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leigh, ALLIN of Walsh, STEVENS of Ransom and JOHNSON of Nelson.

Adjourned to 2 o'clock p. m., July 6th.

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### THIRD DAY.

BISMARCK, *Saturday, July 6, 1889.*

The Convention met pursuant to adjournment, the PRESIDENT in the Chair.

Prayer was offered by the Rev. Mr. KLINE.

#### A QUESTION OF PRIVILEGE.

Mr. JOHNSON said: Mr. PRESIDENT AND GENTLEMEN OF THE CONVENTION. Yesterday we extended the privileges of the floor of this House to the representatives of the press. Certain representatives of the press availed themselves of that privilege to appear on this floor and lay copies of their papers before every member of the Convention. I hold in my hand a paper called the Devils Lake Capital, published in Devils Lake. It is on the table of every member here. This paper is published by one Marshall McClure. Turning to the editorial page, the first article in the first column casts a slur on the PRESIDENT of this body, and on other persons connected and unconnected with this Convention. Now gentlemen, we owe something to the dignity of the State of North Dakota. It was a great privilege—something to be treated with proper respect—the invitation to the floor of this House. That article laid before our faces is not in accordance with my idea of proper courtesy. I hold that the press should be perfectly free and untrammelled, and I hold that representatives of the press on this floor have the privilege of writing and sending to their papers and publishing anything which their judgment dictates as proper. We should not wince under the lash of proper criticism. I have been criticised many times, and I have been flattered also by the press. I cannot say that I have ever derived any benefit from the flattery I have received, but I can think of a great many instances where I was benefitted by criticism, for criticisms have

usually some foundation of truth. Almost always the criticism of the newspapers of the political party opposed to that to which I belong, has been true and I have endeavored with proper humility to study the weaknesses pointed out and improve upon them. But when it comes to abusing the courtesy which we have extended to the press, by members of the press coming before the Convention and laying on the desk of every member an article which is unkind and false, reflecting upon a member of this House, I say that it is a blow at the dignity and respect which this Convention should maintain. There was no excuse at the time it was laid before us. The elevation of Mr. FANCHER to the Chair should place him beyond such criticism. He was entitled then to respect. My own bitter disappointment should entitle me to silence and sympathy. As to the charge about my brother, I have a brother in Fargo who is an honor to the Republican party and the profession of law. A report went out some time ago when they were engaged in one of their bitter factional fights, to the St. Paul Globe, characterizing my brother as an anarchist. In the meantime he wrote to the proprietors of the paper and demanded first a retraction of the article, or second the name of the correspondent or third to stand a libel suit. As fast as the mails could carry it the name of the author of the article came—that of Major Edwards. My brother thought that the probabilities of getting a judgment were good, but the probabilities of realizing on it were not worth the paper on which it would be written, and he dropped the matter there. I have prepared this resolution, and I move its adoption:

*Resolved*, That the privileges of the floor heretofore extended to all representatives of the press be withdrawn from one Marshall McClure.

Mr. MCHUGH. I move that the resolution be laid on the table. This paper is dated July 2d and the criticism came before the Convention was organized.

Mr. WALLACE seconded Mr. JOHNSON's resolution, and Mr. MOER seconded Mr. MCHUGH's.

The motion to lay on the table was carried.

Mr. TURNER. I move that we do now adopt the Constitution of the United States.

Seconded.

Mr. PURCELL. Before we do that we want a proper organization. I think it is proper first to proceed to the election of officers.

Decided by the Chair that the point of order raised by Mr. PURCELL was well taken.

## THE RULES OF THE HOUSE.

Mr. CARLAND. I am directed by the Committee on Rules to submit the report of that committee.

The rules were read.

Mr. WALLACE. It seems to me that we should adopt that part of the rules which refers to committees, so that the President may appoint his committees. It will save time if nothing else for us to do that. I move that the report be adopted so far as it refers to the committees.

Motion seconded by Mr. POLLOCK.

Mr. SCOTT. It seems to me that the amendment should not prevail. The report is lengthy and we shall need to give it a good deal of attention. I see no reason for adopting the most important part of the report—a part which will require more consideration of the individual members of the convention than any other part.

Mr. WILLIAMS. It seems to me that it would be proper to lay the report over till Monday and act on it as a whole.

Mr. PURCELL. I think that we might adopt that part of the report which refers to the officers of this body. A certain part of the rules refers to officers that we shall have. It must be apparent to all present that we must have these officers and we can act in regard to this matter now. If it would be in order I would move that that portion of the rules which refers to officers be adopted.

Seconded.

Mr. PARSONS of Morton. Mr. PRESIDENT: I hope that both the amendments will prevail. A good deal more than these amendments include might be adopted without doing any harm. Perhaps three-fourths of the matter in these proposed rules is unobjectionable, and if the Secretary will read the report over rule by rule, and if any one objects to any rule it can be marked and held over for discussion, and what is not objected to can be adopted. If there are rules here that there is no objection to, why not expedite matters by settling them now?

Mr. CAMP called for a division of the question.

Mr. WALLACE. There is a certain element here who are willing to go before the people as obstructionists. If they can see any good reason why we should delay our business in order that a

certain faction may inaugurate what, as regards the interests of that faction, I regard as very insignificant, I cannot. Can the Convention do this with propriety and dignity? We have been confronted with an attempt by some to delay matters a half day. By a motion made yesterday we have lost this morning's session. By a motion now before the house we are in danger of losing still more time, and if this course of procedure goes on we shall see snow flying before we get out of business. I think it is time to call a halt in this business.

Mr. MILLER. I am just as anxious to get through with this work as anyone else can be. But I can't carry in my mind that lengthy report and know if I want to vote for it. I shall undoubtedly be glad to vote for a large portion of it. But I cannot carry it in my mind. We will have ten times the delay during this session if we don't print that report before it is acted on. It is a saving of time to have it printed before we act on it. I dislike to see it passed in fragments. We want to know what the rules and the committees are, and we can do that more expeditiously and save time if the amendments are lost.

Mr. SPALDING. In regard to the adoption of any part of the report it seems to me that the foundation of our work is the committees. The work of the Constitutional Conventions in the past has been done by the committees. In some there have been twenty or thirty or forty committees and we must scan these constitutions and determine what committees are wanted. It is true that the committee that has handed in this report has done so, but it is our duty to do it likewise. We may decide that it is not policy to have a committee on a certain subject and the only time to discuss that is when the committees are to be decided upon. I should be in favor of taking this up committee by committee and thus lay the foundation for the work that is before us. These committees and their character will determine our work, and it is most important that the foundation should be well laid. There should not be two committees on the same subject which will conflict with each other.

Mr. PARSONS of Morton. I heartily agree with the gentleman from Cass, and the only difference between us is the question as to the time when we shall discuss these committees. I don't know that it would take any longer to discuss this this afternoon than on Monday or Tuesday. The Secretary can read out each committee, one at a time, and if you have any objection to the

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committee, vote it down. Let us have just as full a consideration of this matter now as we can have at any other time. I don't think there is a gentleman here but can understand one committee at a time, and I can't see how anyone can be misled. The President of the Convention then can be working on the committees and we can get to work much sooner.

Mr. CLAPP. I would suggest that the gentleman who has just spoken has the advantage of the majority of us, but if as he has just suggested we take the committees one by one, we might allow one committee to pass and forget that it had been provided for. Unless we have them before us we can't remember what has gone before.

Mr. STEVENS. As one of the members of the Committee on Rules it would be gratifying to me at least, if this Convention would adopt the original resolution. First, so that each member might have an opportunity to thoroughly study each rule and all the committees provided for. The committee, while it has provided for certain officers of this Convention, has not provided for any clerkships of committees. The Convention after having studied the rules may deem it necessary to do so, and it might be put into the report and adopted at the same time with the balance, and it would be a part of the question to be considered.

The original resolution was adopted with the amendment that that part of the report be adopted which refers to officers of the Convention.

Adjourned until 2 o'clock p. m., July 8th.