

## THIRTY-FIFTH DAY.

BISMARCK, *Wednesday, August 7, 1889.*

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

Prayer was offered by the Rev. Mr. KLINE.

## THE PUBLIC INSTITUTIONS.

Mr. WILLIAMS. I move that we proceed to the consideration of the report of the Committee on Public Institutions and Buildings, as well as the minority report. The majority of the committee made their report yesterday, and it was agreed to them that the minority should have time to submit their report. That report is here now.

The motion was seconded by Mr. MILLER and carried.

Mr. MILLER. I move that we adopt as a whole the majority report of the Committee on Public Institutions and Buildings, known as File No. 143.

The motion was seconded.

Mr. BARTLETT of Griggs. I desire to offer the following as the first section of the report:

“The following article shall be submitted to the vote of the people as a separate article as provided by the Schedule.”

Mr. BARTLETT of Griggs. The unusual manner in which this question has been brought up was unexpected by me. I am well aware that I represent the opinion of the minority on this floor this afternoon, and as far as I am concerned I bow to the majority. However, you may have obtained that majority, you have it. Now I ask in behalf of at least thirty members, and I think more—I ask in all fairness that you adopt this section, and that this matter be submitted separately, that the people may have, if they wish to locate these institutions, that they may have a right to do so. Refuse this section and you compel at last thirty members that sit in this Convention to-day to refuse to sign your

Constitution—you compel at least thirty who have sat here from the Fourth of July until now, trying to do their duty, to go home and say to their people that they have been unable to accomplish it, and to ask their people to refuse to endorse their work. I don't believe that this Convention can afford to do this. Refuse this section—refuse to submit this matter separately, and you forever bar all compromise with the minority here, which I think is a respectable minority. Refuse it, as I say, and you compel us to take the steps that we here and now state that we do not wish to take, and would much rather not take. Refuse this, and the republicans in this Convention endanger the success of the republican party in this new State this fall. You may smile, but it is a fact. We know that not only have the votes of the majority been obtained by every means known to the power of corporations, by promising and farming out so far as that influence could go, every office and position on the State ticket this fall—we know that and are satisfied of it. Refuse this section, and you compel at least thirty members of this Convention to join with any party—to join with any alliance that will forever and forever sit down and permanently sit down on the rule of corporations in this State. Gentlemen, I ask in all humanity—I ask, I plead it, that you accept this provision.

Mr. POLLOCK. I am in favor of this amendment, and I certainly hope that it will be incorporated as the first section of this article. The people of this incoming State have not expected that these institutions were to be located. They have not expressed their desires or wishes on this subject. What is fairer, what is more in accordance with the wish of the American people, than that they shall decide the question for themselves? They have a right to determine it, and unless they do it by their representatives—and we are not their representatives to decide this question—they have a right to do it at the polls. Unless they have this privilege as the gentleman from Griggs has said—it may endanger the adoption of this Constitution.

Mr. MATHEWS. I can endorse all that has been said by the gentlemen who have spoken. I am in favor of this amendment, and not in favor of our saying where the buildings shall be located. I don't think that our people want us to do it, and I am opposed to it.

Mr. JOHNSON. This is an interesting moment, and I fear a sad day in the history of North Dakota. Is it possible that gen-

tlemen in the majority will sit here in silence under the earnest appeals that have been made to them, and give us no reason for this course of conduct? Is there no defense—is it utterly indefensible; so that not one of you gentlemen will open your mouth and say one word? We have labored here faithfully and earnestly and for over a month, and if we were to adjourn at this minute that portion of the Constitution which has been sent to the Committee on Revision and Adjustment would make a very good constitution if adopted. I shall be glad to vote for a motion to adjourn at this moment rather than have this article pass. I think that we would then, although it would be incomplete—have a Constitution that would be better than any state in the Union has. See how we have almost completed our labors. The whole thing has been prepared—the executive, the legislative and judicial departments, corporations, taxation and revenue, school and public lands—all these questions have been thoroughly studied and argued, and we have reached wise and moderate conclusions. Is it possible that you will make the people of this incoming state confront this problem—either to remain in the territorial condition indefinitely or to vote for the adoption of such an article as this? Is it possible that you will make over thirty delegates hesitate, and possibly refuse, to affix their signatures to the document when it is completed? Is it possible that you will compel them to go out and take the stump against this document that a small majority only will sign? The people are in no mood for being whipped into voting for this Constitution. A representative body of men met at Fargo a week before we assembled here and asked for three simple things—things that were utterly insignificant of themselves. Their representatives on this floor have begged with you—pleaded with you, that you recognize these appeals. Every one has been spurned. I beg of you—I plead with you to give us one reason why we should vote for this article.

Mr. PURCELL. I for one, as a delegate to this Convention, supposed it to be our duty to meet here in Convention and as soon as possible draft a Constitution for the people of the new State of North Dakota. The duties devolving upon delegates of this kind are not new in the history of the country. We take as a precedent, and properly so, the Constitution of the United States. The different states of the Union since the origination of that document, have been compelled to frame and form constitutions such as we are presumed to be forming here. So far as our duties

pertain to the forming of a Constitution, we have precedents, but when this Convention attempts to step aside from the duties assigned to it by the Organic Act, it fails to find a precedent in any state for the action sought to be forced here. It was my hope and wish that whatever part I took in the making of this Constitution might be such that it would reflect credit on myself and others. But, sir, we have here to-day seen an effort to put in this Constitution something that must forever damn the men who dare sign their names thereto. We have not been sent here to farm out the public institutions of this great State. We have not been sent here to meet in caucuses and conventions, and as the result of those caucuses seek to foist upon the people of this State a burden they can never shift from under. As a member of the commission that took part in the division of the property of the Territory of Dakota, I was enabled to appreciate the debt with which North Dakota will start out, and that debt is \$539,807.46. That is what North Dakota starts out under on her road to statehood. If this report of the Committee on Public Buildings is adopted there is no telling—there is nothing by which we can place a standard, at which the debts of this new State will reach.

As I said before, in making this Constitution we have precedents. We not only have precedents, but our duty was somewhat limited and confined by the Enabling Act under which we met, and by strictly adhering to the principles laid down in that document and confining ourselves to making a Constitution that we might be proud of, we would be doing that which our constituents expect of us. But when we seek to leave that path of duty and enter the path of chicanery, we not only bring on ourselves the disrespect of our constituents, but the disrespect of every citizen of the United States, because, sir, we have had it hurled in our teeth for ten years at least, that the Territory of Dakota was composed of more schemers than all the rest of the Union combined, and when we went to Washington on missions to benefit the people, we were met with these epithets on every hand. It seems to me that men who value their integrity at anything, should be careful when they introduce a measure of this kind and ask to have it placed in this Constitution. It is the sign for the people of North Dakota to start out on missions of chicanery. It has been the custom when in the past epithets would be hurled at us for our scheming traits, that the people of North Dakota would say it must be the people of South Dakota, but to-day we not only

see the handiwork of some bright schemers here, but we see these schemes attempted to be forced into this Constitution and upon the people of the new State. Here is an attempt to locate institutions that there is no necessity for, and the probabilities are that there will be no necessity for them for fifty years to come.

Every man has a right to consider why it is that this measure is sought to be engrafted in this Constitution. I would ask any man whose name is appended to that report, or who is in favor of this measure now, if it was an issue in the campaign, or if it was thought of when he was elected? On the other hand, Mr. PRESIDENT, we have seen no less than four prominent cities in North Dakota, candidates for the seat of government. But to-day by this bill we see these four cities working here as a unit for the passage of this measure. As was well said by the gentleman from Griggs, there is some subtle influence at work in this matter. It does not seem to me that it is being done for the interest of the people at all, but if there is any one thing that will stamp our Constitution with contempt, it will be the engrafting in that Constitution of the report of the Committee on Public Buildings. In years to come when people are turning back and looking on this Constitution, they will ask where it was that we got our precedent for putting an article of this kind in the Constitution. They will say that we must have been suspicious of the Legislatures that were to follow—that we thought that we possessed all the honesty and integrity that it was possible for the State to have within the next hundred years, because in the adoption of this article we forestall the Legislatures for all time to come. There are institutions provided for here that are to-day ridiculous—there are institutions provided for here that it is not possible for this State ever to need, and tell me why it is that these institutions of which some people have never heard are to be located—are to be erected and the debt created to settle on the people of North Dakota? Is there to-day the need for a single institution mentioned in that bill, with the exception of the Capitol and the Insane Asylum? We have all the institutions that we need for the present, and for some future time to come.

There is a phase of this question that should be explained. There was a member of this Convention that moved that a certain committee should be appointed to draft an address to the people of this Territory, and everybody thought that perhaps that motion was a good one—that we should give to the people of

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our new state the reason why this Constitution was thus and so. That I understand to be common in many such instances of this kind, but I see that the gentleman who made that motion sits silent to-day, and says nothing in support of this proposition. If he is a member of that committee which will frame that address, I would ask that to him be directed the duty of explaining to the people of North Dakota the reasons why they have imposed on them eleven new state institutions? As was said by the gentleman from Griggs, we have come here to make for our people a Constitution. We hope they will be satisfied with our work, but we cannot claim that they will when we see an article of this kind attempted to be interposed. On every hand will we be assailed with the charge that there was some subtle influence in this Convention to which we were all susceptible. I have talked with men on this floor who will support this measure, and they have told me that influences brought to bear on them were such that they were unable to withstand. I ask you to stop and ponder what will be the influences brought to bear on the Legislatures of the future when these respective localities come forward and ask for appropriations for their respective institutions. It may be said that this is only directory, and the Legislature will simply locate these institutions when necessity requires. By this article these institutions are located now, and the same influences that have come together and sought to push this article through, will be here with the next Legislature, and will work with the Legislature for appropriations to carry out the original plan.

The statement is made here that we simply locate the institutions, and the Legislature will provide them as the State needs them. But won't every locality that has an institution step forward and insist that the necessity for its institution exists now, and won't the same influences that propose to adopt this measure, also come forward and help the people of these different localities to get their institutions? Wherein can the people be injured—wherein can they be hurt one iota by the referring all this matter of the public institutions to the Legislature? Whenever the public sentiment exists in favor of the location of a particular institution it will be time for the Legislature to locate it, and no one will say that the Legislature dare stand up and refuse to give the people what they want in this respect. We want this matter left in the hands of the Legislature. Why is it sought to be engrafted in here? It is something unheard of in the history of

our country. It seems to me that if the gentlemen on this floor who are advocating this measure were honest and sincere—these gentlemen who have been talking to us about honesty and integrity—would look at this proposed article for a moment, they would be surprised at their own unworthiness. It is true that in some states public institutions of the kind mentioned in this article are located and are now being located—it is true that they are locating such public institutions as they really need—but I venture to say that out of all the institutions named in this bill there are not two, aside from those which are now built, that we will need for the purpose of accommodating our wants. But it has been planned, and it is sought to shackle the people of this State, and put in this Constitution something that they know if it once gets in, must be maintained and thereby create a debt which the people have never expected would be incurred. This is in direct opposition to the duties we have been sent here to perform, because as I consider the article under which we have met here, there are 170,000 acres of this land that have been donated for such educational and charitable institutions as the Legislature may determine upon. Instead of waiting for the Legislature to determine as to these institutions, by a combination these things are intended to be farmed out. I ask you if it is right—if there is a man on this floor who can stand here and justify it? It is true that Wahpeton is represented in this bill, but I care not. I came here to do what seemed to me to be my honest duty, and I feel that I have done just what my constituents require of me.

Mr. STEVENS. It was not my purpose when this matter should come before this body to have one word to say as to whether or not such a measure should pass. But having been attacked by the gentleman from Richland, I feel it is a justice to myself and justice to those who shall vote with me on this proposition, that the reasons which I would be pleased to incorporate in the letter which shall go forth to the people of North Dakota, explaining to them the reasons why this Constitution should be adopted, will be given here. Let me say to the gentleman that while I may possibly, in his mind, be inconsistent in my views, while it may be that the reasons I shall give for the location of these institutions at this time and at this Convention might not seem to be such as would be approved by his mind, he cannot accuse me of ever having swopped horses in the middle of the stream or changed my position when once it had been taken. First. Why should we not

locate these institutions? They will be located by the Legislature if not by this Convention. Are we not as competent to locate these institutions as the Legislature would be? Is there the same motive to influence our conduct that there would be to influence that of the Legislature? The motive which would influence a Legislature in locating these institutions at improper places might be the purposes of other legislation. There is but one question to be considered by us in locating these institutions. No legislation need affect us; no provision in our Constitution is being changed for the purpose of making a combination. The only combination here is a combination of cities of this Territory, where these institutions can be located to the best interest and the best advantage of the Territory, soon to be the State of North Dakota. On our west we have a vast amount of territory. Shall we rob that great territory of its life and vitality—the capital of the Territory—and thereby pay taxes from the eastern part, of thousands and thousands of dollars which we can now save by assisting in building up the western part of our State by locating at the City of Bismarck the permanent capital? Shall we let our capital be shifted from place to place as other capitals have been in different states, and shall we let it become a source of corruption by the lobbyist of every Legislature to work upon, or shall we say—here the people have located and established the capital? Here we occupy one that is a credit to the State of North Dakota, as much so as the capital of any other State of this Union has been at the same age of its statehood.

For that reason, for the purpose of increasing the taxable property of the west and making a railroad center here, and helping to build up our Territory, we have located this institution at this place—which is the proper place. The location of the Capitol at any other place, while it might seem to fit the ideas of the gentlemen who vote on the other side, would be not only an injustice to this country, to this particular place, but an injustice to the whole Territory of robbing one-half of our Territory of an institution that will assist in the up-building of the country. Why have we located the other institutions in the way we have? Because our population demands it; because our population is scattered up and down the Red River and in the counties lying along the Jim River and in the counties lying along the Cheyenne; because they are the most populous and pay the most taxes, and still for some time to come these institutions cannot as-



sist in up-building the country as the Capitol building would, and for that reason we have located these in the region to which they properly belong. Will any gentleman on this floor get up and say that a single location made by this committee is not properly made? Will a single gentleman say that a single location has been made so that it is not beneficial to the people? Is there a suggestion in the mind of any gentleman that any other places would be more appropriate than the ones that have been placed in this report? If that is true, why should we not locate them? In the address to the people I would say that the institutions were located by us, because in the first place they could be located at such places as the people could never object to. In the second place they were located so that when the legislators should meet the lobbyists or corporations and others who come forward and ask to make this one of the factors in passing unjust laws and in discriminating in favor of things that we do not want in our laws, they could not say that if you do not assist our measure we will defeat you in your efforts for your public institution which must be located. We believe that under this arrangement we retain for the people all the benefits and all the rights that they possibly have if they were each one individually to vote on these locations. These, sir, are the reasons that I would give to the people of North Dakota for the action which I hope this Convention will take in the adoption of the majority report and the voting down of the amendment now before this House.

Mr. BENNETT. I want to say one word in reply to the gentleman from Ransom, and it is this. He states that his reason for desiring to locate the public institutions at the present time is that corporations—railroad corporations, and so forth, may be prevented from hereafter influencing the Legislatures of this State. I have it from a gentleman who is good authority on this question, and who is a member of this Convention, that the corporations—the two great railroad corporations in North Dakota—are to-day interested in making this combination to locate the capital at Bismarck. I have every reason to know that it is true, and if necessary I can bring the gentleman on the stand to prove it. I don't take any stock—and I don't want the minority of this Convention to take any stock—in the intimation of the gentleman that the corporations are not to-day the motive power in this matter.

Mr. PURCELL. We are all glad to know just why the gentleman will support this article. He supports it because by moving

the capital we would rob this great western country of something that will draw to it; and to-day in the discussion of this question he is particularly liberal in making this as one of his reasons why he votes to sustain the capital at this place. But if I remember rightly, the other day when that gentleman stood here on the floor of this Convention and asked that they be given more representation in the Legislature of the State, the gentleman was not so liberal on matters of that kind as he is on this. He speaks about consistency. Consistency is a jewel, and if there is any man on the floor of this Convention who will hold up his finger and say I have not been consistent I want him to do so. This is not a new matter to us. It has been talked of since the Convention commenced to hold its sessions, but if any man charges me with inconsistency he charges me with that which I have not been guilty of. If it was wise and proper to give this capital to these poor western people, why is it not right and proper to give to these same poor western people the right of representation on this floor which they ask? If that is the only defense he has got to the motion, it will be a difficult task to explain in his address to the people the reason why this infamous clause should be tried to be planked in this Constitution. We have been sent here to make a Constitution that ought to be our pride and glory. We have been sent here charged with a careful duty to perform. In the constituency which I represent are men who are in favor of prohibition, but in every one of their conventions the prohibitionists have said: "You must not vote to put prohibition into the Constitution, because it might endanger its adoption." They have charged me when coming here to perform the duties of a delegate, that in all questions of this kind I should in no way vote to put it in the Constitution and thus endanger its passage. We have heard on the floor of this Convention some delegates who are prohibitionists, and who spend their time and money in seeking to accomplish their end, but when they come here as delegates they come here as men, and say, "Don't put that in the Constitution, because placing it there may endanger its passage," and they sit here—although it may be a measure many of them have worked long and earnestly to see become a law—they sit here and ask only that it be submitted as a separate matter to the people to vote upon. If they are so careful of that small measure which many of us believe would be of great good to the community, why do other members of this Convention spring up here and endeavor to foist

on the people a debt of this kind, and that without submitting it to a vote?

Mr. BARTLETT of Griggs. It was not my purpose to speak a second time, and I should not do so if the gentleman from Ransom had not spoken, and spoken as he did. He says no man can charge him with changing horses while crossing a stream. He says no man can charge him with being inconsistent in this matter. He says that no man can charge him with doing anything but what was right, and just and fair. I wish him to say here in giving his reasons why this Constitution should be adopted—I want him to state what reason he gave less than three days ago, when he was laughing and shaking hands with us, and pledging that he would stand out for all time against this combination. I want him to explain those reasons, and then explain to the citizens here the reason that he is now taking the position he does. Not many rods from where he now stands he told me that he could not justify his change. He told me that the scheme was one that he could not openly sustain, and I quote him now and here. I well understand that I am talking here to no purpose. I well understand that we might talk here till November and possibly we could not change a vote. The question is not whether or not the location of these public institutions is right—whether they are located in the right places, but the question is whether we will put this in the body of the Constitution and compel us to swallow the whole thing, or will you submit it to a vote and allow it to stand upon its merits. If, as the gentleman says, it can stand upon its merits, then why not submit it separately?

There is one thing about this which I have never noticed in any other constitution. It does not say one thing; it is absolutely silent upon the conduct, the disposition and control of the public institutions. It simply provides for their location, and their perpetual location, and that is all. Therefore it can be submitted in a separate article and not endanger the Constitution, without taking one word from it, and without taking one word out of the Constitution that should be in it. Those who know, know that this combination was the cause of having the report of the Committee on School Lands withdraw their report, that it might be changed in accordance with this scheme. They know the first section of this File said that these lands shall be under the control of the Legislature, and those who are in favor of placing any restriction

around our school lands might as well go home. I think this File has changed that provision. He asks: Could we get more appropriate locations for these institutions? I think that with all due respect to the gentleman from Ransom there is one institution mentioned in this report, and that is the institution for the feeble-minded, that ought to be located in nearly every county in this State. It seems to me that that institution would be pre-eminently proper to be located in the home of the gentleman from Ransom. I have been told that it would not do for me to oppose this measure. I have been told that there was a future in this matter, and that I should be on the right side. I want to say that I have no political future; I have no political life that I wish to perpetuate or sustain by voting for such a contemptible measure to be placed in the body of this Constitution.

Mr. STEVENS. I do not desire to make a speech. I desire to say in the first place that the reason that an institution for the feeble minded is not to be located in my county is because we have no subjects down there. In the second place when the gentleman got up and addressed this Convention, he said: "I bow to the will of the Convention."

Mr. BELL. I am greatly surprised to-day. I am greatly surprised at the gentlemen who have here to-day developed such enormous love for the dear people—such fatherly love for the dear people—that would not give them a say in matters of voting for the Capital—a matter that is of the greatest interest to all the people. This cannot be left to them. They think their fatherly care must decide the matter for the people. The gentleman from Ransom says that he does not want to leave this matter to the Legislature. The Legislature might be corrupt. He certainly would imply by that that this constitutional body is pure and clean. He certainly would make us believe that this was a body offering to legislate for the people for all time to come, and yet yesterday the gentleman said that we have nothing to do with legislation—we are usurping the powers of the people when we undertake to legislate on any matter. Now he comes forward and says we are settling a matter of all the public institutions that the State will ever need to the time of the millenium. Now gentlemen, any man who stands up here and casts his vote for that article—for that report of the Committee on Public Institutions—denies to the people the right to vote on matters that concern themselves. The gentleman claims that there is no scheme in

this matter. I is all for love of the people, and he says the institutions are distributed as they should be distributed—they are distributed largely in the Red River Valley because they have the population, but as there is a smaller population in the west, we have placed but a few there. I would like to ask what is the matter with Walsh county that she has not got an institution though she has 18,000? I will tell you. She certainly has as good a right to an institution as any county in the State. She is the third county in the State—has never got any public institution or public convention, but she will not go into the dirty scheme. She has been offered public institutions in every town and hamlet, if she would only come in and locate the Capital at Bismarck. But I tell you the men from Walsh county can't be caught with a hook with an artificial fly upon it. If we trade our votes we want something for the people. We don't want institutions that won't be built till all the people living there are beneath the sod. The Argus says they are distributed throughout the State, and Fargo has got the Agricultural College and Bismarck has got the Capital. That is the whole business. That is all that will be got. Before there is any money to build any institutions in the outlying counties, I hope the Constitution will be changed. I feel certain that the Constitution, weighted down with that infamous article, never can be adopted by the people. The people are certainly not going to vote for the Constitution that denies them the right to say where the seat of government shall be. Never will they submit to such an abuse as that. I think the amendment offered by the gentleman from Griggs is fair. Some think the report of the committee is right. Others don't think so. Surely the people of North Dakota should be the judges. If it is right the people of North Dakota will endorse it; if it is wrong they will defeat it, as I am sure they will do to the Constitution if you put that in it.

The amendment of Mr. BARTLETT was lost by the following vote.

The roll being called there were ayes 31, nays 43, viz:

Those who voted in the affirmative were:

Messrs. Allin, Almen, Appleton, Bartlett of Griggs, Bean, Bell, Bennett, Best, Budge, Carothers, Colton, Douglas, Haugen, Johnson, Linwell, Marrinan, Mathews, McBride, Noble, Nomland, O'Brien, Peterson, Powers, Purcell, Pollock, Richardson, Robertson, Selby, Slotten, Turner, Wallace.

Those who voted in the negative were:

Messrs. Bartlett of Dickey, Blewett, Brown, Camp, Carland, Chaffee, Clapp, Clark, Elliott, Fay, Flemington, Gayton, Glick, Gray, Griggs, Harris, Hegge, Holmes, Hoyt, Lauder, Leach, Lohnes, Lowell, Meacham, McHugh, McKenzie, Miller, Moer, Parsons of Morton, Paulson, Powles, Ray, Rolfe, Rowe, Sandager, Scott, Shuman, Spalding, Stevens, Wellwood, Whipple, Williams, Mr. President.

Absent and not voting, Mr. Parsons of Rolette.

The motion of Mr. MILLER was adopted by the following vote:

The roll being called there were ayes 44, nays 30, viz:

Those who voted in the affirmative were:

Messrs. Bartlett of Dickey, Bean, Blewett, Brown, Camp, Carland, Chaffee, Clapp, Clark, Elliott, Fay, Flemington, Gayton, Glick, Gray, Griggs, Harris, Hegge, Holmes, Hoyt, Lauder, Leach, Lohnes, Lowell, Meacham, McHugh, McKenzie, Miller, Moer, Parsons of Morton, Paulson, Powles, Ray, Rolfe, Rowe, Sandager, Scott, Shuman, Spalding, Stevens, Wellwood, Whipple, Williams, Mr. President.

Those who voted in the negative were:

Messrs. Allin, Almen, Appleton, Bartlett of Griggs, Bell, Bennett, Best, Budge, Carothers, Colton, Douglass, Haugen, Johnson, Linwell, Marrinan, Mathews, McBride, Noble, Nomland, O'Brien, Peterson, Powers, Purcell, Pollock, Richardson, Robertson, Selby, Slotten, Turner, Wallace.

Absent and not voting, Mr. Parsons of Rolette.

Messrs. Camp, Parsons of Morton, Rolfe, Turner, Williams and Mr. President explaining their votes.

Mr. BEAN. I desire to offer an amendment to section one--the first part. The section reads as follows:

SECTION 1. The following public institutions of the State are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States, in the act of Congress, approved February 22, 1888, to be disposed of and used in such manner as the Legislative Assembly may prescribe.

I desire to strike out the words "in such manner as the Legislative Assembly may prescribe," and put in their place the words: "as provided in this Constitution." I wish to say a word or two giving my reasons for this amendment. This whole matter has been gone over in the Convention before, and I am not in favor of this article personally, but I think the Convention wishes that

there shall be no mistake about this. The subject referred to covers the public lands—the matter of the school lands and other public lands was referred to a committee. That committee have agreed to their report, and it has been reported once and adopted, but was withdrawn to amend certain sections. The committee have now prepared their report and it will be introduced this evening, and it is my opinion that this File No. 143 is not the place for such a provision as I seek to strike out by my amendment. The Committee on School and Public Lands have prepared an article showing how those lands shall be disposed of, and I am not in favor of leaving these lands to be disposed of by the Legislature. These institutions can very easily get the Legislature to put this land on the market, and the result will be our entire system of school and public lands will be thrown away. Everybody in this Convention knows that our lands are not for sale, because there are no purchasers. As I understand this section our school and public lands will be thrown on the market by it, and capitalists can come in and buy these lands as they did in Wisconsin for sixteen to twenty cents an acre. I am willing as far as I am concerned to adopt this report, but I am opposed to putting it before the people in its present shape. I say we should put a clause in the Constitution by which we reserve to ourselves these lands and put them to the uses for which they were intended by the Omnibus Bill.

Mr. WILLIAMS I presume the remarks of the gentleman from Nelson are founded on the report of the Standing Committee. I presume that if the Convention adopts the report of the Committee on Public Institutions it will be the duty of the Committee on School and Public Lands to frame a clause in accordance with the article adopted by the Convention. This does not refer to school lands at all, but has reference to the amount appropriated for the public institutions.

The amendment of Mr. BEAN was lost by a vote of 32 to 35.

Mr. JOHNSON. I move to amend the first section by striking out the words "Bismarck, in the county of Burleigh," and inserting in lieu thereof the words "Jamestown, in the county of Stutsman." Now, Mr. PRESIDENT, and four or five of the gentlemen living in and near Jamestown, it is your ears that I wish to reach. Let me tell you that we of the minority are willing now, and we have got the power to give you the Capital for all time to come in Jamestown. We will do it in good faith, and you now take the

responsibility of choosing whom you will serve. Five votes is enough to do it, and you have got it right there.

The vote was then taken on Mr. JOHNSON'S amendment. Mr. BLEWETT explained his vote as follows:

Mr. BLEWETT. I don't think the amendment was made in good faith, and I therefore vote no.

The amendment was lost by the following vote:

The roll being called there were ayes 19, nays 55, viz.:

Those who voted in the affirmative were:

Messrs. Allin, Almen, Appleton, Bartlett of Griggs, Bell, Bennett, Best, Budge, Carothers, Haugen, Johnson, Marrinan, Matthews, Noble, Peterson, Richardson, Robertson, Turner, Wallace.

Those who voted in the negative were:

Messrs. Bartlett of Dickey, Bean, Blewett, Brown, Camp, Carland, Chaffee, Clapp, Clark, Colton, Douglas, Elliott, Fay, Flemington, Gayton, Glick, Gray, Griggs, Harris, Hegge, Holmes, Hoyt, Lauder, Leach, Linwell, Lohnes, Lowell, Meacham, McBride, McHugh, McKenzie, Miller, Moer, Nomland, O'Brien, Parsons of Morton, Paulson, Powers, Powles, Purcell, Pollock, Ray, Rolfe, Rowe, Sandager, Scott, Selby, Shuman, Slotten, Spalding, Stevens, Wellwood, Whipple, Williams, Mr. President.

Absent and not voting, Mr. Parsons of Rolette.

Mr. BEAN. I move the previous question.

Mr. WILLIAMS. I desire to say the majority have given the minority all the afternoon to submit their objections to the majority report, and I think it has been as ably presented as it possibly could be. Therefore I second the motion for the previous question.

The previous question was then called, and a vote was taken on the main question.

Mr. CAMP. In explaining his vote said: I desire to explain my vote. I rise with reluctance to vote on this article and to explain, if explanation be possible, my vote. I accepted my commission and took the oath of a member of this body with, perhaps, somewhat exalted ideas of the powers and high duties of this Constitutional Convention of North Dakota. Those ideas I have retained. I have not looked upon this assemblage as one in which to trade votes or log-roll measures through by means of caucuses. I have not gone to any member with a proposal to vote for a measure that I did not approve, in order to obtain votes for a measure which I desired to have adopted. But I have wished



to see every separate measure stand or fall on its own merits. And yet I find myself here confronted by a combination of propositions which can only pass this Convention as a whole. None of these propositions would, if standing alone, receive the support of more than a respectable minority of this House. It is only by the assent of members to several propositions which they do not approve, in order to carry propositions which they wish to see adopted, that this article will pass. Of the moral right of such a course I have most serious doubts; of its political expediency I am by no means assured. I know it will deliver those who support the article over to the most scathing criticism. And if I were expecting to take more than a most humble part in the public affairs of the State of North Dakota, I should consider that there would be great danger that a vote in support of this article as it now stands would cast a cloud over the future. But I believe under the difficult circumstances in which we find ourselves, I cannot do better for the county which I represent, and the city in which I reside than to vote for this article, and therefore I record my vote—aye.

Mr. PARSONS of Morton, in explaining his vote, said: I desire to say a word in explanation of my vote. My reasons are the same as have just been given by the gentleman from Stutsman. One important reason is to take from the Legislature the material on which most combinations have been made in the past and would be in the future, and also under protest against that portion of section one which leaves the lands in the hands of the Legislature, I vote aye.

Mr. ROLFE, in explaining his vote, said: I wish to say a word in explanation of my vote on this article. The main question, as it appears to me, is the location of the Capital. That to my mind is a local issue. The interests of the west are brought into direct conflict with the interests of the eastern portion of the new State. I am a western man, and I represent the western section, and therefore I place myself in line with that portion of this Convention, which by its action will locate the Capital in the west, and locate it permanently. I vote aye also for the reason as has been stated by the gentleman from Morton, that the action which we take to-day removes the power from the Legislature to farm these public institutions out to the different sections of the State without regard to population; without regard to centers of population, and to my mind there is no moral question involved, but simply

one of local interest and public economy. There has not been a moral question presented here in its relation to this article to-day—not one, and if I am permitted to affix my signature as a member of this Convention to that Constitution with this article incorporated in it, I shall do it with as much satisfaction as I shall because there is also incorporated in that Constitution an article providing for county courts, which as you all know are so dear to me. I vote aye.

Mr. TURNER. I wish to say a word in regard to the vote which I shall give on this occasion. As a matter of conscience with me, and believing as I do that Bismarck has some claims on this State for the Capital, I would under other circumstances be glad to vote aye. But coupling as it does with the location of the Capital, all the institutions of this new State, and locating these institutions now when this new and growing State does not warrant the location at the present time, I object. If it was left to the Legislature to provide for only one institution at each session, it would prevent the very dealing and combination which appears to have been formed here in this Constitutional Convention—when we are not aware of what the growing necessities of this State will be, or what section will need these institutions most. I therefore vote no.

Mr. WILLIAMS. I desire to explain my vote. As a member of the majority of the committee I have refrained from making any remarks in reply to those that have been made by the minority. I have no hesitancy in saying that I vote for this measure, believing that in so doing we are submitting a proposition in our Constitution which will promote the future welfare and prosperity of this people. It will take from our Legislature a very embarrassing question. The action of the Legislature with the approval of the Governor is final. Our action is not final. To those gentlemen who question the sincerity of our course, I say that we submit our works to all the people of North Dakota. That is the explanation of my vote. I vote aye.

Mr. FANCHER. Since it has been my fortune to reside in Dakota, I have followed the fortunes and endeavored to advance the interests of the people of my county with such loyalty as I possessed. Believing that in the measure we are voting on now I am acting for the best interests of this people—believing as the gentleman from Benson has said that there is no moral question involved, I beg to explain my vote in that manner. I am not a

creature of any corporation. There has been no lobby working on me. I don't believe that this vote means that the tickets of the parties have been fixed up in this matter. Nor do I believe any fair man on the floor of this Convention believes it. I may be wrong in voting this way, but if I am I am honestly wrong. Now I trust I have made myself sufficiently plain. I trust there is no man on the floor of this Convention who misunderstands my position. If there is such a man I would remind him that it is my duty to supply him with information, but the Divine power alone can furnish him with brains to comprehend it.

The motion was carried by a vote of 44 to 30.

Mr. MCHUGH. Mr. PRESIDENT: I move that the vote by which this report was adopted be reconsidered, and that that motion be laid on the table.

Mr. WILLIAMS. I second this motion. Until this matter is finally settled and taken from the Convention there is liable to be controversy and an interruption of business. In order that business may proceed I heartily second the motion.

Mr. CAMP. Before that motion is put it is very essential that we know every word of this report is just what as we wish it to be in the Constitution—that there is nothing in it for the revision committee to act on whatever. I don't know the effect at present of the end of section one—the last word of the section.

Mr. BARTLETT of Griggs. I think I voice the sentiment of the minority here when I say that there will be no attempt to fight this ground over again. We will let this matter take its usual course. There won't be any attempt to fight this over again.

Mr. WILLIAMS. So far as the objection raised by the gentleman from Stutsman, I would say that I think this report simply goes to the Committee on Revision just the same as the other reports, and they will have the power to re-arrange any section, but they must retain its substance. The motion will simply take this article from the hands of the Convention and put it in the hands of the Committee on Revision. I am perfectly willing it should go to that committee as the other articles go that we have adopted.

Mr. COLTON. I would amend the motion that it be referred to the Committee on Revision.

Mr. WILLIAMS. It will go there if this motion prevails, and this motion is not capable of amendment.

The motion of Mr. MCHUGH was carried.

## EVENING SESSION.

Mr. PURCELL. I move that we resolve ourselves into a Committee of the Whole and proceed to consider the report of the committee on Miscellaneous Subjects.

The motion was carried.

## AMENDMENTS TO THE CONSTITUTION.

File No. 36 was then read as follows:

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either house of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on the Journal of each House, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice, and if in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

SEC. 2. If two or more amendments shall be substituted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Mr. WILLIAMS. I move to strike out the word "majority" in the third line and insert the word "two-thirds."

Mr. MOER. I should be opposed to that for the reason that according to this File it is submitted to two houses—first the house this year must ratify the proposed amendment and the house two years after must ratify it again, and it seems to me that after two houses of the Legislature have said that the proposed amendment shall be submitted, a majority is sufficient. That is the Iowa provision. If it is to be submitted to only one house then I think two-thirds is right, but if to two houses, then a majority is right.

The amendment was lost.

The first section was adopted.

Mr. WILLIAMS. I desire to offer the following substitute for section two of the File.

"It shall be the duty of the Governor every seven years after the adoption of the Constitution to submit to the qualified voters of the State the following question: 'Shall a Convention be called to revise the Constitution.'

If it shall appear that the sense of the people has been taken, and that in the opinion of a majority of the qualified voters in the State, voting at said election, there is a necessity for a revision of the Constitution, it shall be the duty of the Governor to call a Convention for that purpose.

The delegates to be chosen in the same manner and proportioned as the members of the House of Representatives in the Legislative Assembly; *Providing*, That no amendment shall be made to this Constitution before the same shall be submitted to the people."

Mr. WILLIAMS. We ought to frame a fundamental law here that will meet with the approval of the people of this State, and if it is approved by the voters it ought not to be subject to amendment every year or second year. It strikes me that we will be able to frame such a law that the people of this State will be willing to leave intact for at least a few years. There should be something about our fundamental law which will be permanent and substantial, and the amendment is a provision which is found in several constitutions of the different states. It is simply for the purpose of having something that will stand for at least a few years. I believe the amendment is a wise one and should be adopted.

Mr. PURCELL. Do you offer that as a substitute for section two or a substitute for the whole article.

Mr. WILLIAMS. For section two. I understand that section one is adopted.

Mr. O'BRIEN. I am in favor of allowing the people to say when they please that a revision of this Constitution is necessary. I don't believe it is right to limit them to any particular period. If they desire to change the Constitution in two years they should have the privilege. Let them say for themselves when they desire a revision, and let it be done in accordance with the provisions of File No. 36, section one, which has just been adopted.

Mr. MOER. I am opposed to the substitute, and opposed to it for the reason that no matter what we may adopt in this Constitution at this time it will take us seven years to change it, and that I am not in favor of. We may desire to change something in this Constitution in a very much less time than seven years, and I apprehend that it is very likely that that will be the case. If the Legislature shall first recommend that we submit this question, that is one year. Then two years will have to elapse, and the next Legislature will have to say the same thing. Is not that notice enough to the people that there is a desire to change the fundamental law? It seems to me that this provision

should not prevail. Seven years is a good while before you can change the Constitution. It may be necessary to change it before that.

Mr. WILLIAMS. I think it will take four or five years before we can get any amendment under File No. 36. It seems to me that this Convention should be able to frame a fundamental law under which the people will be willing to live for a period of seven years, and then the question as to whether they will amend it is left to themselves. It is a provision found in a good many constitutions and as I understand it, it has been the desire of most Constitutional Conventions to frame a fundamental law that will meet with the approval of the people—such a fundamental law as they will be willing to live under for at least a few years. Under this proposed article it will take four or five years anyway for a change to be made, while under the substitute, at the end of seven years it is submitted to the people, and if there are serious objections and any desired amendments the people will say so, and a Constitutional Convention will then be held. There should be something settled—something permanent about our fundamental law, and if this section goes through as reported by the committee the matter will be up before every Legislature and be a matter for discussion. It seems to me there should be something more settled and more durable, and I believe this body has sufficient intelligence to frame a fundamental law under which the people will be willing to live for at least seven years.

Mr. MOER. I just want to call attention to the mistake the gentleman from Burleigh is laboring under. He says it will take us four or five years to change this Constitution. I apprehend that it will not take that time under the provisions of File No. 36. I apprehend that if the Legislature meets this year on the first day of January and decide to submit a question to the people, and two years from that date the next Legislature ratify the proposition—I apprehend that the following fall the people will vote upon the question and decide it. It may be very necessary that we should have a constitutional amendment. We are liable to make mistakes, and it seems to me we should not shut off the people of the State for seven years to come. It would only take us two years and some six or eight months to change the Constitution under File No. 36, and not four or five years. It may be necessary to change this Constitution in the next two or three years.

Mr. LAUDER. I believe this amendment ought not to pre-

vail for this reason—as we all know this is a new state. We are growing, and in all human probability great changes will take place in North Dakota within a shorter period than seven years—changes which may render it necessary to amend this Constitution, and for that reason I think the people should have an opportunity to change their Constitution when the exigencies of the case may require it. It would be different if we were living in a state that had been settled for a long time and affairs of the State were settled—were in permanent condition. Things are shifting, moving, changing here now, and will for some time, and for that reason I believe we ought to leave this matter open so that the people may have an opportunity to vote almost any time. For my part I would be in favor of striking out the part of this section which requires that the proposed amendments shall pass two successive Legislatures. I think it would be better to strike it out, and when the Legislature has passed a proposed amendment it be submitted at once to the people. I am very much opposed to this amendment.

Mr. POLLOCK. As I understand this proposed substitute it would be impossible to amend the Constitution in any comparatively unimportant particular without calling a Constitutional Convention. For that reason I should oppose it for the reason that I would avoid the expense that would necessarily be incurred. There are many matters which may need changing within a short time and they may be comparatively unimportant, but under this substitute it would be necessary for a Constitutional Convention to come together at a large expense and propose this or that amendment. For that reason, if for no other, I am opposed to the amendment.

Mr. WILLIAMS. I proposed this amendment in order that we might have a few sessions of the Legislature that would be quiet, and whose whole interests would be devoted and directed to the passage of general laws affecting the interests of the people. We have to-day adopted a majority report of the Committee on Public Institutions. Perhaps if this section is not adopted that I have introduced, there might be a Legislature that would try to overturn everything that has been done—there might be one a year from now that would make a similar attempt. I believe the action of this Convention has been wise in settling the location of these public institutions—taking the matter out of the hands of the Legislature, so that the Legislature will be free to act

for the interest of the people in the passage of laws that are needed. This provision that I have offered is found in many of the Constitutions that have been adopted during the last few years. A fundamental law is one that it is not desirable to change very often, and most conventions which have been held of late years have made similar provisions. I believe this Convention will adopt a fundamental law under which the people of this State will be willing to live for seven years. If they do not, we shall fall far short of my expectations. I believe this Convention represents the best elements and best interests of the people of the proposed State of North Dakota. I believe the people will be glad to have the Constitution taken out of the hands of the four or five Legislatures which are to follow the sessions of this Convention. I therefore hope that the proposed substitute will be adopted.

Mr. JOHNSON. Will the gentleman allow me to ask him one question. With the exception of the State of New Hampshire, what states have such a provision in their constitutions?

Mr. McHUGH. I move that the consideration of this amendment be indefinitely postponed.

The motion was seconded and carried.

Mr. SCOTT. I am of the opinion that a mere majority of the Legislature to decide that a question of amending the Constitution, be submitted to a vote of the people, is not enough. That is all that this section prescribes. For that reason I would move an amendment to section one as follows: In line three strike out the word "majority" and substitute therefor "three-fifths."

Mr. MOER. I move that when the committee rise they recommend the indefinite postponement of the amendment.

The motion was seconded and carried.

Mr. SPALDING. I desire to offer an amendment to section two and a further section to this article. I desire to amend section two by inserting in lieu of "two or more" the words "no more than three amendments." I desire to add as section three an article offered as a substitute by the gentleman from Burleigh, with the amendment that seven years be stricken out and ten years take its place. I would say that I agree with the gentlemen who have spoken in this—that the condition of things in this new State is changing, and what may now be proper and best to be inserted in the fundamental law of the State may become obsolete in a few years, and for that reason I would leave it so that it will be possi-



ble to submit some amendments such as may be of importance within a short time, and almost whenever desired, and for that reason I would leave this as it is, only providing that no more than three such amendments shall be submitted in any year, so that the Legislature should not be all the time mixed up in revising the Constitution and getting up a practically new Constitution. I would then submit the article proposed with the change of "ten" in place of "seven" so that whenever the people desire to revise the whole Constitution, there will be some power through which they can do it other than through the Legislature.

Mr. MOER. I apprehend the Legislature has full power in this matter if we say nothing about it in the Constitution. I apprehend the Legislature can assemble a Constitutional Convention any day they see fit for the purpose of revising this Constitution. If we accept the amendment we would simply limit the possible power of amendment to three sections. I simply suggest this. I believe the Legislature should have the power to submit constitutional amendments at any time. We are putting things in this Constitution that we may want to change three years from to-day.

Mr. PURCELL. I move that when the committee rise they report a recommendation that the substitute for the amendment be indefinitely postponed.

The motion was seconded and carried.

Mr. WILLIAMS. I move the following amendment to the File now under consideration:

SECTION 1. Any amendment to this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment, together with the yeas and nays of each house thereon, shall be entered in full on the respective journals; and the Secretary of State shall cause the said amendment to be published in full in at least one newspaper in each county (if such there be), weekly for three months previous to the next general election for members to the General Assembly; and if, in the General Assembly next afterwards chosen, such proposed amendment shall be agreed to by a majority of the members elected to each house, the Secretary of State shall again cause the same to be published in the manner aforesaid, and at the next election aforesaid the said amendment shall be submitted to the qualified electors of the State for their approval or rejection; and if approved by a majority of the qualified electors of the State, shall become part of the Constitution. Where more than one amendment is submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

Mr. HOLMES. I think that a two-thirds majority of the peo-

ple should be required, and I would amend section one of File No. 36 by striking out the word "majority" in the fourteenth line and inserting in its place "two-thirds."

Mr. WALLACE. I don't hear any second to the motion of the gentleman. I should say that a majority of the people should have the right to say what they want. It is not customary to require a two-thirds vote, and I think it would be unwise to put it that way in the Constitution.

The amendment of Mr. WILLIAMS was lost.

The File was then adopted.

#### THE NAME OF THE STATE.

File No. 59 was then taken up. Section one was read as follows:

"The name of the State shall be called and known as the State of North Dakota."

Mr. SPALDING. It seems to me we should know what State this refers to, and the word "this" would be preferable to "the" in the first line—the fourth word.

Mr. LAUDER. I think the word "the" is preferable. There is no state yet. It presupposes the existence of something which now exists. We speak of a State that is to be formed.

Mr. SPALDING. No part of this Constitution refers to any State that exists at the present time, and the object is that when this Constitution becomes operative it will then refer to the State of North Dakota, and not to some indefinite State.

Mr. WILLIAMS. I should like to hear from some of the scholars of the Convention—from the gentleman from Nelson, Mr. JOHNSON.

Mr. JOHNSON. I thank the gentleman from Burleigh for the compliment.

Mr. MOER. I think the invitation to the gentleman from Nelson was made in good faith. I would like to ask Judge CARLAND what he thinks about the matter. I certainly am acting in good faith.

Mr. CARLAND. I move that the consideration of the construction of this sentence be referred to the Committee on Revision.

The amendment of Mr. SPALDING was then put to a vote and carried.

Mr. MATHEWS. I understood the vote was that it be referred to the Committee on Revision. That is what I voted on.

The CHAIRMAN. This section will go to that committee and probably will receive attention from them.

BOUNDARY LINES.

Section two was read as follows:

SEC. 2. The State of North Dakota shall consist of all the territory included within the following boundaries, to wit: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same, from thence south up the main channel of the same and along the boundary line of the State of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

Mr. LAUDER. It seems to me that this section is improper. I have not an amendment that I can offer now, but I will point out to the committee wherein the error exists. The seventh standard parallel does not intersect the Red River of the North. The Red River of the North does not come as far as that. It is the Boise de Sioux river.

Mr. PURCELL. This section does not say along the Red River of the North, but it says "commencing at a point in."

Mr. FLEMINGTON. In the first few days of the Convention there was passed a resolution referring to a certain matter with reference to the southern boundary of the line of the State, to a committee that had the settlement of affairs between the two States of North and South Dakota. A question arose as to whether or not there was a line established, and I would like to have some member of that committee report what was determined, if anything, in regard to that matter.

Mr. PURCELL. I offered that resolution. The Joint Commission determined that they had no power to act in this matter, and therefore have made no report, but the report they might have made would in no way affect the location of the seventh standard parallel. The only question to determine is where that line is.

Mr. WILLIAMS. I move that the section be adopted. I don't know whether this bounds British Columbia or some other point. I think this is peculiarly a section to be referred to the Commit-

tee on Revision and Adjustment, and they will report a correct section on this subject.

The section was adopted.

THE GREAT SEAL.

File No. 142 was then read as follows:

"The following described Seal is hereby declared to be and is hereby constituted the Great Seal of the State of North Dakota, to-wit:

"A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right a plow, anvil and sledge; on the left a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo towards the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto, 'Liberty and Union, One and Inseparable, Now and Forever;' the words, 'Great Seal,' at the top; the words, 'State of North Dakota,' at the bottom; 'October 1st' on the right and '1889' on the left. The Seal to be two and one-half inches in diameter."

Mr. LAUDER. It seems to me that "Liberty and Union, one and inseparable, now and forever" is somewhat transposed. Why is it not put in the original way? It seems to me that if we are taking a quotation from Daniel Webster to be incorporated and made part of the great seal we should take it literally and correctly, and not transpose it from the original. "Now and forever" should come before the "one and inseparable."

Mr. PURCELL. In drawing up this File we used the statute of the Territory and these words were in there just as they are here.

Mr. LAUDER. I think when we quote Webster we should quote him correctly, and therefore I move that this be amended so that the words "now and forever" shall precede "one and inseparable."

Mr. SPALDING. My recollection is the same as that of the gentleman from Richland. But it seems to me that we should be absolutely certain, and the records should not be cumbered with this unless we are sure. It might be well to make the suggestion to the Committee on Revision and have them make the change if there is a change necessary.

Mr. JOHNSON. I move that we strike out the words "Liberty and Union, one and inseparable, now and forever," and insert in their place the following: "Government of the people, for the people, and by the people shall not perish from the earth." It has been stated on the floor of this Convention that the words recommended by the committee are from a speech made by Daniel

Webster. If I am correct the question of states rights was under argument and the remark had been made that the liberty was desired first, and union afterwards. In reply to that Webster said, "Liberty and union, one and inseparable." That question is as dead as a smelt. It has been buried for twenty-five years. But it seems to me that the words which I have embodied in my amendment embody a living question. They are the words of Abraham Lincoln at Gettysburg. That is a living question, which it will be well to impress on our people and on our friends.

Mr. BLEWETT. As a democrat I would make a motion that we have on the seal the words: "Public office is a public trust."

The substitute of Mr. BLEWETT was lost.

Mr. SPALDING. I see nothing objectionable in the words introduced by the gentleman from Nelson, but it strikes me we should have a seal twice the usual size to accommodate the words.

The amendment of Mr. JOHNSON was lost.

The File was then adopted.

#### AGAINST CHILD LABOR.

Mr. PARSONS of Morton offered File No. 72 to become a section in this article.

The File was then read as follows:

"The labor of children, under 15 years of age, shall be prohibited in mines, factories and work shops in this State."

Mr. PARSONS of Morton. We are spending thousands of dollars in the cause of education—thousands every year—and the evil which I seek to avert has become so prevalent in eastern states that they have endeavored in one way and another to bring children of school age and compel them to attend school. This amendment is offered in accordance with the wish of a good many people that we should have a prohibition of this kind in the Constitution in regard to this matter, though I would accept an amendment providing that it should include the sessions of the public schools, so that the children may attend the public schools and not be found in the factories and workshops. I see the Constitutional Convention of Montana have fixed the age at fourteen.

Mr. BARTLETT of Dickey. I move that the word "ten" be substituted for "fifteen." In support of this I would say that all over the country there are plenty of children of thirteen years of age that are well able to work. A reasonable amount of work—it can be restricted to two-thirds of a day—is better than to have the

children running the streets, and I hope the motion will not carry. I believe a little work is better for the children.

Mr. MATHEWS. I am in favor of the amendment to make it "ten" years. In New York and other states in the east lots of children are left homeless and without father or mother, and they have to earn livings of their own, and in many cases this is a great deal better than that they should become objects of charity. I have earned my living since I was eleven, and I am all the better for it.

The amendment of Mr. BARTLETT of Dickey was lost.

Mr. BARTLETT of Dickey. I hope this section will pass as it now stands. If you want to save the country from tramps and vagabonds, give them work to do while they are young. I went into the world and worked for myself ever since I was a little boy. I grew up one of the strongest men in the country I lived in. I tell you, get boys and girls that don't do any work till they are fifteen years old, and you will fill your country with tramps and vagabonds. There is a certain part of the population that will go to school, and if they are inclined that way, there is where you will find them. Work, labor is what makes useful men and women.

Mr. FLEMINGTON. I move to amend the motion by striking out the word "ten" and inserting in its place the word "twelve."

Mr. MOER. I don't exactly understand what the objects of these amendments are. I have heard something about schools, but it is not provided that the children shall go to school. It seems to me that it would be well to leave this to the Legislature. We have not got any factories here. I move that when the committee rise they recommend the indefinite postponement of this section.

The motion was seconded.

Mr. SCOTT. I don't think it wise to incorporate this section in the Constitution. I don't think it wise to limit the age at which a child may begin work. In the case of some children it is absolutely necessary that they work for themselves. They are without mother or father, and if we prohibit them from working we may be working a serious injustice. We have not many factories and workshops in North Dakota yet and are not likely to have for years to come. I think the whole matter should be indefinitely postponed.

Mr. PARSONS of Morton. It is amusing to see some of these old fatherly gentlemen trying to decide this question. I

did not know that they had had the experience in some of these matters that some of them seem to have had. This is simply a File that has been introduced here by request, but I would like to state, while I don't pose as an educator particularly, I have had a little experience in that line, and after eight years spent in the service, I would say that I have been in schools where we had a law on the subject from the Legislature, but I have seen the children daily at work in the mines and the factories, when they should have been in school. We are spending thousands of dollars yearly, and not accomplishing what we should accomplish to-day. The very class we wish to reach we don't reach to-day.

The Chair ruled that the motion of Mr. MOER was out of order.

Mr. MOER. I move that the committee recommend that the proposed article and amendments be not adopted.

Mr. WILLIAMS. I hope the motion of the gentleman from Dickey—Mr. FLEMINGTON—will prevail. I think boys twelve years of age are able to do pretty well a man's work. Many of them on farms come near doing a man's work, and sometimes they are compelled to support aged and infirm parents and if they are ordinarily strong they should have the privilege of working.

Mr. MATHEWS. As I said before, I started for myself when eleven years of age. I left home at that age. When I was sixteen years old I had charge of a store in New York State and was running it independent of my employer and conducted it on a paying basis. When I became of age I was in shape to do business for myself and I am in favor of the motion of the gentleman from Dickey. I think it is wrong to prohibit children who may be in circumstances that need their work, to prevent them from earning their living when they reach the age of twelve.

Mr. PARSONS of Morton. My father was a Yankee farmer in Vermont, and by hard work he has managed to acquire a moderate fortune. He told me this—he said, "Young man, try to profit by the hardships that I have gone through. Try to have your children well educated." I wish to see our citizens grow up educated. I desire to have ignorance banished from our land if possible. I wish that we shall have educated voters—desire to see our people prosperous and happy. The Legislature by supplementary action can go on and make provision for those who are not in such circumstances as to be able to maintain themselves in schools, and I believe every true hearted citizen will support measures of this kind. I am not going to cavil over the exact

age of the child, but I hope the principle embodied in my motion will prevail.

Mr. MOER. This whole question seems to me to be one of education, and if the gentleman from Morton will fix it so that the Legislature may provide for compulsory education, it would be different, but it simply provides that children shall not work at certain places. I apprehend that it may be necessary if we have factories established in the State that some children work, and if they don't work they will probably be in idleness. Let the Legislature attend to this. If the gentleman will make it so that there will be compulsory education up to the age of fifteen years I will vote for it, but as it is it provides that they shall live in idleness, and that is all there is in it. It seems to me that where children are able to perform manual labor it should be left to their parents and the necessities of the case.

Mr. SPALDING. While I admit it might be entertaining to the Convention, I will not attempt to rehearse my personal history, but it seems to me this is a very good section. The object of this section is this: it does not prohibit child labor when the children are able to work out of doors, but it is intended to prohibit their laboring in mines, factories and workshops. Those are the places where children under fourteen years of age cannot work and be shut up during the working hours of the day without dwarfing them, damaging their physical health—without impairing their future capacity to labor, and they have had a great deal of trouble in the east in the States where factories and mines are numerous in dealing with this subject. The owners of such places have discharged full-grown workers in many places and employed children—shut them up for ten or twelve hours a day in close confinement in rooms that were unhealthy and badly ventilated, where grown people could have lived and not seriously suffered any evil consequences therefrom, but where it was entirely out of place to keep children. That is the object of this amendment—to prevent this sort of thing in this State. Let the children work out of doors or in the stores, and in such places as will not dwarf them physically or injure their development. While this may be said to be in the nature of legislation, yet we have incorporated so many things that are in the nature of legislation, and this is a good thing, and should not be struck out on the ground of legislation without doing the same with many other things that we have put in here.



Mr. BARTLETT of Dickey. I feel this is a matter of great importance. As the gentleman from Morton says, he thinks it is an educational matter. I agree with him that where children have brains it is a good thing to give them education, but above all things in the world the most pitiful thing, creature in life, is an educated fool. You will see many of them start in life, grasp their diplomas as being all that they have in life, and they sink to insignificance in no time. We all know any number of boys and girls who, at the age of twelve or fourteen years are able to do a good day's work. We know that. I feel just this way—we will very probably in the near future have a system of artesian wells and a good many factories and water power. I feel that the children that are growing up should have the privilege of going in and aiding to support their aged parents where they have them, from ten years up. There will be thousands of them here who will fit themselves for men and women this way, and I believe at ten years old there are a great many who are able to earn half the wages their parents can, and not hurt them one bit.

Mr. WILLIAMS. I think "twelve" should be inserted rather than "fifteen." With a boy twelve years old there are some positions in factories that he can fill as well as a man and earn nearly as much. While I agree with the gentleman from Cass that it is not hardly proper for us to recite our personal experience, I know that at twelve years of age I came very near earning the same wages that a grown man earned, and I think it is wrong to put "fifteen" into this provision. I think the young folks should be allowed to work in the factories at twelve years of age. This limitation of fifteen years I don't think is right.

Mr. MOER. It would seem that in Dakota, where we have not got a factory, and scarcely a mine, it is absolutely useless to put this into the Constitution. Were this Massachusetts and it was sought to keep children of 12 or 13 from working in factories, I should certainly vote for it, but here in the absence of all factories, it seems useless. Here is a boy 12 years of age, and under ordinary circumstances it is no hardship for him to go to work. I worked in the harvest field when I was 12 years of age, and I don't believe that my parents should have been prohibited from allowing me to do it, nor if it had been railroad shops should they have been prohibited from allowing me to work there.

Mr. LAUDER. I fail to see the force of the remarks of the gentleman from LaMoure. He says we have no factories. If we

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have no factories this provision can do no harm. But we expect to have some here. He tells us he has worked in the harvest field; but this does not prevent boys from working in the harvest field and working out of doors where they will breathe the pure air. These employments are healthful and right. This section aims to prevent the crowding of boys and girls into factories where they are dwarfed, and their health injured, and they are prematurely broken down. The gentleman from Burleigh says a boy of 12 can nearly do the work of a man. That is the difficulty. Because a boy can do that he is often required to do the work of a man. Boys should not be required to do that, and it should not be put into the power of any person to work them like so many cattle in the shops. That is just what this section means, and the same thing will be tried here without doubt when our cities grow up and factories are established.

Mr. ROLFE. Considering that in this State it is proposed to locate several cold storage plants, I think it is advisable for us to incorporate some section in this Constitution that will prevent children of tender age from being employed in such works, and I think 12 years is about the proper limit.

The section was adopted, with the word "twelve" inserted.

Mr. FLEMINGTON. I move to adjourn.

The motion prevailed, and the Convention adjourned.