thirty-one members.

SEC. 2. The basis of representation shall be one Representative for each seven hundred voters, and one Senator for each one thousand four hundred voters. Said vote to be ascertained from the vote cast for delegates to Congress at the last general election.

Which was read the first time.

Mr. Miller introduced File No. 67—

No municipal corporation shall ever become indebted in any manner or for any purpose in any amount, in the aggregate, including existing indebtedness, exceeding — percentum, upon the value of the taxable property within such corporation, to be ascertained from the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obliga-

tions in excess of such amount, except as hereinafter provided, given by such corporation, shall be void, *provided*, however, that any incorporated city may become indebted in an amount not exceeding four per centum on the value of such taxable property without regard to the existing indebtedness of such city, for the purpose of constructing or purchasing water works for furnishing a supply of water to the citizens of such city, and for no other purpose whatever.

Which was read the first time.

Mr. ——— introduced File No. 68—

REVENUE AND TAXATION.

SECTION 1. The Secretary of State, State Auditor and Attorney General shall constitute a board of assessors, whose duty it shall be to assess, each year, all native coal and bullion mined in this state, including all machinery, fixtures and instruments used in mining the same.

SEC. 2. Said board shall ascertain in such manner as prescribed by law, the number of tons of coal or bullion taken from any mine during the year for which such assessment is made, and ascertain the value thereof, and return such assessment in such manner as shall be prescribed by law.

SEC. 3. The result shall be the amount for which the owner of said mine shall be assessed in the county in which the same is situated, and the result shall be subject to the same levy as other property in the respective locality where it is situated; *provided*, however, that said board of assessors shall in no case assess any native coal for less than one dollar nor more than four dollars per ton, and the Legislature shall make necessary laws to enforce the provisions of this article.

Which was read the first time.

Mr. Rolfe introduced File No. 69—

No person shall be held to answer for a criminal offense without due process of law; but any person may be held to answer for a criminal offense upon information of the public prosecutor.

Which was read the first time.

Also File No. 70—

The Legislature shall provide for the publication of all general laws within thirty days after the final adjournment of each session thereof in all newspapers of general circulation printed and published in the State.

Which was read the first time.

Also File No. 71—

Every homestead consisting of not more than 160 acres of land outside the limits of any incorporated city or village, and the dwelling and buildings used therewith, or in lieu thereof, any lot in any city, town or village, with the dwellings and buildings used thereon, owned and occupied as a home by any resident of this state, and not exceeding in value in either case the sum of two thousand five hundred dollars, shall be exempted from sale under execution or other final process obtained on any debt. But no property of any individual shall be exempt from sale for taxes or for payment of any obligation contracted for the purchase of said premises.

The Legislature shall provide for the exemption from sale under execution or other final process for debt of a reasonable amount of personal property to each resident of this state, but such exemption shall not cover property in excess of the value of fifteen hundred dollars nor less than five hundred dollars.

Which was read the first time.

Mr. Parsons, of Morton, introduced File No. 72—

The labor of children under fifteen years of age shall be prohibited in mines, factories and work shops in this state.

Which was read the first time.

Also File No. 73.

There shall be a bureau of labor statistics and a commissioner of the same, to be appointed by the Governor, at a salary to be determined by the Legislature, whose duty it shall be to co-operate with the bureau of labor at our national capital, and to keep the proper records and statistics to the end that the public may arrive at a correct knowledge of the educational, moral and financial condition of the laboring masses.

Which was read the first time.

Mr. Clapp introduced File No. 74—

PREAMBLE.

We, the people of North Dakota, acknowledging the supreme and perfect law of Almighty God, in order to maintain and perpetuate the peace, prosperity and happiness of our citizens, do ordain and establish this Constitution.

Which was read the first time.

Mr. Pollock introduced File No. 75---

All officers, civil and military, now holding office by election or appointment in this Territory, under the authority of the United States or of this Territory, shall continue to hold and exercise their respective offices and appointments until superseded under this Constitution.

Which was read the first time.

Mr. Bennett introduced File No. 76--

Qualified electors in the State of North Dakota shall be eligible to hold any municipal, county or state office.

Which was read the first time.

Mr. Lowell introduced File No. 77--

PUBLIC DEBTS.

SECTION 1. The state may, to meet casual deficits or failures in the revenues, contract debts, but such debts shall never, in the aggregate, exceed the sum of five hundred thousand dollars, except for the purpose of defraying extraordinary expenses. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall specially appropriate the proceeds of said tax to the payment of said principal and interest, and such appropriation shall not be repealed, nor the tax discontinued until such debt, both principal and interest, shall have been wholly paid. Every contract of indebtedness entered into or assumed by the state, when all its debts and liabilities shall equal the sum before mentioned, shall be null and void except in cases where money shall have been borrowed to repel invasion, suppress insurrection, defend the state in time of war or to provide for public defense in case of threatened hostilities.

SEC. 2. No city, county, town or other subdivision of the state, shall ever make donations to any railroad or other work of internal improvement, unless a proposition so to do shall first have been submitted to the qualified electors thereof at an election holden by authority of law. *Provided*, that such donations in the aggregate shall not exceed six per cent. of the assessed valuation of the county or other subdivision so affected. *Provided* further, that any city may by a two-thirds vote, increase such indebtedness five per cent. in addition to such six per cent. And no bonds or evidences of indebtedness so issued shall be valid unless the same shall have endorsed thereon a certificate

signed by the Secretary and Auditor of State showing that the same is issued pursuant to law.

SEC. 3. The credit of the state shall *never* be given to any individual, association or corporation.

Which was read the first time.

Also File No. 78.—

MUNICIPAL CORPORATIONS.

SECTION. 1. The Legislature shall provide by general law for the organization of municipal corporations, restricting the power of such corporations to levying taxes and assessments, borrowing money and contracting debts, so as to prevent the abuse of such power.

SEC. 2. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected or debts contracted by municipal corporations, except in pursuance of law for public purposes, specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to any other except by authority of law.

SEC. 3. No city, county, town, precinct or other subdivision of this state shall ever become the subscriber to the capital stock, or owner of such stock, or any portion or interest therein, of any railroad or private corporation or association.

SEC. 4. No street railway, telegraph or telephone shall be constructed within the limits of any village, town or city without the consent of the local authorities.

Which was read the first time.

Mr. Mathews introduced File No. 79—

SEAT OF GOVERNMENT.

SECTION 1. The temporary seat of government for the state of North Dakota shall be at the city of Bismarck.

SEC. 2. The Legislature at its first session after the admission of this state into the Union, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the state at the next general election thereafter. The place receiving a majority of all the votes cast upon said question at said election shall be the permanent seat of government.

SEC. 3. Should no place voted for at said election receive a majority of all the votes cast upon said question, the Governor shall issue a proclamation for an election to be held in the same manner at the next general election, to choose between the two places having the highest number of votes at the first election of this question. The place receiving a majority of all the votes cast upon this question of said second election shall be the permanent seat of government.

Which was read the first time.

Mr. Parsons, of Rolette, introduced File No. 80—

The Legislature shall provide by law for the publication of all laws passed by the General Assembly, in newspapers of general circulation, published in the several counties within the state.

Which was read the first time.

Mr. Williams moved that the further reading of Articles at length be dispensed with, and that they be read by title only.

Which motion prevailed.

Mr. Glick introduced File No. 81—

SECTION 1. No license for the sale of intoxicating liquors shall be granted to any person applying for the same under the provisions of the charter of

any city of this state which city contains a population of five thousand (5,000) people or more, by the municipal authorities of said city, except upon the condition that said applicant shall, before the issuance of said license, pay into the treasury of said city in the manner provided by its charter, a license fee of one thousand (\$1,000) dollars, or such fee in excess of said sum as the city council of said city shall, in the manner provided in its charter, fix and prescribe; anything in the charter of any city to the contrary notwithstanding.

SEC. 2. No license for the sale of intoxicating liquors shall be granted to any person applying for the same under the provisions of the charter of any city of this state, which city contains a population of less than five thousand (5,000) people, by the municipal authorities of said city, except upon the condition that said applicant shall, before the issuance of said license, pay into the treasury of said city, in the manner provided by its charter, a license fee of five hundred (500) dollars, or such fee in excess of said sum as the city council of said city shall, in the manner provided by its charter, fix and prescribe; anything in the charter of any city to the contrary notwithstanding; *Provided*, That no license shall be granted for a longer period than one (1) year, or for a period beyond twenty (20) days after the annual election in such village or city next ensuing after the date of such license.

Which was read the first time.

Mr. Haugen introduced File No. 82—

MUNICIPAL CORPORATIONS.

The Legislature shall provide for the organization of cities and incorporated villages by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credits, so as to prevent the abuse of such power.

Which was read the first time.

Mr. Johnson introduced File No. 83—

If a general banking law be enacted, it shall provide for the registry and countersigning, by an officer of the state, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the State Treasurer for the redemption of such notes or bills.

Which was read the first time.

SECOND READING OF FILES.

File No. 49 was read the second time and referred to the Committee on County and Township Organization.

File No. 50 was read the second time and referred to the Committee on Revenue and Taxation.

File No. 51 was read the second time and referred to the Committee on Temperance.

File No. 52 was read the second time and referred to the Committee on Judiciary.

File No. 53 was read the second time and referred to the Committee on Judiciary.

File No. 54 was read the second time and referred to the Committee on Judiciary.

File No. 55 was read the second time and referred to the Committee on Public Lands.

File No. 56 was read the second time and referred to the Committee on Corporations other than Municipal.

File No. 57 was read the second time and referred to the Committee on Preamble.

File No. 58 was read the second time and referred to the Committee on Temperance.

File No. 59 was read the second time and referred to the Committee on Miscellaneous.

File No. 60 was read the second time and referred to the Committee on Legislative Department.

File No. 61 was read the second time and referred to the Committee on Public Lands.

File No. 62 was read the second time and referred to the Committee on Elective Franchise.

Mr. Camp introduced the following resolution and moved its adoption:

Resolved, That this Convention invite Hon. Thomas M. Cooley to address the Convention at some time to be designated by him, and this day if convenient, and that the President cause this invitation to be conveyed to Judge Cooley at once.

Which resolution was adopted.

The President appointed Messrs. Camp, Lauder and Stevens as a committee to extend the invitation to Judge Cooley.

Mr. Camp moved that the Convention take an informal recess subject to the call of the President, for the purpose of giving the delegates an opportunity to meet Judge Thomas M. Cooley.

Which motion prevailed.

Mr. Camp moved that the rules be suspended and that the Convention listen to an address by Judge Cooley.

Which motion prevailed.

Judge Cooley addressed the Convention.

Mr. Carland moved that the Convention do now resolve itself into a Committee of the Whole to consider the reports of the standing committees.

Which motion prevailed, and

The President called Mr. Carland to the chair.

When the Committee rose the following report was presented.

MR. PRESIDENT:

Your Committee of the Whole have had under consideration File No. 64, compact with the United States, and recommend that the report of the Judiciary Committee be adopted, and that the article proposed by the Committee be adopted as an article of the Constitution.

Also File No. 63, and recommend that it be made a special order for July 18th.

Also the report of the Committee on Reporting and Publication in reference to the compensation to be paid the stenographer, and recommend that the report of the committee be amended by providing that the compensation of the

stenographer be fixed at ten dollars per diem and ten cents a folio for transcribing.

Also the resolution introduced by Mr. Stevens vesting legislative authority in one house, and recommend that it be made a special order for Monday next.

JOHN E. CARLAND,
Chairman.

Mr. Flemington moved that the report be adopted.

Which motion prevailed.

Mr. Selby introduced the following resolution:

Resolved, That five hundred copies of the transcribed stenographic report of the debates and proceedings of this convention be printed and published in bound volume form for distribution among the members, and exchange with other state and territorial libraries, and that the Legislature of the state at its first session make an appropriation for the payment of such printing and publication, as certified to by the proper committee, unless such expense is paid out of the Congressional appropriation to defray the expenses of this Convention.

And moved that it be referred to the Committee of the Whole.

Which motion prevailed.

The President designated Mr. Johnson, of Nelson, to act as President *pro tempore* during his absence.

Mr. Stevens moved to adjourn.

Which motion prevailed, and the Convention adjourned.

JOHN G. HAMILTON,
Chief Clerk.