

SIXTH DAY.

Sioux Falls, Dakota, Tuesday, July 9th, 1889.

Two o'clock P. M.

Convention called to order by the President, in the chair.

Prayer by the Chaplain as follows:

O God, our Heavenly Father, we ask Thee that Thou wilt be with us individually; that our every act may be such as to meet the approval of all the others in this Convention, and may we as a whole so administer the affairs placed in our hands as to meet with Divine approval; and may we in voicing the sentiments of the people that have sent us, also voice the will of God. In Jesus' name we ask it,

AMEN.

Reading of the Journal of yesterday.

The President of the Convention: Are there any corrections of the Journal?

Mr. Clough, of Codington: Mr. President; ought it not to be the fifth instead of the fourth day? I ask the question for information.

The President of the Convention: I don't know myself what the rule is in making up a Journal. I never made up a Journal, but the rule for conventions and legislatures is that they count from the first day to the last, including Sundays.

Mr. Caldwell: Mr. President, I would say that it is the practice, so far as the Territory is concerned, to skip Sunday and to make the Journal show the number of days of the session so that yesterday would have been the fifth day.

Mr. Clough, of Codington: I move, Mr. President, that it be changed to the 5th day instead of the 4th.

The President of the Convention: If there is no objection, it will be so ordered, and the Clerk is ordered to make the correction.

Mr. Neill, of Grant: In the minutes of yesterday there is a mistake in the name of Neill—

A Delegate: On the second page, third line, in agreement with the suggestion of the gentleman from Clay, made a few days ago, in favor of not cumbering our records and of having them accurate I think they ought to change the words "two Pages" to the word "two" and the words "three Pages" to "three", in the interests of accuracy.

Mr. Jolley, of Clay: If the gentleman will read on further he will find the words "two dollars" also, and he will discover that it is necessary that this be left as it is, in order to prevent misunderstanding.

The President of the Convention: I would say that I think the Clerk has recorded the motion as the Chairman of the Committee on Rules made it. If it is a mistake, it is a mistake of the Convention in passing the resolution of the Chairman of the Committee on Rules.

Mr. Jolley, of Clay: There is no mistake made, either by the Chairman of the Committee or by the Convention, your honor—Mr. President, I mean—I thought I was trying a case before your honor! (Laughter.) If the word changed was simply the word "two" we wouldn't know whether it was the words "two dollars" or "two Pages". The Committee instructed me to insert the words "two Pages".

The President of the Convention: I suggested that if there was any mistake it was the mistake of the Committee and of the Convention, and not of the Clerk.

Mr. Caldwell, of Minnehaha: Mr. President, as this Journal is making history, and as those connected with it would like to be right, I would say that it is H. M. Avery instead of H. A. Avery.

I believe also that it is the custom of the Clerk to sign each day's proceedings and have it appear upon the Journal.

The President of the Convention: If that is the rule then it is my mistake. It is one continuous session; I never saw it so in my life. The Convention will probably adopt the recommendation of the Committee on Rules in that respect. I would suggest hereafter that any mere clerical error of that kind be suggested to the Clerk, and he make the entry, as he will at once, on the Journal. It is not necessary to take either the time of the Convention nor to encumber the record; a clerical mistake of that kind will be

corrected at once by the clerk.

Mr. Atkinson, of Brookings: Mr. President, I would inquire if it is the intention to have the word "Territorial Library" here, or "State Library", at the bottom of the page. The point is whether we intended to have it in that way we have it here. The motion was that they should be deposited in the "Parliamentary Library", and that was corrected and made State Library.

Mr. Peck, of Hamlin: You simply did not adopt my suggestion and got it worse, that's all! (Laughter.)

The President of the Convention: I will now submit the list of Committees. Perhaps I should say to the Convention that I have no hope—no expectation that the committees will suit every member of the Convention. It has been rather of a laborious duty to have all the different locations satisfied and to have the different interests in the Convention made content; and it has been impossible to so make up the list that everyone would be satisfied. The Clerk will read the list of committees.

(The Chief Clerk here read the appointment of committees.)

The President of the Convention: What is the further pleasure of the Convention?

Mr. Williams, of Bon Homme: Mr. Chairman, if it is in order at this time, I have a petition I would like to present. This petition comes from a religious society in Bon Homme County, setting forth their views as belonging to what is known as the non-resistant sect—setting forth their privations in Russia, their sacrifices in property, and their emigration to America, and asking that this Convention incorporate into the Constitution an exemption from military duty; which resolution I move be received and referred by the President to the appropriate committee.

The President of the Convention: It will be so ordered unless objection is made. Have you any suggestion as to the committee?

Mr. Williams, of Bon Homme: Mr. President, I think it would be proper to refer it to a committee on military.

Mr. Kellam, of Brule: Mr. President, if in order at this time I desire to present a resolution and move its adoption. Perhaps I can read it more readily than the Clerk:

WHEREAS, By resolution of this Convention authorizing the same, the president of this Convention has named and appointed as the members of the joint commission on the part of South Dakota to agree upon an equitable division of the property belonging to the Territory of Dakota, the disposition of all public records, and

adjust and agree upon the amount of debts and liabilities of the Territory, which should be assumed and paid by each of the States of North Dakota and South Dakota, the following named members of the Convention, to-wit: A. G. Kellam, V. T. McGillicuddy, Henry Neill, E. W. Caldwell, William Elliott, C. H. Price, S. F. Brott. Now be it

RESOLVED, That the aforesaid appointment by the President be, and the same is, by this Convention hereby adopted and in all things confirmed.

Mr. President, I move the adoption of the resolution.

Mr. Hole, of Beadle: Mr. President, I second the motion.

The President of the Convention: The question is upon the adoption of the resolution just made by Mr. Kellam, of Brule, is the Convention ready for the question? Those of the opinion that the resolution be adopted will say aye; those of the contrary opinion say no. The ayes have it and the resolution is adopted.

Mr. Clough, of Codington: Mr. Chairman, if it is in order I move that the motion requiring the Secretary to furnish 200 copies of the daily minutes be reconsidered, and that 500 be ordered printed.

Mr. Lee, of Spink: Mr. Chairman, I second the motion.

The President of the Convention: I would suggest to the gentleman from Codington that possibly the motion to reconsider be first made.

Mr. Clough, of Codington: I move to reconsider the motion. The reason is that newspapers all about are asking for copies.

A Delegate: I second the motion.

The President of the Convention: It has been moved and seconded to reconsider the motion requiring the Secretary to furnish 200 copies daily of the Journal. Is the Convention ready for the question?

Mr. Price, of Hyde: Mr. President, I am in favor of that motion, but I move an amendment that the Chief Clerk be instructed to lay upon the desk of each member a certain number of copies each morning.

The President of the Convention: Is the Convention ready for the question?

Mr. Caldwell, of Minnehaha: Mr. President, I rise to the point of order that more than two days have elapsed since the motion was made, and it cannot be reconsidered.

Mr. Jolley, of Clay; Mr. President, the rules require that two business days—yesterday was Monday and this is Tuesday.

Mr. Caldwell, of Minnehaha: Mr. President, I sit down! (Laughter.)

Mr. Wescott, of Deuel: Mr. Chairman; is it not possible that having ordered 200 on the previous day, we can order 200 more today.

The President of the Convention: The question is upon the motion to reconsider. Is the Convention ready for the question? Those of the opinion that the motion prevail will say aye; those of the contrary opinion will say no. The ayes have it and the motion prevails.

Mr. Clough, of Codington: Mr. Chairman, I move that the Chairman of the Committee on Printing be directed to secure 500 copies and that six copies be laid on the desk of each member.

Mr. Atkinson, of Brookings: Mr. President, I move an amendment to the motion by making it the duty of the Messenger to do this distributing. (Great Laughter.)

Mr. Wood, of Pennington: Mr. President, it seems to me that the motion ought to provide for their being delivered before the session each day,

Mr. Clough, of Codington: I accept the amendment.

The President of the Convention: Is the Convention ready for the question? As many as are of the opinion that the motion be so amended say aye; those to the contrary say no. The ayes have it.

As many as are of the opinion that the motion prevail, as amended, say aye; those of the contrary opinion say no. The ayes have it and the motion prevails.

Mr. Zitka, of Bon Homme: Mr. President, I move you that the Constitution of 1885 be ordered read in this Convention tomorrow for the purpose that the different portions thereof may be referred to the appropriate committees.

A Delegate: Mr. President, I second the motion.

The President of the Convention: It has been moved that the Constitution of 1885 be read in this Convention tomorrow in order that the different portions thereof may be referred to the appropriate committees. Is the Convention ready for the question? As many as are of the opinion that the motion prevail, will say

aye; those of the contrary opinion say no. The ayes have it. The motion prevails.

Mr. Caldwell, of Minnehaha: Mr. President, this was done in order that it might be referred to the appropriate committees—

Mr. Neill, of Grant: Mr. President, I ask the unanimous consent of the House to present the following resolution and press its action at the present time, to avoid the necessity of sending it to the Committee: Resolved that Rule 33 be amended by adding thereto the words "and no such motions and resolutions shall be printed in the Journal". If the House would like, I will explain the reason for the motion,—and I move that the resolution be adopted.

The President of the Convention: Unless otherwise ordered this will go to the Committee on Rules.

Mr. Jolley, of Clay: Mr. President, I would like to read Rule 33: "All motions and resolutions not pertaining to the current business of the Convention, shall be, upon being read, referred by the President to the appropriate committee without debate."

Mr. Neill, of Grant: Mr. President, I move you, Sir, that the House give consent to the present consideration of this motion.

A Voice: Mr. President, I second the motion.

The President of the Convention: It is moved that the rules be suspended in order that the House may consider the resolution. Those of the opinion that the motion prevail will say aye; those of the contrary opinion will say no. The noes have it. The motion is lost and the resolution is referred to the Committee on Rules.

Mr. McGillicuddy, of Pennington: Mr. President, I have a resolution which I will send to the Clerk's desk for reading.

(The Chief Clerk read the resolution, which was to the effect in substance, that a committee of five be appointed whose duty it should be to communicate with President Harrison, requesting him to suspend action on all questions being considered by the Interior Department relating to the establishment of mineral claims on school lands in Dakota until North and South Dakota were admitted to statehood.)

The President of the Convention: The resolution is referred to the Committee on School Lands.

Mr. Clough, of Codington: Mr. President, I hold in my hand a letter, and hanging upon the Stenographers' desk is a seal from

Mr. John Banvard, of Watertown. I move you, Sir, that it be referred to the Committee on Seal.

The President of the Convention: If there is no objection they will go to the Committee on Seal.

Mr. Price, of Hyde: Mr. President; Delegate Jeffries, of Clark County, was unexpectedly called home after the session of the Convention yesterday, and he desires to be excused by the Convention until next Monday.

The President of the Convention: If there is no objection he will be excused. The Chair hears no objection.

Mr. Anderson, of Hand: Mr. President; the nature of my private business is such that it will be necessary for me to be absent from the Convention about two days, and I ask leave of absence for Wednesday and Thursday.

The President of the Convention: If there is no objection you will be excused.

Mr. Neill, of Grant: Mr. President, I move you that the President of this Convention be empowered to excuse members of this Convention for three days, without reference to a committee.

The President of the Convention: The resolution is referred to the Committee on Rules.

Mr. Neill, of Grant: Mr. President, I offer the following resolution: Resolved, that the Committee on Schedule provide for the election of clerks of the court in the settled counties of the state.

The President of the Convention: Referred to the Committee on Schedule.

Mr. Corson, of Lawrence: Mr. President, I desire to present a resolution to the Convention, and ask its reference to the Committee on Public Accounts and Expenditures.

(The resolution was read by the Chief Clerk and was in substance that the indebtedness of South Dakota assumed from the Territory in becoming a state be not included in the limit of \$500,000; that this limitation be defined in the Constitution so as to state that the indebtedness of the State, created by the State, shall not at any time exceed \$500,000; that the inheritance of South Dakota's share of the Territorial indebtedness is not PER SE a state debt.

The President of the Convention: Referred to the Committee on State, County and Municipal Indebtedness.

Mr. Smith of Charles Mix: Mr. President, I would ask to be excused from this Convention for tomorrow.

The President of the Convention: If there is no objection it is so ordered.

The President of the Convention: What is the further pleasure of the Convention?

Mr. Lee, of Spink: Mr. President, if there is no objection I should be glad to occupy about a minute asking a personal favor.

The President of the Convention: Proceed, if there is no objection.

Mr. Lee, of Spink: Mr. President and Gentlemen of this Convention: When I came to Dakota I retired to private life; I am here prepared, however, doing the best I can, practicing for the purpose of manufacturing and making a speech or lecture or whatever you may call it—not to run for any office or to make any money, but to do a little good. I should like to deliver the lecture here in this hall. I have been asked to several times by the church people. I want especially Mr. Caldwell to come. I would like to have you all come, not that I expect to play Henry Clay or Daniel Webster, but because with my hand lifted toward Heaven I want to do good. I hope the members will listen to the announcement, and give Father Lee one more chance. My text will be "The Fatherhood of God, the Brotherhood of Man, and the Good of Prohibition Generally." (Great applause.)

The President of the Convention: The Clerk suggests that if the delegates will leave their names on the blotter or upon a piece of paper upon their desks, he will have them printed and placed on the desks so that everyone will know the seat.

Mr. Neill, of Grant: Mr. President, the committee appointed to go to Bismarck would like to ask of this Convention whether it would be willing to grant them one of the official stenographers, if they deem it necessary that they have one of them. We think perhaps that the labors of this Convention as a whole will not be very cumbersome, as it will be mostly committee work, and one of the official stenographers will perhaps be enough to leave behind, and the other might be a great convenience and an accommodation to us; and if we should deem it necessary to have him, we would like that the President of this Convention be authorized to grant him that leave of absence to accompany us.

Mr. Atkinson, of Brookings: Mr. President, I understood the

arrangement of this Committee was that they had the power to employ such help as they need. It occurs to me that if they need a stenographer that they ought, in this great Territory, to be able to secure one without taking our stenographers away from us. It would not be only a hardship for us to lose them, but it would be an additional expense to take one from here, for there is not only his mileage and expenses on the road, but it would consume several days on the road. They certainly can find some talent in the great Territory of Dakota at that time.

Mr. Neill, of Grant: Mr. President, it was a matter of economy with us, and in order not to hire an additional stenographer, because the pay of this one is going on while he is here; and also the fact that it is impossible to secure a stenographer at Bismarck. Governor Mellette has to come to Watertown to get one, otherwise to St. Paul or Minneapolis.

Mr. Ringsrud, of Union: Mr. President, I move you that the President of this Convention be authorized to designate one of the official stenographers of this Convention to accompany the Commission to Bismarck.

A Delegate: I second the motion.

The President of the Convention: It has been moved that the President of the Convention shall designate one of the official stenographers to accompany the Joint Commission to Bismarck. Is the Convention ready for the question? Those of the opinion that the motion prevail will say aye; those of the contrary opinion say no. The ayes have it and the motion prevails.

Mr. Zitka, of Bon Homme: Mr. President, I move that the Convention do now adjourn.

Mr. Van Buskirk, of Codington: Mr. President, I would like to be excused for two days. Our term of court is in session and I have been telegraphed to come there.

The President of the Convention: It is so ordered unless objection is made.

Mr. Caldwell, of Minnehaha: It is desired by several of the members to meet Mr. Hubbard, the financial head of this institution; and if he is now present I would like that he be presented, in case any of the gentlemen desire to fix up their finances.

The President of the Convention: It has been moved that the Convention do now adjourn. Those of the opinion that the motion prevail will say aye; those of the contrary opinion say no.

The ayes have it and the Convention stands adjourned until tomorrow at two o'clock.

ADJOURNED.