

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,

Budge,  
Camp,  
Carland,  
Carothers,  
Chaffee,  
Clapp,  
Clark,  
Colton,  
Douglas,  
Elliott,  
Fay,  
Glick,

Lohnes,  
Lowell,  
Marrinan,  
Mathews,  
Meacham,  
McBride,  
McHugh,  
McKenzie,  
Miller,  
Moer,  
Noble,  
Nomland,

Robertson,  
Rolfe,  
Rowe,  
Sandager,  
Selby,  
Shuman,  
Slotten,  
Stevens,  
Turner,  
Wallace.  
Whipple.  
Mr. President.

Absent and not voting:

Mr. Flemington,                      Mr. Spalding.

And so the resolution was lost.

Mr. Williams moved that a special committee of thirteen, of which the gentleman from Emmons, Mr. Gayton, shall be chairman, be appointed to take into consideration the matter of exemptions.

Which motion was withdrawn:

#### FIRST READING OF ARTICLES.

File No. 136 was read the first time.

#### REPORT OF STANDING COMMITTEE.

MR. PRESIDENT:

The Committee on Judicial Department recommend that the following section be incorporated into the Constitution of North Dakota as section 2 of the article on Compact between the United States and said state:

SEC. 2. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten, heretofore declared by the President of the United States; *provided*, legal process, civil and criminal, of this state shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

JOHN E. CARLAND,  
Chairman.

#### SECOND READING OF ARTICLES.

File No. 135 was read the second time.

The report of the Committee of the Whole of Aug. 1 was read as follows:

MR. PRESIDENT:

Your Committee of the Whole have had under consideration Files Nos. 131 and 121, being the majority and minority reports of the Committee on Judiciary Department, and recommend that the committee report progress and ask leave to set again.

R. J. ALMEN,  
Chairman.

Which report was adopted.

Mr. Blewett moved that the report of the Committee of the Whole for the evening session of August 1st be adopted.

Which motion prevailed.

Mr. Purcell moved that the Convention do now resolve itself into Committee of the Whole for the further consideration of the minority and majority reports of the Committee on Judicial Department.

Which motion prevailed, and

Mr. President called Mr. Bartlett of Griggs, to the chair.

Mr. Carland introduced the following as a substitute for sections 24 and 25 of the Judiciary Committee:

That the word "probate" where it occurs in sections 24 and 25 of the majority report of the Committee on Judicial Department be stricken out, and the word "county" inserted, and that at the end of said section 25 there shall be added the following proviso: "*Provided*, That whenever the voters of any county having a population of two thousand or over shall decide by a majority vote that they desire the jurisdiction of said court increased above that limited by this Constitution, then said county courts shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed one thousand dollars, and in all criminal actions below the grade of felony, and in case it is decided by the voters of any county to so increase the jurisdiction of said county court, then the justices of the peace of such county shall have no exclusive jurisdiction, and the jurisdiction in cases of misdemeanors arising under state laws which may have been conferred upon police magistrates, shall cease. The qualifications of the judge of the county court in counties where the jurisdiction of said court shall have been increased, shall be the same as those of the district judge, except he shall be a resident of the county at the time of his election, and said county judge shall receive such salary for his services as may be provided by law.

When the Committee rose the following report was presented:

**MR. PRESIDENT:**

Your Committee of the Whole have had under consideration the majority and minority reports of the Committee on Judicial Department, and recommend that action on sections 24 and 25 be deferred until to-morrow, and that the substitute motion of Mr. Carland be printed.

Also, recommend that action on sections 26, 27 and 28 and the remaining sections of File No. 121 be deferred until action is taken on the matter of probate courts.

The Committee have also had under consideration File No. 122, being the report of the Committee on Executive Department, and recommend that section one (1) be adopted.

Also recommend that section two be amended by striking out in line four the word "two" and substituting in lieu thereof the word "five."

Also, recommend that sections three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11) be adopted.

Also, recommend that section twelve be amended by striking out in the sixth line the word "statistics" and inserting in lieu thereof the word "labor;" also in line four strike out the words "Commissioner of School and Public Lands;" and that as so amended the section be adopted.

Also, recommend that section thirteen be amended by striking out in lines two and three the words "Commissioner of School and Public Lands;" also strike out the word "statistics" in line four and insert in line thereof the word "labor;" and that as so amended the section be adopted.

Also, recommend that section 14 be amended by striking out in lines 4 and 5 the words "commissioner of school and public lands;" also, in line 7 strike out the word "statistics" and insert in lieu thereof the word "labor;" and that as so amended the section be adopted.

The Committee have also had under consideration File No. 129, being the majority report of the Committee on Legislative Department, and also the subsequent reports from the same committee, and recommend that sections one (1), three (3) and four (4) be adopted.

Also, recommend that the following be substituted for section 5 of File No. 129:

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 portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law.

Also recommend that sections six (6), seven (7), nine (9) and ten (10) be adopted.

Also recommend that section eleven (11) be stricken out and the following substituted therefor:

"The members of the House of Representatives shall be apportioned to and elected at large from each senatorial district."

Also recommend that section twelve (12) be adopted.

Also recommend that section thirteen (13) be amended by striking out the word "recorder" in the second line and inserting in lieu thereof the words "register of deeds," and that as so amended the section be adopted.

Also recommend that sections fourteen (14) and fifteen (15) be adopted.

The committee reports progress and asks leave to sit again.

DAVID BARTLETT,  
Chairman.

Mr. Appleton moved that the report of the Committee of the Whole be adopted and referred to the Committee on Revision.

Which motion prevailed.

Mr. Williams moved to adjourn until 2 o'clock p. m. August 3d.

Mr. Bartlett of Griggs, moved to amend by striking out the time.

Which amendment was lost.

Mr. Bartlett of Griggs, moved to amend by striking out "2 o'clock p. m." and substituting "9 o'clock a. m."

Which amendment was lost, and the original motion was also lost.

Mr. McHugh moved to adjourn until 2 o'clock p. m. August 3d.

Mr. Lauder moved as an amendment that the Convention adjourn.

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

### EVENING SESSION.

The Convention reassembled at 8 o'clock p. m.

Mr. Moer moved that the house resolve itself into Committee of the Whole for the further consideration of File No. 129.

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 File No. 129

and recommend that sections sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20) be adopted.

Also, recommend that section twenty-one (21) be amended by striking out the figures "\$300" in line two and inserting in lieu thereof the figures "\$5 per day," and that as so amended the section be adopted.

Also, recommend that sections twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25) twenty-six (26), twenty-seven (27) and twenty-eight (28) be approved.

Also recommend that section twenty-nine (29) be amended by inserting after the words "12 o'clock" the letter "M," and that as so amended the section be adopted.

Also, recommend that sections thirty (30) and thirty-one (31) be approved.

Also, recommend that section thirty-two (32) be amended by striking out in line two the words "ninety days" and inserting in lieu thereof the words "sixty days;" also amend same section by adding at the end of the section the words "but the first session of the Legislative Assembly may continue for a period of 120 days," and that as so amended the section be adopted.

Also, recommend that sections thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38) and thirty-nine (39) be adopted.

Also, recommend that section forty (40) be stricken out.

Also recommend that section forty-one (41) be adopted.

Also recommend that section forty-two (42) be amended by striking out the word "present" in the second line thereof, and inserting therefor the word "elect," and that as so amended the section be adopted.

Also recommend that section forty-three (43) be adopted.

Also recommend that section forty-four (44) be amended by striking out in the second line thereof the words "sixty days," and inserting therefor "July 1st," and that as so amended the section be adopted.

Also recommend that section forty-five (45) be adopted.

Also recommend that lines 49 and 50 of section forty-six (46) be added at the end of the section; also recommend that the section be further amended by adding thereto the following: "Nor shall the legislature indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Also, recommend that section forty-seven (47) be adopted.

Also, recommend that section forty-eight (48) be adopted.

Also, recommend that the following portion of the report of the Committee on Legislative Department be adopted:

"Files numbered sixteen, eighteen, nineteen, twenty, twenty-six, twenty-eight, thirty-one, thirty-seven, forty-five, forty-eight, sixty, seventy, eighty, eighty-five, eighty-eight, ninety-five, one hundred, one hundred and one, one hundred and two, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and sixteen and one hundred and eighteen are reported back with the recommendation that they be laid upon the table."

Also recommend that the consideration of the following proposed additional article to File No. 129 be indefinitely postponed:

"That in lieu of all perquisites, newspapers, postage, stationery etc., each member of the Legislative Assembly be allowed fifty (\$50) dollars"

S. H. MOER,  
Chairman.

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

Which motion prevailed.

\* Mr. Camp, by unanimous consent, submitted the report of the Joint Commission on the Equitable Division of the Property of the Territory, and moved

\*See Appendix "B" for full text of report.

That it be read the first time by its title only.

Which motion prevailed.

File No. 137 was introduced and read the first time:

**MR. PRESIDENT:**

Your Committee on School and other Public Lands to whom was referred sections 8, 9 and 11 of File 130 for reconsideration report as follows:

We recommend that section 8 be amended and read as follows:

**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; *provided*, further, that the limitations as to price at which school lands may be sold shall be subject to any act of Congress that may hereafter be passed, modifying the terms of the land grant, in an act of Congress entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form Constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states."

We further recommend that section nine (9) be amended to read as follows:

**SECTION 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; *provided*, that all of said school lands now under cultivation may be leased for other than pasturage and meadow purposes until sold. All rents shall be paid in advance.

Section 11 is reported back without change.

H. M. CLARK,  
Chairman.

File No. 138 was introduced and read the first time.

Mr. Bean moved to adjourn,

Which motion prevailed and the Convention adjourned.

J. G. HAMILTON,  
Chief Clerk.