

clearly and plainly show what, if any, changes or amendments to the Constitution are proposed.

On motion of Mr. Hole it was  
Referred to the Committee on Rules.

On motion of Mr. Davies  
The Convention adjourned.

---

## SIXTEENTH DAY.

SIoux FALLS, DAK., July 19, 1889.

2 o'clock P. M.

Convention called to order by the President.

Prayer by the Rev. Matson.

On motion of Mr. Fellows reading of the Journal was dispensed with.

### REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

SIoux FALLS, DAK., July 19, 1889.

MR. PRESIDENT:

Your committee on Legislative to whom was referred Article XVI, entitled "Impeachment and Removal from Office" have considered the same and have compared said Article XVI with the Sioux Falls Constitution and the Act of Congress known as the "Omnibus Bill," and have instructed me to report the following as Article XVI of the Constitution and that the same is in accordance with the Sioux Falls Constitution and the change thereto authorized by the "Omnibus Bill."

### ARTICLE XVI.

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant Governor is on trial the presiding judge of the Supreme Court shall preside.

SEC. 3. The Governor and other State and Judicial officers except county judges, justices of the peace and police magistrates, shall be liable to impeachment for drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but

judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office or for drunkenness or gross incompetency in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the Governor the Lieutenant Governor shall not act as a member of the Court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

A. B. MCFARLAND, Chairman.

S. A. RAMSEY.

WM. COOK,

R. F. LYON.

REPORT OF COMMITTEE ON ELECTION AND RIGHT OF SUFFRAGE.

MR. PRESIDENT:

The committee to whom was referred Article VII, entitled "Election and Right of Suffrage," respectfully report, that we find the same to be in conformity with the Enabling Act, and recommend that no alterations be made.

ARTICLE VII.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION I. Every male person resident of this State who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, or who shall have resided in the United States one year, in this State six months, in the County thirty days and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First: Citizens of the United States.

Second: Persons of foreign birth who shall have declared

their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

SEC. 2. The Legislature shall at its first session after the admission of the State into the Union, submit to a vote of the electors of the State the following question to be voted upon at the next general election held thereafter, namely: "Shall the word 'male' be stricken from the article of the Constitution relating to election and the right of suffrage." If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this State.

SEC. 3. All votes shall be by ballot, but the Legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

SEC. 4. All general elections shall be biennial.

SEC. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of elections, except in time of war or public danger.

SEC. 6. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

SEC. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 8. No person under guardianship, *non compos mentis* or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 9. Any woman having the qualifications enumerated in section I of this article, as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote at any election held solely for purposes, and may hold any office in this State, except as otherwise provided in this Constitution.

WM. STODDARD.

WM. COOK.

C. R. WESTCOTT.

JOHN SCOLLARD.

J. F. WHITLOCK.

HARRY T. CRAIG.

MR. PRESIDENT:

Your Committee on Federal Relations, to which the proposition or resolution, presented by Mr. Boucher, relating to compact with the United States, was referred, would respectfully report that we have had the same under consideration and have decided to report herewith "An Ordinance irrevocable without the consent of the United States and the People of this State, relating to Religious Toleration, Public Lands, Taxation of Lands, Debts of the Territory of Dakota and Public Schools," and would recommend the passage of said Ordinance.

Your committee would further report that we have had under consideration Article XXII of the Sioux Falls Constitution and find that the same is defective because it does not contain all the provisions required by the Omnibus Bill, and we would therefore recommend that the said Article XXII be stricken out of the Constitution.

We would further report that the said Ordinance contains all the provisions of said Article XXII and such additional provisions, not contained in said Article XXII as are required by the Omnibus Bill, so called, or Enabling Act.

An Ordinance, irrevocable without the consent of the United States and the People of this State, relating to Religious Toleration, Public Lands, Taxation of Lands, Debts of the Territory of Dakota and Public Schools.

*Be it Ordained by the Constitutional Convention of the State of South Dakota:*

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian Tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and the said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein belonging to,

or which may hereafter be purchased by the United States or reserved for its use. But nothing herein shall preclude this State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation but that all such lands shall be exempt from taxation by this State so long and to such extent as such act of Congress may prescribe.

Third: That the State of South Dakota shall assume and pay that portion of the debts and liabilities of the Territory of Dakota which the joint commission appointed by the Constitutional Conventions of North Dakota and South Dakota have adjusted and agreed upon as the just proportion of said debt and liabilities to be assumed and paid by South Dakota. The agreement reached respecting said debts and liabilities is incorporated in the Constitution of this State and this State obligates itself to pay its proportion of such debts and liabilities, as therein specified, the same as if they had been created by this State.

Fourth: That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this State and free from sectarian control.

Fifth. That this Ordinance shall be and remain irrevocable without the consent of the United States and the people of this State.

W. H. MURPHY,  
C. A. HOULTON,  
C. G. SHERWOOD,  
C. J. B. HARRIS.

MR. PRESIDENT:

Your Committee on Federal Relations to which was referred the resolution relating to a memorial to Congress for the appointment of a commission for the purpose of making a geological and hydrographic survey of the State would respectfully report that we have had the same under consideration and have decided to report the accompanying memorial and recommend its passage.

A MEMORIAL to the Congress of the United States requesting the appointment of a Commission for the purpose of making a geological and hydrographic survey of the State.

*To the Congress of the United States:*

The Constitutional Convention of the State of South Dakota duly assembled would respectfully represent to your honorable body that it has been demonstrated that within the limits of South Dakota there exists what is known as an artesian basin or system, but that its extent has not been fully determined. And that a desire is being generally expressed by the people of South Dakota that the matter be investigated and the extent of the system fully determined and its availability for the purposes of agriculture and manufactures be determined.

Now, therefore, the said Convention would respectfully memorialize your honorable body and request you to appoint at the earliest possible time a Commission for the purpose of making and with power to make a thorough and complete geological and hydrographic survey of the State, including the mineralogical formation of the Black Hills and the artesian basin of South Dakota, and that you make the necessary appropriations therefor.

W. H. MURPHY.

C. A. HOULTON.

C. G. SHERWOOD.

C. J. B. HARRIS.

MR. PRESIDENT:

Your Committee on Education and School Lands to whom was referred Article (8) eight of the Constitution, entitled "Education and School lands," having had the same under careful consideration, beg leave to report the following changes and amendments necessary to comply with the provisions of the Omnibus Enabling Act, to wit:

First. To insert the words "and other," in the title.

Second. To strike out in the first sentence of Section 5 the words, viz: "unless, after the year A. D. nineteen hundred, two successive Legislatures concur in a law otherwise directing."

Third. To insert the word "South" before Dakota in Section II.

Fourth. To insert the words, "and all lands donated for other than educational and charitable purposes," after the word "section" in the second line of Section 8, and we herewith report Article VIII, with the changes and amendments aforesaid incorporated therein, viz:

## ARTICLE VIII.

### EDUCATION AND SCHOOL AND OTHER LANDS.

SECTION I. The stability of a republican form of govern-

ment depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the State; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the State by escheat; the proceeds of all gifts or donations to the State for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the State. It shall be deemed a trust fund held by the State. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

SEC. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State, and shall be for this purpose apportioned among and between all the several public school corporations of the State in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the State.

SEC. 4. After one year from the assembling of the first Legislature, the lands granted to the State by the United States for the use of the public schools may be sold upon the following conditions and no other. Not more than one-third of all such land shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the State, and the Legislature shall, subject to the provisions of this article, provide for the sale of the same.

The Commissioner of School and Public Lands, the State Auditor and the County Superintendent of Schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale, at their actual value

under the terms of sale. They shall take care first to select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

SEC. 5. No lands shall be sold for less than the appraised value and in no case for less than ten dollars an acre. The purchaser shall pay one-fourth of the price in cash and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years and one-fourth in fifteen years, with interest thereon at the rate of not less than six per centum per annum, payable annually in advance; but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres and those so subdivided in the smallest subdivisions. All lands designated for sale and not sold within four years after appraisal, shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

SEC. 6. All sales shall be conducted through the office of the Commissioner of School and Public Lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right of title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

SEC. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, agricultural college, normal schools, or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such land as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses therefrom that shall in any manner occur.



SEC. 8. All lands mentioned in the preceding section, and all lands donated for other than educational and charitable purposes, shall be appraised and sold in the same manner and by the same officers and boards under the same limitations, and subject to all the conditions as to price, sale and approval provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

SEC. 9. No lands mentioned in this article shall be leased except for pasturage and meadow purposes and at public auction after notice as hereinbefore provided in case of sale, and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the Governor.

SEC. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

SEC. 11. The moneys of the permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within this State as hereinafter provided, or in bonds of school corporations within the State, or in bonds of the United States, or of the State of South Dakota. The Legislature shall provide by law the method of determining the amounts of said funds which shall be invested from time to time in such classes of securities respectively, taking care to secure continuous investments as far as possible.

All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, shall for such purpose be divided among the organized counties of the State in proportion to population as nearly as provisions by law to secure continuous investments may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date of receipt until returned because not loaned; and in case of loss to any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said money in bonds of school corporations, or in first mortgages upon good improved farm lands within their limits respectively, but no farm loan shall exceed five hundred dollars to any one person, nor shall it

exceed one-half the valuation of the lands as assessed for taxation, and the rate of interest shall not be less than six per centum per annum, and shall be such other and higher rate as the Legislature may provide, and shall be payable semi-annually on the first day of January and July; provided, that wherever there are moneys of said funds in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be returned to the State Treasurer to be entrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi annually, on the first day of January and July, render an account of the condition of the funds intrusted to it, to the Auditor of the State, and at the same time pay to or account to the State Treasurer for the interest due on all funds intrusted to it.

The Legislature may provide by general law that counties may retain from interest collected in excess of six per centum per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the State treasury of interest at the rate provided by law for said loans, except only said one per centum; and in no case shall the interest so to be paid be less than six per centum per annum.

The Legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

SEC. 12. The Governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

SEC. 13. All losses to the permanent school or other educational funds of this State which shall have been occasioned by the defalcation, negligence, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the fund sustaining the loss upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in Article XIII, Section 2.

SEC. 14. The Legislature shall provide by law for the protection of the school lands from trespass, or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

SEC. 15. The Legislature shall make such provisions by general taxation, and by authorizing the school corporations to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the State.

SEC. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the State, or any county or municipality within the State, nor shall the State or any county or municipality within the State accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.

SEC. 17. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State, under such penalties as shall be provided by law.

And we respectfully recommend the adoption of the amendments and the submission of the Article as amended.

H. A. HUMPHREY,  
Acting Chairman of Com.

C. G. COATS.

F. G. YOUNG.

J. DOWNING.

S. S. PECK.

W. H. MATSON.

GEO. H. CULVER.

S. F. HUNTLEY.

SIoux FALLS, South Dakota, July 18, 1889.

MR. PRESIDENT:

Your Committee on "State Institutions and Public Buildings," to whom was referred Article XIV, entitled "State Institutions" have considered the same and compared said Article XIV with the Sioux Falls Constitution and the Act of Congress known as the "Omnibus Bill" and have instructed me to report the following as Article XIV of the Constitution and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the "Omnibus Bill." The insertion of the word "South" before Dakota in Section 1 comprises all the changes made.

## ARTICLE XIV.

### STATE INSTITUTIONS.

SECTION 1. The charitable and penal institutions of the

State of South Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind and a reform school.

SEC. 2. The State institutions provided for in the preceding section shall be under the control of a State Board of Charities and Corrections, under such rules and restrictions as the Legislature shall provide; such board to consist of not to exceed five members, to be appointed by the Governor and confirmed by the Senate, and whose compensation shall be fixed by law.

SEC. 3. The State University, the Agricultural College, the normal schools and other educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of nine members, appointed by the Governor and confirmed by the Senate, to be designated the Regents of Education. They shall hold their office for six years, three retiring every second year.

The Regents in connection with the faculty of each institution shall fix the course of study in the same.

The compensation of the Regents shall be fixed by the Legislature.

SEC. 4. The Regents shall appoint a board of five members for each institution under their control, to be designated the Board of Trustees. They shall hold office for five years, one member retiring annually. The trustees of each institution shall appoint the faculty of the same, and shall provide for the current management of the institution, but all appointments and removals must have the approval of the Regents to be valid. The trustees of the several institutions shall receive no compensation for their services, but they shall be reimbursed for all expenses incurred in the discharge of their duties, upon presenting an itemized account of the same to the proper officer. Each board of trustees at its first meeting shall decide by lot the order in which its members shall retire from office.

SEC. 5. The Legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the State.

F. G. YOUNG, Chairman.  
WM. VAN EPS,  
C. G. HARTLEY,  
J. DOWNING,  
CHAUNCEY L. WOOD,  
C. BUECHLER,  
R. A. SMITH,  
J. F. WOOD.

SIoux FALLS, Dakota, July 18, 1889.

MR. PRESIDENT:

Your Committee on Exemptions to whom was referred Section 4, Article XXI, entitled, "Exemptions," have considered the same, and have compared said Section 4, in Article XXI with the Sioux Falls Constitution and the Act of Congress known as the "Omnibus Bill" and have instructed me to report the following as Section 4, Article XXI, of the Constitution and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the "Omnibus Bill," without any amendments.

SEC. 4. EXEMPTIONS.—The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

C. BUECHLER,  
Chairman.

J. A. FOWLES,  
S. S. PECK,  
GEO. H. CULVER,  
GEO. C. COOPER,  
S. D. JEFFRIES,  
M. R. HENINGER,  
C. G. COATS.

SIoux FALLS, Dakota, July 19, 1889.

MR. PRESIDENT:

Your Committee on Banking and Currency to whom was referred Article XVIII, entitled "Banking and Currency," have considered the same and have compared said Article XVIII with the Sioux Falls Constitution and the act of Congress known as the "Omnibus Bill," and have instructed me to report the following as Article XVIII of the Constitution and that the same is in accordance with the Sioux Falls Constitution and the changes thereto authorized by the "Omnibus Bill."

### ARTICLE XVIII.

#### BANKING AND CURRENCY.

SECTION 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this State of all bill or paper credit designed to circulate as money, and require security to the full amount thereof, to be de-

posited with the State Treasurer, in the approved securities of the State or of the United States, to be rated at ten per cent. below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

SEC. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed; but the Legislature may provide by general law for the reorganization of such banks.

SEC. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares of stock and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

J. G. DAVIS, Chairman,  
S. A. RAMSEY,  
S. B. MCFARLAND,  
S. F. HUNTLEY,  
C. J. BUECHLER,  
C. S. GIFFORD.

SIoux FALLS, DAKOTA, July 19, 1889.

MR. PRESIDENT:

Your committee on Seal and Coat of Arms to whom was referred Section 1 of Article XXI of the Constitution, entitled "Seal and Coat of Arms," having had the same under careful consideration, beg leave to report the following changes necessary to comply with the provisions of the Omnibus Enabling Act, to-wit: To insert the word "South" before the word Dakota in the two instances where the words "State of Dakota" appear; and we herewith report Section 1, Article XXI, with the change aforesaid incorporated therein, viz:

## ARTICLE XXI.

### MISCELLANEOUS.

SECTION 1. SEAL AND COAT OF ARMS.—The design of the great seal of South Dakota shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field

of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the State of South Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words "State of South Dakota." In the lower part the words "Great Seal," and the date in Arabic numerals of the year in which the State be admitted to the Union.

And respectfully recommend the adoption of the change and the submission of the Article as amended.

C. A. HOULTON.  
H. A. HUMPHREY,  
JOHN SCOLLARD,  
J. F. WOOD.

SIoux FALLS, South Dak., July 18, 1889.

MR. PRESIDENT:

Your Committee on Miscellaneous Subjects to whom was referred Article XXI, Section 3, beg leave to report that in our opinion no change is necessary in said section, which is hereto attached.

SEC. 3. OATH OF OFFICE.—Every person elected or appointed to any office in this State, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office.

H. W. EDDY, Chairman.  
W. L. WILLIAMS.  
WM. COOK.  
WM. STODDARD.  
SANFORD PARKER.  
C. G. HARTLEY.

SIoux FALLS, Dakota, July 18, 1889.

MR. PRESIDENT:

Your Committee on Article IV of the Sioux Falls Constitution, "Executive and Administrative," have considered the same and have compared said Article IV with the Act of Congress known as the "Omnibus Bill," and have instructed me to report the following as Article IV of the Constitution, and that the same is in accordance with the Sioux Falls Constitution and the Omnibus Bill.

C. R. WESTCOTT, Chairman of Com.

## ARTICLE IV.

## EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a Governor who shall hold his office two years; a Lieutenant Governor who shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States and a qualified elector of the State, who shall have attained the age of 30 years, and who shall have resided two years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State at the time and place of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but if two or more shall have an equal and highest number of votes for Governor or Lieutenant Governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for Governor and Lieutenant Governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall at the commencement of each session communicate to the Legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall have the power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment; provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life or for a longer term than two years, or a fine exceeding \$200, no pardon shall be granted, sentence commuted or fine remitted except upon the recommendation in writing of a board of pardons, consisting of



the presiding judge, Secretary of State and Attorney General, after full hearing in open session, and such recommendation, with the reasons therefor, shall be filed in the office of the Secretary of State; but the Legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the Legislature at each regular session, each case of remission of fine, reprieve, commutation or pardon granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting same.

SEC. 6. In case of the death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 7. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy in the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office shall from any cause become vacant and no mode is provided by the Constitution or law for filling such vacancy, the Governor shall have power to fill such vacancy by appointment.

SEC. 9. Every bill which shall have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it, but if not, he shall return it with his objection to the House in which it originated, which shall enter the objection at large upon the Journal and Proceedings to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other House, by which it shall

likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both Houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the Journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented by him, the same shall be a law, unless the Legislature shall by its adjournment prevent its return; in which case it shall be filed, with his objection, in the office of the Secretary of State, within ten days after such adjournment or become a law.

SEC. 10. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items and part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the Legislature be in session he shall transmit to the House in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created; in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature, or who threatens any member that he, the said Governor, will remove any person or persons from any office or position with intent to in any manner influence the official action of said members, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereon shall forfeit all right to hold or exercise any office of trust or honor in this State.

SEC. 12. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the Legislature, a Secretary of State, Auditor, Treasurer, Superin-

tendent of Public Instruction, Commissioner of School and Public Lands, and Attorney General, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of Treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.

SEC. 13. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands and Attorney General shall be as prescribed by law.

C. R. WESTCOTT,

Chairman of Executive and Administrative Committee.

*To the President of the Constitutional Convention, South Dakota:*

We, the undersigned Committee on Manufactures and Agriculture, do hereby respectfully report that on careful examination we find that no changes are required in those parts of the Constitution, submitted to our inspection, in order to comply with the provisions of the Enabling Act passed by the Congress of the United States.

SIoux FALLS, July 19, 1889.

T. W. P. LEE.

J. F. WHITLOCK.

R. A. SMITH.

T. F. DIEFENDORF.

C. S. GIFFORD.

E. G. EDGERTON.

C. R. WESCOTT.

R. F. LYONS.

SIoux FALLS, Dakota, July 18, 1889.

MR. PRESIDENT:

Your Committee on Military affairs to whom was referred Article No. XV, entitled "Militia," have considered the same and have compared said Article No. XV with the Sioux Falls Constitution and the Act of Congress, known as the Omnibus Bill, and we report the following as Article XV of the Constitution and that the same is in accordance with the Sioux Falls Constitution, and the changes thereto authorized by the Omnibus Bill, viz.: the name South Dakota in sections one and six in lieu of Dakota.

SECTION I. The militia of the State of South Dakota, shall consist of all able bodied male persons residing in the State, between the ages of 18 and 45 years, except such persons as now are, or hereafter may be exempted by the laws of the United States or of this State.

SEC. 2. The Legislature shall provide by the law for the enrollment, uniforms, equipment and discipline of the militia and the establishment of volunteer and such other organizations or both, as may be deemed necessary for the protection of the State, the preservation of order and the efficiency and good of the service.

SEC. 3. The Legislature, in providing for the organization of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 4. All militia officers shall be commissioned by the Governor, and may hold their commissions for such period of time as the Legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a Court Martial, pursuant to law.

SEC. 5. The militia shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections, and in going to and returning from the same.

SEC. 6. All military records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the Adjutant General as an enduring memorial of the patriotism and valor of South Dakota, and it shall be the duty of the Legislature to provide by law for the safe-keeping of the same.

SEC. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

Respectfully submitted,

E. E. CLOUGH,  
W. H. MATSON,  
T. W. P. LEE,  
W. H. GODDARD.

Further:

There was submitted to your committee a petition from Jacob Schmidt and other Russian citizens asking that Section 7 of Article XV be so amended as to at all times exempt persons having such religious scruples from doing military duty; the committee finds that it is not possible for this Convention to so amend said Section 7, Article XV.

E. E. CLOUGH,  
Chairman Committee.

Mr. Davies moved

That all reports of Standing Committees submitted to-day be made special order for to-morrow.

Mr. Atkinson moved

To amend by making said reports special order for Tuesday, July 23d.

Amendment carried.

SPECIAL ORDER.

The President called Mr. VanBuskirk to the chair.

On motion of Mr. Sterling

The report of the Committee on Compensation of Public Officers as submitted yesterday was adopted.

On motion of Mr. Davies

The report of the Committee on Public Accounts and Expenditures was adopted.

The report of the Committee on Amendment and Revision of the Constitution was, on motion of Mr. Boucher, amended by inserting the words "of the Legislature" after the words "House of Representatives" in Section 2, Article XXIII.

On motion of Mr. Dickinson the report was adopted as amended.

The report of the Committee on Corporations other than Banking and Municipal was, on motion of Mr. Harris, adopted.

Upon motion of Mr. Sterling

The report of the Committee on Bill of Rights was adopted.

The report of the Committee on Municipal Corporations was, on motion of Mr. Davies, adopted.

The Judiciary Committee submitted the following report which, on motion of Mr. Humphrey, was referred to the Committee on Amendments and Revision of the Constitution with instruction to report on next Tuesday.

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred the resolution requesting the committee to report as to the necessity of accepting the several new grants of lands, moneys and buildings to South Dakota by a resolution of the Convention, would respectfully report: That without determining the necessity of such resolution, the committee recommend, that a section be incorporated in the Constitution, formally accepting such grants.

THOS. STERLING,

H. A. HUMPHREY,

A. J. BERDAHL,

H. W. EDDY,

W. T. WILLIAMS,

S. A. RAMSEY,

D. CORSON,

C. J. B. HARRIS,

S. B. VANBUSKIRK,

Of the Judiciary Committee.

The Judiciary Committee made the following report.

SIoux FALLS, July 19, 1889.

MR. PRESIDENT:

Your Committee on Judiciary to whom was referred the resolution pertaining to the signing of the Constitution by members of the Constitutional Convention of 1885, who by inadvertance or other cause were prevented from signing the same respectfully report:

That upon consideration of such resolution it is the sense of the committee that this Convention has no authority to grant permission to such members to affix their signatures to the Constitution of 1885.

THOMAS STERLING,  
H. A. HUMPHREY,  
A. J. BERDAHL,  
H. W. EDDY,  
W. T. WILLIAMS,  
S. A. RAMSEY,  
D. CORSON,  
C. J. B. HARRIS,  
S. B. VANBUSKIRK,  
Of the Judiciary Committee.

On Motion of Mr. Young  
The report was adopted.

Mr. Sterling moved that the report of the Committee on Education and School Lands be amended so that section 9 of Article V shall read as follows:

SEC. 9. The lands mentioned in this Article, may under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company. All rents shall be payable annually in advance, nor shall any lease be valid until it receives the approval of the Governor.

On motion of Mr. Hole it was

Referred to the Committee on Education and School Lands.

On motion of Mr. Harris

The Convention adjourned.