

THURSDAY, July 25, 1889.

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

The President presiding.

Prayer was offered by the Rev. M. Barker, of Fargo.

The roll was called, all members being present except Messrs. Carland, Marrinan, Spalding and Stevens, who were excused.

The Journal of the preceding session was read and approved.

Mr. Camp moved that the memorial presented by himself July 24 be referred to a special committee of three to be appointed by the President.

Which motion prevailed, and

The President appointed Messrs. Moer, Scott and Meacham as such committee.

PETITIONS, COMMUNICATIONS, ETC.

Mr. Best presented the following communication:

HAMILTON, July 17, 1889.

*To the Delegates Assembled in Constitutional Convention in Bismarck, N. D.:*

We, the members of Pembina County Alliance assembled at this time, pray your honorable body that you provide that the office of county commissioner be abolished and that the chairman of each township board constitute the county board.

*Resolved,* That in the opinion of this county alliance, one house is all that is required for state legislation.

*Resolved,* That in the opinion of this county alliance the early sale or lease of all school land within the jurisdiction of North Dakota is for the benefit of the purpose for which it was intended, and that the sale of all such lands take place in their respective counties and if leased, to be leased for pasturage purposes only.

W. C. BRIGGS,  
Secretary.

Mr. Miller moved that the resolution requiring standing committees to report by July 25th, be reconsidered.

Which motion was lost.

REPORTS OF STANDING COMMITTEES.

MR. PRESIDENT:

The Committee on Public Debt and Public Works respectfully represent that they have their report under consideration and, pending the report of the Commission for the purpose of dividing the territorial debt, etc., would ask further time.

E. D. WALLACE,  
Chairman.

Which request was granted.

**MR. PRESIDENT:**

Your Committee on Accounts and Expenses respectfully report that they will be unable to report satisfactorily to the Convention until towards the close of the session thereof.

O. G. MEACHAM,  
Chairman.

Which request was granted.

**MR. PRESIDENT:**

Your committee appointed on Preamble and Bill of Rights have had under consideration the articles referred to them, and respectfully report progress, asking leave to make final report at a future date.

R. N. STEVENS,  
Chairman.

Which request was granted.

**MR. PRESIDENT:**

Your Committee on Revenue and Taxation would respectfully report that they have made progress, and would ask for further time to make final report.

J. L. COLTON,  
Chairman.

Which request was granted.

Mr. Scott moved that all committees not dependent upon other committees be required to make final report by Saturday July 27.

Which motion prevailed.

Mr. Williams moved that the reading of reports of standing committees to-day be by title only, except the reports of the Committees on Temperance, Impeachment and Removal From Office.

Which motion prevailed.

**MR. PRESIDENT:**

Your Committee on the Executive Department report File No. 8 back to the Convention with the recommendation that the same do not pass.

The same committee report Files 73 and 119 back to the Convention with the information that the said files are covered in substance in the final report.

W. H. ROWE,  
Chairman.

**MR. PRESIDENT:**

Your Committee on Public Institutions and Buildings respectfully report that they have made progress but have not finished their report, and beg leave that they be granted further time in which to complete said report.

H. F. MILLER,  
Chairman.

Which request was granted.

**MR. PRESIDENT:**

Your Committee on Corporations other than Municipal report progress and ask leave to sit again and report in future.

M. N. JOHNSON,  
Chairman.

Which request was granted.

**MR. PRESIDENT:**

The Committee on Executive Department respectfully submit the following report:

## ARTICLE —

## EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a Governor, who shall reside at the seat of government, and shall hold his office for the term of two years and until his successor is elected and duly qualified; a Lieutenant-Governor, who shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States and a qualified elector of the state, who shall have attained the age of thirty years and who shall have resided two years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The Governor and Lieutenant-Governor shall be elected by the qualified electors of the state at the time and places of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected, but if two or more shall have an equal and highest number of votes for Governor or Lieutenant-Governor, the two houses of the Legislature, at its next regular session, shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor and Lieutenant-Governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall, at the commencement of each session, communicate to the Legislature, by message, information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment, but the legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of the death, impeachment, resignation, failure to qualify, absence from the state, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted or the disability removed, shall devolve upon the Lieutenant-Governor.

SEC. 7. The Lieutenant-Governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor the Lieutenant-Governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office shall from any cause become vacant, and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill such vacancy by appointment.

SEC. 9. Every bill which shall have passed the Legislature, shall before it becomes a law, be presented to the Governor. If he approve, he shall sign,

but if not he shall return it with his objections to the house in which it originated, which shall enter the objection at large upon the Journal and proceed to reconsider it. If after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the Journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall by its adjournment prevent its return, in which case it shall be filed with his objection in the office of the Secretary of State, within fifteen days after such adjournment, or become a law.

SEC. 10. The Governor shall have the power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items and part or parts of the bill approved shall be law, and the item or items and part or parts disapproved shall be void, unless enacted in the following manner: If the Legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objection thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. Any Governor of this state who asks, receives, or agrees to receive, any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature, or who threatens any member that he, the said Governor, will remove any person or persons from office or position with intent to in any manner influence the official action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereon, shall forfeit all right to hold or exercise any office of trust or honor in this state.

SEC. 12. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the Legislature, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands, Commissioner of Insurance, three Commissioners of Railroads, Attorney-General and Commissioner of Agriculture and Statistics, who shall have attained the age of twenty-five years, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of two years and until their successors are elected and duly qualified, but no person shall be eligible to the office of Treasurer for more than two consecutive terms.

SEC. 13. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands, Commissioner of Insurance, Commissioners of Railroads, Attorney-General and Commissioner of Agriculture and Statistics shall be as prescribed by law.

SEC. 14. Until otherwise provided by law, the Governor shall receive an annual salary of \$3,000; the Lieutenant-Governor shall receive an annual salary of \$1,000; the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands, Commissioner of Insurance, Commissioners of Railroads and Attorney-General shall each receive an annual salary of \$2,000; the salary of the Commissioner of Agricul-

ture and Statistics shall be as prescribed by law, but the salaries of any of the said officers shall not be increased or diminished during the period for which they shall have been elected; and all fees and profits arising from any of said offices shall recover into the state treasury.

W. H. ROWE,  
Chairman.

MR. PRESIDENT.

Your Committee on Elective Franchise, to whom was referred Files Nos. 13, 17, 29, 35, 62, 76 and 105, have had the same under consideration, and would respectfully recommend the annexed article as a substitute therefor, and that it be incorporated in the Constitution as the article on elective franchise.

Your committee further recommends that the annexed copy entitled "A Bill" printed by order of the Convention at the request of the committee, be incorporated in the schedule of this Constitution, with the proviso that the Legislature may alter or amend as they may deem proper.

A. S. PARSONS,  
Chairman.

[ Copy of Australian election bill, known as Council Bill No. 60, attached. ]

## ELECTIVE FRANCHISE.

### ARTICLE —

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state one year, in the county six months, in the precinct sixty days next preceding any election, shall be deemed a qualified elector at such election:

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens one year and not more than six years prior to such election, conformably to the naturalization laws of the United States.

Third. Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

SEC. 2. The Legislature shall be empowered to make further extensions of suffrage hereafter at its discretion to all citizens of mature age and sound mind, not convicted of crime, without regard to sex, but shall not restrict suffrage without a vote of the people.

SEC. 3. Electors shall in all cases except treason, felony, breach of the peace or illegal voting, be privileged from arrest on the days of election during their attendance at, in going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election except in time of war or public danger.

SEC. 4. All general elections shall be biennial.

SEC. 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state, or in the military or naval service of the United States.

SEC. 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

SEC. 7. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 8. Any woman having the qualifications enumerated in section 1 of this article as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes, and may hold any office in this state, except as otherwise provided in this Constitution.

SEC. 9. All elections by the people shall be by secret ballot, subject to such regulations as shall be provided by law.

The undersigned minority of this committee beg leave to submit the following report:

That the following section be substituted in lieu of section 2 of the committee's report:

SEC. 2. The legislature shall at its first session after the admission of the state into the Union, submit to a vote of the electors of the state the following question, to be voted upon at the next general election held thereafter, namely: "Shall the word 'male' be stricken from the article of the Constitution relating to elections and the right of suffrage?" If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this state.

A. S. PARSONS,  
M. F. HEGGE,  
V. B. NCBLE,  
O. G. MEACHAM,  
JAS. BELL,  
WM. RAY,  
GEO. H. FAY.

MR. PRESIDENT:

Your Committee on Education respectfully submit the following report, and recommend its adoption:

#### ARTICLE——.

##### EDUCATION.

SECTION 1. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people, being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislature shall make provision for the establishment and maintenance of a system of public schools, which shall be open to all children of the State of North Dakota, and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.

SEC. 2. The Legislature shall provide at their first session after the adoption of this Constitution for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including the normal and collegiate course.

SEC. 3. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit and respect for honest labor of every kind.

SEC. 4. A State Superintendent of Public Instruction shall be elected by the qualified electors of the state at each gubernatorial election after the adoption of this constitution, whose qualifications, powers, duties and compensation shall be prescribed by law.

SEC. 5. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers and compensation shall be fixed by law.

SEC. 6. The Legislature may take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study and to promote industrial, scientific and agricultural improvement.

SEC. 7. All colleges, universities and other educational institutions, for the support of which lands have been granted to this state or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.

J. D. MCKENZIE,  
Chairman.

MR. PRESIDENT:

Your Committee on Municipal Corporations would respectfully submit a report, as follows:

SECTION 1. The Legislature shall provide by general law for the organization of municipal corporations, restricting their powers as to levying taxes and assessments, borrowing money and contracting debts, and money raised by taxation, loan or assessment for one purpose shall not be diverted to any other purpose except by authority of law.

SEC. 2. No city, town, village or other municipal corporation 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, private corporation or association.

RICHARD BENNETT,  
Chairman.

MR. PRESIDENT:

Your Committee on Impeachment and Removal from Office submit the following report:

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose the senate shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant-Governor is on trial, the presiding Judge of the Supreme Court shall preside.

SEC. 3. The Governor and other state and judicial officers, except county or probate judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the state. The person accused, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency, in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

EZRA TURNER,  
Chairman.

MR. PRESIDENT:

Your Committee on Militia beg leave to present the following report:

(1.) *Militia Generally.*

SECTION 1. The militia of the state shall consist of all able-bodied male persons residing within the state, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of this state. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in times of peace, but shall pay an equivalent for personal service.

(2.) *Active Militia.*

SEC. 2. The militia shall be enrolled, organized, uniformed, armed and disciplined in such manner as shall be provided by law, not incompatible with the Constitution or laws of the United States.

SEC. 3. The General Assembly shall provide by law for the establishment of volunteer organizations of the several arms of the service, which shall be classed as active militia.

SEC. 4. All militia officers shall be appointed or elected in such manner as the General Assembly shall prescribe.

SEC. 5. The commissioned officers of the militia shall be commissioned by the Governor, and no commissioned officer shall be removed from office except by sentence of court-marshal, pursuant to law.

SEC. 6. The militia forces shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and election of officers, and in going to and returning from the same.

P. McHUGH,  
Chairman.

## MR. PRESIDENT:

The Temperance Committee to whom were referred Files Nos. 5, 7, 9, 14, 24, 27, 30, 57, 58, 81 and 93, have had the same under consideration and respectfully recommend that the annexed article be substituted therefor, and that it be submitted to a separate vote with the Constitution, a part of which it shall become if carried, and that suitable provision be made therefor in the schedule and ordinance:

## ARTICLE —

No person, association or corporation shall within this state manufacture or aid in the manufacture, for sale or gift, any intoxicating liquor; and no person, association or corporation shall import any of the same for sale or gift, or keep or offer the same for sale, gift, barter or trade as a beverage. The legislature shall by law prescribe regulations for the enforcement of the provisions of this article, and shall thereby provide suitable penalties for the violation thereof.

ARNE P. HAUGEN,  
Chairman.

## MR. PRESIDENT:

The Committee on Legislative Department have carefully considered Files numbered 26, 48, 20, 28, 31, 68, 70, 85, 88, 100, 101, 112, 113, 116, 118, 95, 102, 19 and 37, and have incorporated the substance of them in the following article which your committee recommend be made a part of the Constitution:

## ARTICLE —.

## THE LEGISLATURE.

(1.) *Division of the Legislature.*

SECTION 1. The Legislative power shall be vested in a senate and house of representatives.

(2.) *Senate.*

SEC. 2. The senate shall be composed of not less than thirty nor more than fifty members.

SEC. 3. Senators shall be elected for the term of four years, except as hereinafter provided.

SEC. 4. No person shall be a senator who is not a qualified elector in the district in which he may be chosen, and who shall not have attained the age of twenty-five years, and have been a resident of the state or territory for two years next preceding his election.

SEC. 5. At its first session after the adoption of this Constitution, the Legislative Assembly shall fix the number of senators, and divide the state



into as many senatorial districts as there are senators, which districts, as nearly as may be, shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no county shall be divided between two districts. The districts as thus ascertained and determined shall continue until changed by law.

SEC. 6. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The senators of one class shall hold their offices for two years, those of the other class shall hold their offices for four years, and the determination of the two classes shall be by lot, so that one-half the senators, as nearly as practicable, may be elected biennially.

SEC. 7. The senate, at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members president *pro tempore*, who may take the place of the Lieutenant-Governor under rules prescribed by law.

### (3.) *House of Representatives.*

SEC. 8. The house of representatives shall be composed of not less than sixty nor more than one hundred and forty members.

SEC. 9. Representatives shall be elected for the term of two years.

SEC. 10. No person shall be a representative who is not a qualified elector in the district for which he may be chosen, and who shall not have attained the age of twenty-one years and have been a resident of the state or territory for two years next preceding his election.

SEC. 11. At its first session after the adoption of this Constitution the Legislative Assembly shall apportion the state as nearly as possible into representative districts composed of compact and contiguous territory according to the population, giving however one representative to each organized county.

SEC. 12. The house of representatives shall elect one of its members as speaker.

### (4.) *Members of Both Houses.*

SEC. 13. No judge or clerk of any court, secretary of state, attorney-general, recorder, sheriff or person holding any office of profit under this state, except offices in the militia, or the office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government or under the government of the United States, except post-masters whose annual compensation does not exceed the sum of three hundred dollars, shall hold any office in either branch of the Legislative Assembly or become a member thereof.

SEC. 14. No member of the Legislative Assembly expelled for corruption, and no person convicted of bribery, perjury or other infamous crime shall be eligible to the Legislative Assembly or to any office in either branch thereof.

SEC. 15. No member of the Legislative Assembly shall during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the Governor, or Governor and Senate, during the term for which he shall have been elected.

SEC. 16. If any person elected to either house of the Legislative Assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced into the Legislative Assembly, in consideration or upon condition that any other person elected to the same Legislative Assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative As-

sembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the Legislative Assembly, shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced into such Legislative Assembly, or offer, promise or assent so to do upon condition that any other member will give, or will promise or will assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such Legislative Assembly, he shall be deemed guilty of bribery, and any member of the Legislative Assembly, or person elected thereto, who shall be guilty of either of such offences, shall be expelled, and shall not thereafter be eligible to the Legislative Assembly, and on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 17. The term of service of the members of the Legislative Assembly shall begin on the first Tuesday in January next after their election.

SEC. 18. The members of the Legislative Assembly shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 19. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislative Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

SEC. 20. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislative Assembly.

SEC. 21. Each member of the Legislative Assembly shall receive as compensation for his services for each regular session \$300 and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislative Assembly on the most usual route, and \$5 per day for extra sessions, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the Legislative Assembly on the most usual route.

(5.) *Each House Separately.*

SEC. 22. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such a manner and under such a penalty as may be prescribed by law.

SEC. 23. Each house shall be the judge of the election returns and qualifications of its own members.

SEC. 24. Each house shall have power to determine the rules of proceeding and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds to expel a member, and shall have all other powers necessary and usual in the Legislative Assembly of a free state. But no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 25. Each house shall keep a journal of its proceedings, and the yeas and nays of any question shall be taken and entered on the journal at the request of one-sixth of those present.

SEC. 26. The sessions of each house and of the Committee of the Whole shall be open, unless the business is such as ought to be kept secret.

SEC. 27. Neither house shall, without the consent of the other, adjourn for more than three days, or to any other place than that in which the two houses shall be sitting, except in case of epidemic, pestilence or other great danger.

(6.) *Both Houses.*

SEC. 28. The senate and house of representatives jointly shall be designated as the Legislative Assembly of the state of North Dakota.

SEC. 29. The Legislative Assembly shall meet at the seat of government at 12 o'clock on the first Tuesday after the first Monday of January, in the year next following the election of members thereof.

SEC. 30. In all elections to be made by the Legislative Assembly, or either house thereof, the members shall vote *viva voce*, and their votes shall be entered in the journal.

SEC. 31. The sessions of the Legislative Assembly shall be biennial, except as otherwise provided in this Constitution.

SEC. 32. No regular sessions of the Legislative Assembly shall exceed ninety days, except in case of impeachment.

(7.) *Passage of Laws.*

SEC. 33. Any bill may originate in either house of the Legislative Assembly, and a bill passed by one house may be amended by the other.

SEC. 34. No law shall be passed except by a bill adopted by both houses, and no bill shall be so altered and amended on its passage through either house as to change its original purpose.

SEC. 35. The enacting clause of every law shall be as follows: Be it enacted by the Legislative Assembly of the State of North Dakota.

SEC. 36. No bill for the appropriation of money, except for the expenses of the government shall be introduced after the twenty-fifth day of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 37. No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

SEC. 38. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative and judicial departments of the state, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 39. Every bill shall be read three several times, but the first and second readings, and these only, may be upon the same day, and the second reading may be by title of the bill, unless a reading at length be demanded. The first and third readings shall be at length. No legislative day shall be shorter than the natural day.

SEC. 40. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

SEC. 41. No bill shall be revised or amended or the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended, extended or so incorporated shall be re-enacted and published at length.

SEC. 42. No bill shall become a law except by a vote of a majority of all the members present in each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the journal.

SEC. 43. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislative Assembly; immediately before such signing, their title shall be publicly read; and the fact of signing shall be at once entered upon the journal.

SEC. 44. No act of the Legislative Assembly shall take effect until sixty days after the close of the session, unless in case of emergency (which shall be expressed in the preamble or body of the act), the Legislative Assembly shall by a vote of two-thirds of all the members present in each house otherwise direct.

SEC. 45. The Legislative Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

(8.) *Special Limitations.*

**SEC. 46.** The Legislative Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

- For granting divorces.
- Laying out, opening, altering or working roads or highways, vacating roads, town plats, streets, alleys or public grounds.
- Locating or changing county seats.
- Regulating county or township affairs.
- Regulating the practice of courts of justice.
- Regulating the jurisdiction and duties of justices of the peace, police magistrates, or constables.
- Changing the rules of evidence in any trial or inquiry.
- Providing for changes of venue in civil or criminal cases.
- Declaring any person of age.
- For limitation of civil actions, or giving effect to informal or invalid deeds.
- Summoning or impaneling grand or petit juries.
- Providing for the management of common schools.
- Regulating the rate of interest on money.
- The opening or conducting of any election or designating the place of voting.
- The sale or mortgage of real estate belonging to minors or others under disability.
- Chartering or licensing ferries or toll bridges or toll roads.
- Remitting fines, penalties or forfeitures.
- Creating, increasing or decreasing fees, percentage or allowances of public officers.
- Changing the law of descent.
- Granting to any corporation, association or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever.
- For the punishment of crimes.
- Changing the names of persons or places.
- For the assessment or collection of taxes.
- Affecting estates of deceased persons, minors or others under legal disabilities.
- Extending the time for the collection of taxes.
- Refunding money paid into the state treasury.
- Relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this state, or to any municipal corporation therein.
- Legalizing, except as against the state, the unauthorized or invalid act of any officer.
- Exempting property from taxation.
- Restoring to citizenship persons convicted of infamous crimes.
- Authorizing the creation, extension or impairing of liens.
- Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts, or authorizing the adoption or legitimation of children.
- In all other cases, where a general law can be made applicable, no special law shall be enacted.
- Incorporation of cities, towns or villages, or changing or amending the charter of any town, city or village.
- Providing for the election of members of the board of supervisors in townships, incorporated towns or cities.
- The protection of game or fish.

**SEC. 47.** No appropriation shall be made for charitable, industrial, educational or benevolent purposes, or for the benefit of any person, corporation or community not under the absolute control of the state, nor shall any appropriation be made or taxation authorized for the benefit of any denominational or sectarian school, institution or association.

SEC. 43. The Legislative Assembly shall not delegate to any special commission, private corporation, or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or to perform any municipal functions whatever.

Files numbered 16, 18, 19, 20, 26, 28, 31, 37, 45, 48, 60, 70, 80, 85, 88, 95, 100, 101, 102, 112, 113, 114, 116 and 118 are reported back with the recommendation that they be laid upon the table.

E. A. WILLIAMS,  
Chairman.

MR. PRESIDENT:

Your Committee on Schools and Other Public Lands make the following report:

SECTION 1. All proceeds of the public lands that have heretofore been or may hereafter be granted by the United States for the support of common schools in the state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the state by escheat; the proceeds of all gifts and donations to the state for common schools, or not otherwise appropriated by the terms of the gifts, and all other property otherwise acquired for common schools shall be and remain a perpetual fund for the maintenance of the common schools of the state. It shall be deemed a trust fund, the principal of which shall ever remain inviolate, and may be increased but never diminished. The state shall make good all losses thereof which may in any manner occur.

SEC. 2. The interest and income of this fund, together with the net proceeds of all fines for violation of state laws, and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the common schools of the state, and shall be for this purpose apportioned among and between all the several common school corporations of the state in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the state; *provided*, however, that if any portion of the interest or income aforesaid be not expended during any year, said portion shall be added to and become a part of the school fund.

SEC. 3. After one year from the assembling of the first Legislature, the lands granted to the state from the United States for the support of the common schools may be sold upon the following conditions, and no other: No more than one-fourth of all such lands shall be sold within the first five years after the same become saleable by virtue of this section. No more than one-half of the remainder within ten years after the same become saleable as aforesaid. The residue may be sold as soon as the same becomes saleable at not less than ten dollars per acre. The Legislature shall provide for the sale of all school lands subject to the provisions of this article.

SEC. 4. The Superintendent of Public Schools, Governor, Attorney General and Secretary of State shall constitute a board of commissioners which shall be denominated the "Board of University and School Land Commissioners," subject to the provisions of this article and any law that may be passed by the Legislature. Said board shall have control of the apportionment, sale, rental and disposal of all school and university lands, and shall direct the investment of the funds arising therefrom in the hands of the State Treasurer, under the limitations in Section 10 of this article.

SEC. 5. The county superintendent of common schools, the chairman of the county board and the county auditor shall constitute boards of appraisal, and under the authority of the State Board of University and School Land Commissioners shall appraise all school lands within their respective counties, which they may from time to time recommend for sale, at their actual value under the prescribed terms. They shall take care first to select and designate for sale the most valuable lands.

SEC. 6. No lands shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows, to-wit: One-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and one-fifth in twenty years, with interest at the rate of not less than six per centum payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction and to the highest bidder, after sixty days advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not less than one hundred and sixty acres, and those so subdivided in the smallest subdivisions. All lands designated for sale, and not sold within two years after appraisal, shall be reappraised before they are sold. No grant or patent for any such lands shall issue until full payment is made for the same.

SEC. 7. All lands, money or other property donated, granted, or received from the United States or any other source for a university, school of mines, reform school, agricultural college, deaf and dumb asylum, normal school, or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such land as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the state, and the state shall make good all losses therefrom that shall in any manner occur.

SEC. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same board, under the same limitations and subject to all the conditions as to price and sale as provided above for the appraisal and sale of lands for the benefit of common schools, but a distinct and separate account shall be kept by the proper officers of each of such funds; *provided*, that the limitations as to the time in which school lands may be sold shall apply only to lands granted for the support of common schools.

SEC. 9. The Legislature shall have authority to provide by law for the leasing of lands granted to the state for educational and charitable purposes, but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes, and at public auction after notice as heretofore provided in case of sale. All rents shall be paid annually in advance.

SEC. 10. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations within the state, bonds of the United States or bonds of the State of North Dakota.

SEC. 11. No law shall ever be passed by the Legislature granting to any person, corporation or association any privileges by reason of the occupation, cultivation or improvement of any public lands by said person, corporation or association subsequent to the survey thereof by the general government. No claim for the occupation, cultivation or improvement of any public lands shall ever be recognized, nor shall such occupation, cultivation or improvement ever be used to diminish, either directly or indirectly, the purchase price of said lands.

SEC. 12. The legislature shall have authority to provide by law for the sale or disposal of all public lands that have been heretofore or may hereafter be granted by the United States to the state for purposes other than set forth and named in sections 1 and 7 of this article, and the Legislature shall provide for the appraisal, sale, rental and disposal of the same not subject to the provisions and limitations of this article.

SEC. 13. The Legislature shall pass suitable laws for the safe-keeping, transfer and disbursements of the state school funds, and shall require all officers charged with the same or the safe-keeping thereof, to give ample bonds

for all moneys and funds received by them, and if any of said officers shall convert to his own use in any manner or form, or shall loan, with or without interest, or shall deposit in his own name, or otherwise than in the name of the State of North Dakota, or shall deposit in banks or with any person or persons, or exchange for other funds or property any portion of the school funds aforesaid, or purposely allow any portion of the same to remain in his hands uninvested, except in the manner prescribed by law, every such act shall constitute an embezzlement of so much of the aforesaid school funds as shall be thus taken or loaned or deposited or exchanged or withheld, and shall be a felony, and any failure to pay over, produce or account for the state school funds, or any part of the same intrusted to any such officer as by law required or demanded, shall be taken to be *prima facie* evidence of such embezzlement.

H. M. CLARK,

Chairman.

Mr. Williams moved that the report of the Judiciary Committee be laid over until July 26.

Which motion prevailed.

Mr. Rolfe moved that the Convention do now resolve itself into a Committee of the Whole to consider Sections 2 and 8 of the report of the Legislative Department.

Which motion prevailed, and

The President called Mr. Flemington to the chair.

When the committee rose the following report was presented:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration Section 8, of the report of the Committee on Legislative Department, fixing the number to constitute the house of representatives, and recommend its adoption as a section of the Constitution. Also Section 2, of the article entitled "Senate," and recommend that the further consideration of the section be postponed until tomorrow.

ALEX. D. FLEMINGTON,  
Chairman.

Mr. McHugh moved that the report of the Committee of the Whole be adopted.

Which motion prevailed.

Mr. Turner moved that the report of the Committee on Temperance be read the second time.

Which motion prevailed.

And the report was read the second time.

Mr. Pollock moved that the Convention do now resolve itself into a Committee of the Whole to consider the report of the Committee on Temperance.

Which motion prevailed, and

The President called Mr. Moer 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 Temperance, and the article submitted for adoption by the Committee, and recommend that the report of the Committee on Temperance be adopted.

S. H. MOER,  
Chairman.

Mr. Flemington moved that the report of the Committee of the Whole be adopted.

Which motion prevailed.

Mr. Blewett moved that the report of the Committee on Militia be read the second time.

Which motion prevailed.

And the report was read the second time.

Mr. Lauder moved that the Convention do now resolve itself into a Committee of the Whole to consider the report of the Committee on Militia.

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 has had under consideration the report of the Committee on Militia, and recommend that section 4 of the article be amended by striking out the words, "except the Adjutant General," in section 4 of the proposed article, and with this amendment your committee recommends the adoption of the report of the Committee on Militia.

W. S. LAUDER,  
Chairman.

Mr. Glick moved that the report of the Committee of the Whole be adopted.

Which motion prevailed.

The Convention took an informal recess of ten minutes.

Mr. Turner moved that the report of the Committee on Impeachment and Removal from Office be read the second time and considered.

Which motion was lost.

Mr. Parsons of Rolette moved to adjourn.

Which motion prevailed, and the Convention adjourned.

JOHN G. HAMILTON,  
Chief Clerk.