

And also recommend that sections seventeen (17), eighteen (18) and nineteen (19) and the following sections of the original file be re-numbered.

Also recommend that section seventeen (17), which being re-numbered becomes section twenty (20), be amended by inserting after the word "jurisdiction" in the first line, the words "each within its territorial limits."

Also recommend that sections twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) be adopted.

The Committees report progress and ask leave to set again.

T. W. BEAN,
Chairman.

The President was instructed to invite the Senate Committee on Irrigation to visit the Convention on Monday next.

Mr. Lauder moved to adjourn,

Which motion prevailed, and the Convention adjourned.

JOHN G. HAMILTON,
Chief Clerk.

THURSDAY, August 1, 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. Camp who was excused.

Mr. Selby moved that the reading of the Journal be dispensed with.

Which motion prevailed.

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

Resolved, That a committee of thirteen, of which the President of the Convention shall be Chairman, be appointed to prepare an address to the people of North Dakota on the Constitution and reasons for its adoption, a copy of which shall be furnished to each paper published in North Dakota.

Which resolution was adopted.

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

Resolved, That all clerks of committees now in the employ of the Convention be, and the same are, discharged from and after this date, August 1st, 1889.

Mr. Purcell moved to amend so as to apply only to such committees as have reported.

Which amendment prevailed

And the original resolution as amended was adopted.

REPORTS OF STANDING COMMITTEES.

The Committee on Printing presented the following report:

MR. PRESIDENT:

Your Committee on Printing to whom was referred the resolution introduced by Mr. Parsons of Rolette, respectfully recommend that the same be

adopted, and that each newspaper in North Dakota receive \$25 each for such services, and recommend that provision be made in the Schedule for the payment of the same by the Legislature.

ROGER ALLIN,
Chairman.

Mr. Robertson moved that the report of the committee be adopted.

Mr. Noble moved to amend—that the words “twenty-five” be stricken out and the word “five” be inserted in lieu thereof.

Which amendment was lost.

Mr. Moer moved to amend the amendment by inserting “fifteen” in lieu of “five.”

Which amendment was lost.

Mr. Flemington moved to amend the amendment by substituting “ten” in lieu of “five.”

Which amendment was lost, and the original resolution being put was lost.

Mr. Blewitt moved that the Committee to whom was referred the invitation extended by the citizens of Superior, Wis., to the Convention to attend the water-ways convention, be required to report at once.

Which motion prevailed.

SECOND READING OF ARTICLES.

File No. 133 was read the second time.

File No. 134 was read the second time.

Mr. Purcell moved that the report of the Committee of the Whole on the report of the Judiciary Committee be read and adopted section by section.

Which motion prevailed,

Sections 2 and 3 of the report were adopted.

Mr. Purcell moved that section 4 of the report of the Committee of the Whole on the report of the Committee on Judiciary be not adopted and offered the following substitute for section 4: “Until otherwise provided by law, at least three terms of the supreme court shall be held each year, one at the seat of government, one at Fargo and one at Grand Forks.”

Yeas and nays demanded on the passage of the substitute.

The roll being called there were ayes 48, nays 26, viz:

Those who voted in the affirmative were:

Messrs—
Allin,
Almen,
Appleton,
Bell,
Best,
Brown,
Budge,
Carland,

Messrs—
Harris,
Haugen,
Holmes,
Hoyt,
Johnson,
Lauder,
Leach,
Linwell,

Messrs—
Peterson,
Powers,
Powles,
Purcell,
Pollock,
Ray,
Richardson,
Sandager,

Carothers,	Lowell,	Shuman,
Clapp,	Mathews,	Slotten,
Clark,	Meacham,	Spalding,
Douglas,	McHugh,	Stevens,
Fay,	McKenzie,	Wallace,
Glick,	Miller,	Whipple,
Gray,	Parsons of Morton,	Williams,
Griggs,	Paulson,	Mr. President.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bartlett of Dickey,	Gayton,	Parsons of Rolette,
Bartlett of Griggs,	Hegge,	Robertson,
Bean,	Lohnee,	Rolfe,
Bennett,	Marrinan,	Rowe,
Blewett,	McBride,	Scott,
Chaffee,	Moer,	Selby,
Colton,	Noble,	Turner,
Elliott,	Nomland,	Wellwood,
Flemington,	O'Brien,	

Absent and not voting:

Mr. Camp.

And so the substitute was carried.

Sections 5, 6 and 7 of the report were adopted.

Mr. Scott moved as a substitute for the recommendation of the Committee as to section eight (8) that section eight (8) be amended as follows:

In line 3 strike out the word "two" and insert the word "one," also in the same line strike out the word "four" and insert the word "three;" also in line 4 strike out the word "six" and insert the word "five."

Yeas and nays demanded.

The roll being called there were ayes 17, nays 51, viz:

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bennett,	Haugen,	Scott,
Brown,	Mathews,	Stevens,
Carothers,	Meacham,	Turner,
Clapp,	Noble,	Wellwood,
Elliott,	Rowe,	Whipple.
Flemington,	Sandager,	

Those who voted in the negative were—

Messrs—	Messrs—	Messrs—
Allin,	Griggs,	Parsons of Rolette,
Almen,	Harris,	Paulson,
Appleton,	Hegge,	Peterson,
Bartlett of Dickey,	Holmes,	Powers,
Bartlett of Griggs,	Hoyt,	Powles,
Bean,	Johnson,	Purcell,
Bell,	Lauder,	Pollock,
Best,	Linwell,	Ray,
Budge,	Lowell,	Richardson,
Carland,	Marrinan,	Robertson,
Chaffee,	McBride,	Rolfe,
Clark,	McHugh,	Selby,

Colton,
Douglas,
Fay,
Gayton,
Gray,

McKenzie,
Moer,
Nomland,
O'Brien,
Parsons of Morton,

Shuman,
Slotten,
Wallace,
Williams,
Mr. President.

Absent and not voting—

Messrs—
Blewett,
Camp,
Glick,

Messrs—
Leach,
Lohnes,

Messrs—
Miller,
Spalding.

And so the substitute was lost.

Mr. Johnson moved as a substitute for the recommendation of the Committee that section 9 be amended as follows: Insert after the word "clerk" in the first line the words "of the supreme court, elected by the people, who shall hold his office for a term of four years."

Ayes and nays demanded.

The roll being called there were ayes 25, nays 46.

Those who voted in the affirmative were:

Messrs—
Allin,
Almen,
Appleton,
Bennett,
Carrothers,
Colton,
Elliott,
Gray,
Harris,

Messrs—
Haugen,
Hegge,
Johnson,
Lauder,
Linwell,
Nomland,
Peterson,
Rowe,
Sandager,

Messrs—
Scott,
Slotten,
Stevens,
Turner,
Wellwood,
Williams,
Mr. President.

Those who voted in the negative were:

Messrs—
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Best,
Blewett,
Brown,
Budge,
Carland,
Chaffee,
Clapp,
Clark,
Douglas,
Fay,
Flemington,
Gayton,

Messrs—
Glick,
Griggs,
Holmes,
Hoyt,
Leach,
Lohnes,
Lowell,
Marrinan,
Meacham,
McBride,
McKenzie,
Miller,
Moer,
Noble,
O'Brien,
Parsons of Morton,

Messrs—
Parsons of Rolette,
Paulson,
Powers,
Powles,
Purcell,
Pollock,
Ray,
Richardson,
Robertson,
Rolfe,
Selby,
Shuman,
Spalding,
Wallace,

Absent and not voting:

Messrs—
Camp,
Mathews,

Mr. McHugh,

Mr. Whipple.

And so the substitute was lost.

Mr. Carland moved that the report of the Committee of the Whole, so far as section 19 of File No. 121 is concerned, be not adopted.

Which motion prevailed.

Mr. Pollock moved that the report of the Committee of the Whole on the report of the Committee on Elective Franchise be adopted as read.

Mr. Moer moved as an amendment that the report be read and adopted section by section.

Which amendment prevailed, and the original motion as amended also prevailed.

The Convention took a recess of ten minutes.

Mr. Moer moved that the following be substituted for section 2 of the article on Elective Franchise, recommended by the Committee of the Whole, and moved its adoption :

SEC. 2. The Legislature shall be empowered to make further extensions of the 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 extend nor restrict the right of suffrage without first submitting the question to the voters to be by them ratified by a majority vote.

Mr. Parson of Rolette moved the previous question.

Which motion prevailed.

Ayes and nays demanded on the main question.

The roll being called there were ayes 35, nays 25, viz:

Those who voted in the affirmative were:

Messrs—
Almen,
Appleton,
Bartlett of Dickey,
Bean,
Bell,
Brown,
Budge,
Douglas,
Fay,
Flemington,
Glick,
Griggs,

Messrs—
Harris,
Hegge,
Hoyt,
Johnson,
Lauder,
Meacham,
Moer,
Noble,
O'Brien,
Parsons of Morton,
Parsons of Rolette,
Paulson,

Messrs—
Peterson,
Powers,
Powell,
Purcell,
Ray,
Rolfe,
Rowe,
Scott,
Selby,
Slotten,
Williams,

Those who voted in the negative were—

Messrs—
Allin,
Bartlett of Griggs,
Bennett,
Best,
Carland,
Crothers,
Chaffee,
Clapp,
Clark,

Messrs—
Colton,
Gray,
Haugen,
Linwell,
Lowell,
McBride,
McKenzie,
Miller,

Messrs—
Nomland,
Pollock,
Richardson,
Shuman,
Spalding,
Turner,
Wallace,
Mr. President.

Absent and not voting—

Messrs—
Blewett,

Messrs—
Lohnes,

Messrs—
Robertson,

Camp,
Gayton,
Holmes,
Leach,

Marrinan,
Mathews,
McHugh,

Sandager,
Stevens,
Whipple.

Messrs. Elliott and Wellwood being paired.

And so the substitute prevailed.

Mr. Spalding offered the following substitute for section 2 and moved its adoption:

SEC. 2. The Legislature shall be empowered to make extensions of suffrage to females of mature age and sound mind, not convicted of crime, and if such extension is made, may at any time thereafter restrict the same.

Mr. Miller moved to take recess until 8 o'clock.
Which motion was lost.

Mr. Bartlett of Griggs moved the previous question.
Which motion prevailed.

Ayes and nays demanded on the main question.

The roll being called there were ayes 26, nays 36, viz:

Those who voted in the affirmative were:

Messrs—
Allin,
Appleton,
Bartlett of Griggs,
Bennett,
Best,
Carland,
Carothers,
Chaffee,
Clapp,

Messrs—
Clark,
Colton,
Haugen,
Linwell,
Lowell,
McBride,
McKenzie,
Miller,
Nomland,

Messrs—
Pollock,
Richardson,
Shuman,
Spalding,
Turner,
Wallace,
Wellwood,
Mr. President.

Those who voted in the negative were:

Messrs—
Almen,
Bartlett of Dickey,
Bean,
Bell,
Brown,
Budge,
Douglas,
Elliott,
Fay,
Flemington,
Glick,
Gray,

Messrs—
Griggs,
Hegge,
Hoyt,
Johnson,
Lauder,
Meacham,
Moer,
Noble,
O'Brien,
Parsons of Morton,
Parsons of Rolette,
Paulson,

Messrs—
Peterson,
Powers,
Powles,
Purcell,
Ray,
Robertson,
Rofe,
Rowe,
Scott,
Selby,
Slotten,
Williams.

Absent and not voting:

Messrs—
Blewett,
Camp,
Gayton,
Harris,
Holmes,

Messrs—
Leach,
Lohnes,
Marrinan,
Mathews,

Messrs—
McHugh,
Sandager,
Stevens,
Whipple.

And so the substitute was lost.

Mr. Miller moved to take a recess until 8 o'clock p. m.

Which motion was lost.

Mr. Turner moved to insert after the word "sex" in line three, section 2, the words, "but not to hold office, but as otherwise provided for in this Constitution without being submitted to a vote of the people."

Which substitute was lost.

Mr. Flemington moved the previous question.

Which motion prevailed.

The main question being put was lost.

Mr. Appleton moved that the Convention take a recess until 8 o'clock p. m.

Which motion prevailed.

EVENING SESSION.

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

Resolved, That the committee on miscellaneous subjects be instructed to report to this Convention as soon as possible a proposed article on future amendments, homestead and exemption, great seal, and boundaries.

Which resolution was adopted.

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

Resolved, That the President and Chief Clerk of this Convention be authorized to issue certificates of service to all persons employed as clerks of committees, who were discharged by to-day's resolution, upon receipt of instructions from chairmen of committees as to time of such clerk's service.

Which resolution was adopted.

Mr. Stevens introduced the following amendment to the rules:

Any two members may call for the ayes and noes on any question voted upon in the Committee of the Whole, but no vote shall be taken by roll call on any subject on which the ayes and noes have been taken in Committee of the Whole, when considering the report from the Committee of the Whole.

And moved it be referred to committee of five.

Which motion was lost.

Mr. Parsons of Rolette moved to lay the amendment on the table.

Which motion prevailed.

Committee on Corporations Other than Municipal submitted the following minority report:

MR. PRESIDENT.

A minority of your Committee on Corporations Other than Municipal, failing to concur in the report of the majority thereof, beg leave to submit the following minority report:

First. We recommend that the report of the majority of your committee be not adopted by this Convention, but that in its place and stead be substitu-

ted the following, the adoption of which a minority of your committee respectfully recommend:

SECTION 1. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such municipal, charitable, educational, penal or reformatory corporations as may be under control of the state, but the general assembly shall provide by general laws for the organization of all corporations hereafter to be created, and any such law so passed shall be subject to future repeal or alteration.

SEC. 2. The term "corporation" as used in this article, shall not be understood as embracing municipalities or political divisions of the state unless otherwise expressly stated, but it shall be held and construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 3. All corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons, subject to such regulations and conditions as may be prescribed by law.

SEC. 4. The Legislature shall have the power to alter, revoke or annul any charter of incorporation existing and revokable at the time of the taking effect of this Constitution, or any that may thereafter be created whenever in its opinion it may be injurious to the citizens of the state, in such manner, however, that no injustice shall be done to the corporation or creditors.

SEC. 5. No foreign corporation shall engage in business in this state without having one or more known places of business, and an authorized agent or agents in the same upon whom protests may be served.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter and the law.

SEC. 7. The indebtedness of private corporations shall be secured by such means as may be prescribed by law, but in no case, shall any stockholder be made by law individually liable for such indebtedness in any amount over and above the amount of stock owned by him.

SEC. 8. No corporation except for municipal, charitable, educational, penal or reformatory purposes, and under the control of the state, or for the construction or operation of railroads, plank roads and canals, shall be created for a longer time than thirty years.

SEC. 9. All railroads and canals shall be public highways, and all railroads, canals, transportation and express companies shall be common carriers and subject to legislative control, and the legislature shall have power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the state; *provided*, however, that such common carriers shall be entitled to charge and receive just and reasonable compensation for such transportation of freight and passengers within the state and the determination of what is a just and reasonable compensation shall be a judicial question to be determined by the courts.

SEC. 10. No street or other railroad shall be constructed within any city, town or other municipality or incorporated village without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 11. Every railroad, telegraph, express or other corporation, organized or doing business in this state, shall make an annual report to the auditor, and the Legislature shall pass laws to enforce the faithful and full performance of his duty to the end that all the doings of such corporations may be publicly known.

All of which a minority of your committee most respectfully submit.

W. E. PURCELL,
L. D. BARTLETT,
S. H. MOER,
J. LOVELL,

Members of the Committee on Corporations Other than Municipal.

Mr. Moer moved that the reading of the minority report of the

Committee on Corporations other than Municipal be dispensed with until the same is printed.

Which motion prevailed.

Mr. Richardson moved that the Convention do now resolve itself into Committee of the Whole to consider sections 2 and 8 of the report of the Committee on Legislative Department.

Mr. Miller moved to amend, that the Convention consider section 2.

Which amendment prevailed, and the original motion as amended also prevailed.

Mr. Parsons of Morton moved that section 2 of the report of the Committee on Legislative Department be adopted.

Which motion prevailed.

Mr. Scott moved to add to section 8 File, 129 after the word "members" the following words: "Who shall be appointed to and elected at large from each senatorial district."

Mr. Carland moved as a substitute to consider the report of the Committee of the Whole on the report of the Committee of the Whole on File 123.

Which motion prevailed.

Mr. Carland moved that the report of the Committee of the Whole on File 123 as read be adopted.

Which motion prevailed.

Mr. Carland moved to consider the report of the Committee of the Whole on File 130.

Which motion prevailed.

Mr. Carland moved that the report be adopted as read.

Mr. Miller moved to amend that the report be adopted with the exception of sections 8, 9 and 11, which shall be re-referred to the Committee on School and other Public Lands,

Which amendment prevailed.

Mr. Scott moved a division of the question.

Which motion was lost.

Mr. McHugh moved the previous question.

Which motion prevailed and the original motion as amended prevailed.

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

That the Convention refer the matter of county courts back to the Judiciary Committee, and that the Judiciary be instructed to prepare an article creating county courts, but making provision that any county desiring to adopt the county court system shall first submit the question to the voters of such county, and that in no case shall any county elect a judge of the county court before the general election of the year 1890.

Which resolution was lost.

The President called Mr. Williams to the chair.

Mr. Miller moved that section 27 of File 121 be adopted.

Mr. Stevens moved to amend that the Convention consider section 27 of File 131.

Which amendment was lost.

Mr. Flemington moved that the Convention do now resolve itself into Committee of the Whole.

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

Mr. Selby moved that the Convention adjourn.

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,
Chief Clerk.

FRIDAY, August 2, 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. Spalding, who was excused.

Mr. Lauder moved that the reading of the Journal be dispensed with.

Which motion prevailed.

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

Resolved, That the Committee on Judiciary be instructed to report an article prohibiting the Legislature from ever changing or repealing the present territorial homestead and exemption laws.

Ayes and nays demanded on the resolution.

Those who voted in the affirmative were:

Messrs—
Gayton,
Scott,

Messrs—
Wellwood,

Messrs—
Williams.

Those who voted in the negative were:

Messrs—
Allin,
Almen,
Appleton,
Bartlett of Dickey,
Bartlett of Griggs,
Bean,
Bell,
Bennett,
Best,
Blewett,
Brown,

Messrs—
Gray,
Griggs,
Harris,
Haugen,
Hegge,
Holmes,
Hoyt,
Johnson,
Lauder,
Leach,
Linwell,

Messrs—
O'Brien,
Parsons of Morton,
Parsons of Rolette,
Paulson,
Peterson,
Powers,
Powles,
Rurcell,
Pollock,
Pay,
Richardson,