

THE CONVENTION.

chair is one of the most difficult pieces of game in this wide, wide world to catch. But he will try. He pushes his chair back quietly, places his hands on his desk, leans forward in the position of a panther...

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rates to a court. To fix arbitrary rates might ruin any railroad company. Mr. Bartlett, of Dickey, said railroad companies spend hundreds of thousands of dollars to build their roads, and then...

pened in order that members of the United States senate committee on irrigation could address the convention. President Fancher then introduced Senator Stewart of Nevada, chairman of the committee.

was becoming personal, whereupon a motion to adjourn by Mr. Mathews prevailed. (Note. The enormous debt referred to by Mr. Johnson had been discussed by Senator Regan in his speech about coin and paper money.)

DELEGATE MCHIBIDE is one of the modest men of the convention, but he enjoys the proceeding as well as anyone in the hall.

MAJOR EDWARDS is not idle. He is one of the busiest men in the city, and it is whispered that his work will be appreciated when the result is made known.

DELEGATE SPALDING has recovered sufficiently to be about, but he is still far from being in fighting trim, and it may be several days before he will be able to renew his battles in the ring.

The rumor that Sergeant-at-Arms Falley is a sprinter has not been confirmed, but it is a matter of general acknowledgment that he would run like a house agent were he to be a candidate for sergeant-at-arms in the first state legislature.

Thirty-First Day. [From Sunday's Daily.] Mr. Clark, when the consideration of files was reached, said that in behalf of the Committee on School Lands, he was instructed to ask for the return of so much of the report as was in the hands of the Committee on Revision.

Mr. Stevens said that it was for the purpose of making the three sections now under consideration harmonious in purpose with those passed and in the hands of Revision Committee.

JUDICIARY. Mr. Purcell moved for a committee of the whole to consider the balance of the judiciary report, which prevailed, and Mr. Rowe was called to preside.

JUSTICES OF THE PEACE. Mr. Scott favored \$100 in place of \$200, as a limit to the jurisdiction of the justices of the peace.

Mr. Stevens advocated the \$200 limit. Mr. Scott took the ground that a \$100 jurisdiction was high enough and fair enough.

Mr. Stevens: Supposing any party wanted to bring suit for a \$102 note, he could take no action before justice of peace at his home, but must go elsewhere owing to the limit of \$100, which in his opinion was entirely too small.

Mr. Wallace opposed the \$100 and sustained the \$200 clause. Mr. Lauder was of the opinion that the convention had already adopted a provision that would cover the entire question, but thought \$100 enough.

Mr. Carland thought that in counties with less than 2,000 population, \$200 was not any too much. Mr. Mathews said: In New York, where he used to live, justices of the peace had jurisdiction over financial questions to the amount of \$200, and he thought that figure was about right for North Dakota.

It was finally decided that the highest amount should be the jurisdiction limit. Mr. Clapp favored extending the jurisdiction of justices of the peace to include all misdemeanors.

Mr. Bartlett of Griggs thought such an extension of jurisdiction was dangerous and would interfere with county courts. Mr. Clapp supported the measure, because everybody did not live at the county seat nor would live remote from county seats should have a chance for trial nearer home.

Mr. Stevens thought the subject too broad and too large to be covered by a justice of the peace. Mr. Rolfe said he was one of those who advocated county courts, and would favor an amendment making penalty in justice court \$100 fine or thirty days in jail, or both.

Mr. Pollock said he was very much in favor of the proposition made by the gentleman, which would leave the question similar to the established practice in territorial courts.

Mr. Purcell: As he understood the intent and purpose of the amendments sought to be passed, he was still opposed to enlarging the powers of justices of the peace, as county courts were to be established to remedy all the questions under discussion.

Mr. Bartlett of Griggs still favored the county court system and could not see the necessity for so much jurisdiction if county courts were held. Mr. Carland thought the last amendment would give justices of the peace power to try murder cases.

Mr. Noble moved to include in amendment for increased jurisdiction, that it be granted where no county court existed. This prevailed. Mr. Bartlett, of Dickey, said he didn't believe one-half the house knew what they were voting on.

Mr. Stevens: It's all right. It will help county courts. Mr. Parsons, of Morton, called for a division of the house. Mr. O'Brien objected. Mr. Robertson said he was satisfied with the vote.

Mr. Richardson said he knew what he voted upon and thought everything all right. The additional sections of the judiciary, relating to police magistrates, and miscellaneous provisions in general, were adopted and the report was finished.

PREAMBLE AND BILL OF RIGHTS. The report of the committee on preamble and bill of rights was ordered for consideration. Mr. McHugh moved to substitute "preamble of file 108" for that of "file 133," under consideration.

Mr. Pollock amended the substitute of Mr. McHugh by substituting preamble of file 74. Mr. Bartlett, of Griggs, moved to amend substitute preamble of file 74 by dropping the words "Almighty God."

Mr. Miller said there was nothing so expressive in our language as the words to be stricken out. He favored substitute, but not the substitute amendment.

Mr. Stevens: I am surprised that any man in this body, or in this enlightened "Almighty God" from our constitution. Such a sacrilege on the part of this body would be a blow at civil liberty and in keeping with the deeds of the dark ages. In God we trust. Why do you find it on the coin of the nation. "In whom do you place your trust?" "In God," and every man's faith is well founded who so trusts. Our chaplain invokes the aid of Almighty God at the opening of our daily sessions. Why should we rely on Him for every good and perfect gift? Strike out these words and you have struck a blow at liberty, religious belief and the fundamental belief of Christian religion.

Mr. Bartlett, of Dickey, did not want to strike out the words in question, but various objections were somewhat mixed on the subject. Mr. Bartlett, of Griggs: Yes, our deliberations are opened with prayer, but how few bow their heads with becoming reverence, and when the divine blessing is invoked with an earnest prayer, here we immediately go to work to hatch up schemes and resorts to acts of trickery to accomplish their ends without regard to the divine blessing asked for their guidance. No, the said, I am not ashamed to father the motion. His motion was lost.

Mr. Bartlett of Dickey, wanted "Almighty God" stricken out, and "Supreme Ruler of the universe" substituted. This was also voted down. Mr. Rolfe moved that section 106 be adopted, which reads as follows: "We the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution."

Mr. Bean offered an amendment to section 7, making a three-fourths vote of a jury a legal verdict. Mr. Carland said he hoped the amendment would not prevail, as it was not fair to the minor party. He was not so faithfully determined on a verdict from the evidence as the majority. Mr. Bean thought that a verdict by nine out of twelve men would be as fair as eleven out of twelve, where one man, out of personal feeling, might defeat the ends of justice.

Mr. Lauder did not agree with the last speaker, and favored the present jury system. Mr. Bartlett of Dickey thought that where one man holds out and ties a jury sometimes prevents judicial murder.

Mr. Stevens said the legislature would have the power to regulate this question, and that he was opposed to a three-fourths vote on the constitution. No legislation, he said, should go into the bill of rights. If we are wrong now it can be remedied hereafter.

The three-fourths verdict amendment was lost. Mr. Rolfe moved an amendment to section 8, that no person shall be held for a criminal offense unless by due process of law.

Mr. Stevens moved that the committee arise and report on the Bill of Rights. Mr. Appleton was of the opinion that the baseball game had more attraction for members than the constitution.

A call of the house was demanded, but it was out of order, as a quorum was present. The grand jury system already established a reputation for piety that came in the form of a delightful revelation to the assembled hosts. It was here also that the gay and frisky Bartlett of Dickey aroused the suspicion that he and the Senator being his antagonist in the most friendly terms, and that, strictly speaking, no confidential relations exist.

Near the close of the afternoon session Squire Camp of Jamestown, paid his compliments to the antagonists by introducing a resolution directing the committee on public institutions to report on Monday in favor of the proposition to place the capitol on wheels by submitting it to a vote of the people, and it is needless to say that he was the antagonist of the most friendly terms, and that, strictly speaking, no confidential relations exist.

Mr. Parsons moved to adopt the following amendment to the Bill of Rights: "Every citizen of this state shall be free to obtain employment, wherever possible, and any person, corporation or agent thereof keeping a black list, interfering or hindering in any way a citizen from obtaining or enjoying employment already obtained, from any corporation or person, shall be deemed guilty of conspiracy against the welfare of the State, which offense shall be punished as shall be prescribed by law."

Mr. Pollock was opposed to putting the proposed new section into the constitution. Mr. Camp said railroad corporations were responsible for accidents caused by neglect of employees.

Mr. Rolfe said laborers had rights as well as railroad companies, and he did not believe black lists were made to warn other corporations, but to punish the men. Mr. Camp: I see no reason why railroads should not make a black list if they want to, but let them be responsible.

Mr. Lauder: There is no law to prevent a railroad company making out a black list to warn other companies of the trouble and cause. Mr. Bartlett of Dickey favored black lists. God men didn't fear them. Every merchant keeps a black list.

Mr. Parsons of Morton said he made the statement frankly that file 89, the proposed new section to the bill of rights, has been the endorsement of all railroad men, who favor it in its present form. The measure, he said, was not his. Mr. Bean favored the question because it was right, just and necessary.

Mr. Rolfe stated the question laid over until Monday, but this was not agreed to. Mr. Parsons, of Morton, moved the adoption of his substitute, which prevailed.

Mr. Scott moved that the committee arise and report. Agreed to. Mr. Rolfe moved that the report of the committee be adopted. Which was agreed to.

Mr. Camp moved that the committee on public institutions be requested to report on the convention file 79, on Monday. The committee was so instructed.

This refers to the seat of government and other public institutions. Adjourned 8 p. m.

Mr. Stevens: I do not understand why you persist in wearing base ball shoes while in a dignified body, such as the constitutional convention. You will confer a favor on me by removing the spikes before jumping on me again. Yours very sincerely, E. W. CAMP.

AMONG THEM. Delegate Johnson and Chief Clerk Hamilton will please choose weapons and settle their difference before the adjournment of the convention. We might just as well have done this before entering statehood.

The report that Messrs. Lloyd of Jamestown and Mathews of Grand Forks have ordered wheels for the capitol regardless of expense, has not been confirmed, but their conduct has led to the suspicion that it is true.

Mr. COLTON, the gallant gladiator from Ward county, who has made a record on "sliding bases" as well as adding to victory in nearly all of his political contests, has been seriously ill, but is recovering and hopes to be an active performer in the closing general campaign. It is hoped that he will soon be himself again and that his good old Plymouth Rock accents will be heard in debate during the remaining days of the session.

Thirty-Third Day. [From Tuesday's Daily.] After prayer by the chaplain, further proceedings of the convention were dis-

posed in order that members of the United States senate committee on irrigation could address the convention. President Fancher then introduced Senator Stewart of Nevada, chairman of the committee.

Senator Stewart began his remarks with reference to the purpose of their visit to the northwest, and spoke of the deep interest he took in the constitutional convention and its great work in forming a constitution for a new state which will soon become a member of the great federal union. He was proud to meet the constitution makers of South Dakota, and to learn that Montana and Washington were approaching the end of the first step in statehood. The rapid growth of the great northwest made the question of irrigation one of prime importance, and especially so to the states west of the Mississippi river, as well as the whole country. It was equally important that the hitherto inadequately represented territories of the west should have state representation in congress in order that they could speak for themselves and demand justice at the hands of the eastern statesmen who have watched with jealous eyes, the wonderful rapid development of the northwest. The question of irrigation is a new one in this country, yet, to the people of the great American republic, though in the far western states and territories irrigation has been practiced for years. We all came from a rainy country to this, he said, hence the early struggles of the agriculturist to get the most out of his soil by a system of irrigation. I know, and you know who have tried irrigation that it leaves the soil in better condition than from sufficient quantities of rain. Irrigation streams will not beat the soil down like a heavy rainfall. All sections of our country have their drawbacks, and a lack of rain at the proper time is the most serious. Irrigation insures good crops at all times, because you can get water when you need it. There is 1,200,000 square miles of arid land in the United States that need irrigation, and this arid land must in the near future be occupied. There has been in all appropriated so far \$350,000 to defray the government expenses, which amount to thirty-eight per cent of the means and facilities for general irrigation purposes. No man, he said, should own the land or the water by which irrigation may be made successful. Irrigation is a great and noble system, as it requires great care and attention, but not half so wearing on a man as waiting for the rain that never comes. Trees and vegetation will help reduce the quantity of moisture needed to raise good crops, but trees and vegetation will not insure agricultural developments will not insure or increase rain falls. We have abundant evidence that all the great and populous nations before the Christian era, irrigated their lands in the most thorough manner. Great irrigation works among the most ancient in the old world, as well as this, were constructed of rock and cement, and some of them built over 3,000 years ago are still intact. The great canal system of ancient Egypt, of England, depends entirely on irrigation, and the English government with the assistance of the Indian government have spent over \$300,000,000 in this great work. He discussed monetary matters at some length, and with a glow of hope for the future of the great west, he said that the benefits of irrigation.

President Fancher, at the conclusion of Senator Stewart's address, introduced Senator Cassingham of Texas, of the interior commerce law, and one of his friends the farmers have in the country.

Senator Regan began by referring to the good government of the northwest and the glorious destiny of North Dakota, and the present work of the constitution. He said the senate committee of which he was a member had been sent out to collect information with regard to the demand and supply of water for irrigation purposes. He said he was not as well informed on the subject as the gentleman, Colonel Stewart, and that he did not propose to enter into a close discussion of the question. He said the work of the committee would be thorough as to the best means of securing water, and where it was most needed. He said that this was his first visit to the beautiful country and its glorious climate. I feel much gratified, he said, that four new states are so soon to be represented in congress, and in God's time let new representatives be sent to congress who cannot be bought up by the bond-holders of Wall street. He said the money interests have controlled this country for over fifty years, and it was time to get down to a limit of \$100,000, in case of extraordinary emergencies.

Mr. Harris thought the amount represented by the figure 1 too small and favored the higher figure. Mr. Mathews, who considered the great future of the state and the possible emergencies that might arise, thought that \$250,000 would not be too high a limit.

Mr. Bartlett of Griggs, said that \$100,000 was not a very small amount and the highest limit of \$250,000. Nebraska and Michigan had a limit of \$100,000. Mr. Rolfe did not think the last figures any too small.

Mr. Stevens: If it is necessary for the great state of North Dakota to take care of the state debt, it is better to have such and other helpless humanity, he did not think any man here would wish to go on record as opposing the necessary aid and protection, or that any man would try to cripple the state constitution by limiting it at Grand Forks, or to afford needed aid and protection to the brave but crippled soldiers who saved our nation in the hour of peril. No man, he thought, could seriously wish to see the state helplessness such an emergency should arise. Consider well before you vote for \$100,000.

All amendments were noted down and the limit stands at \$200,000. Further consideration of the file was postponed until to day.

Adjourned. Washburn Items. WASHBURN, N. D. Aug. 2.—There is always a sure thing on politics in McLean, dry or wet.

The Turner Bros. have left us, bound for the coast, where they will engage in business. Barnes, another of McLean's genial merchants and jolly good fellows, talks of going soon. He goes to Iowa I believe.

Neil McFarland, of Weller, started for Montana on Tuesday last, and McDonald and family will start, so report says, in a few days.

There appears to be a postoffice fight in the country above here. James Heath is cheating the rag in last week's News like a mad bull. It appears that Heath is assistant postmaster at Conkling, with a fair prospect of a raise. He thinks the Erickson office is crowding him a little too close, and getting away with his custom. He struck out pretty wild in the News, and those who know the postmaster at Erickson predict Jim in the air. It will in all probability end in the appointment of the two lucrative positions in the postoffice department at Washington.

C. T. Lange, deputy clerk and register of deeds fitted out of Casselman's dwelling and into one just completed by I. E. Britton.

His expenses past and hard times to come has caused Larry to curtail expenses. He will board out no more. May peace, love and prosperity be with and abide with Larry and his bride now, henceforth and forevermore is the wish of the writer.

F. S. Dog Poisoning Fiend. The dog poisoning fiend is again getting in his work, several fine hunting canines having been dosed with strichnine of late. The owners of the valuable dogs intend to make it interesting for the person or persons if caught.

Died. Herbert Clarence Gooding, son of Mr. and Mrs. W. C. Gooding, of Fort Lincoln, died Aug. 5, and was buried the same day. It was peculiarly sad, as it was his eighth birthday, and he was a sick child three days. The numerous Bismarck friends of Mr. and Mrs. Gooding will learn of their bereavement with deep regret.

Married. By Rev. C. F. Bollinger, on Saturday, Aug. 3, at the bride's home on Third street William H. Franagan, of Mandan, and Miss Mary I. Barclay of this city.

Notice of Sale of Bonds. NOTICE is hereby given that upon to noon, August 15, A. D. 1889, the board of county commissioners of Edmonds county, Dakota territory, will receive sealed bids for \$10,000 bonds in denominations of \$1,000, said bonds to be issued under chapter 42, session laws of 1889, to bear interest at 7 per cent, payable annually, redeemable after ten years and payable at expiration of fifteen years. J. W. PARBLEY, County Clerk. Dated at Ipswich, Dak., July 3, 1889.

Notice of Final Proof. LAND OFFICE AT BISMARCK, DAK., June 19, 1889. NOTICE is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at Bismarck, Dak., on August 4, 1889, viz: GEORGE LORIMER, for the north 1/4, northeast 1/4, and north 1/2, northwest 1/4, section 18, township 133, range 76, west. He names the following witnesses to prove his claim, to-wit: Edmondson, upon, and cultivation of said land, viz: Oscar Bell, John Wray, William P. Wagner, and Samuel Adams, all of Sterling, D. T. Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and the regulations of the interior department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant. OSCAR E. REA, Register. W. H. WINCHESTER, Claimant's Atty.

Notice of Mortgage Sale. MORTGAGORS, Robert S. Fossale and Mary A. Fossale, his wife; Mortgagee, Daniel Steele, Mortgagee, Dated Bismarck, Dakota, July 3, 1889. Wm. T. PEKELIN, Attorney for Mortgagee.

Notice of Mortgage Sale. MORTGAGOR, Reason P. Stitt; mortgagee, Annette P. Dana; mortgagee dated December 14, 1888, and recorded in the office of the register of deeds at Bismarck, Dakota, on the 4th day of December, 1888, at 2:15 o'clock p. m., in book 60 of mortgages, page 111. Mortgagee, the southeast one-quarter of the north-east one-quarter (1/4 of 1/4) of the east one-half of the section 20, township 133, range 76, west. The southwest one-quarter of the southeast one-quarter (1/4 of 1/4) of section twenty (20), in township one hundred and forty-one (141) north, range eighty (80) west of the principal meridian, together with all the buildings and improvements situate thereon in Burleigh county, Dakota territory. Default having been made in the conditions of said mortgage, the mortgagee elects and declares the principal note, which said mortgage was given to secure, to be due and payable, amount claimed to be the amount due on said mortgage, with interest, taxes, and the costs and expenses of this foreclosure. ANNETTE P. DANA, Mortgagee. Dated Bismarck, Dakota, July 3, 1889. Wm. T. PEKELIN, Attorney for Mortgagee.

Notice of Homestead Final Proof. LAND OFFICE AT BISMARCK, D. T. July 15, 1889. NOTICE is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at the United States land office at Bismarck, D. T., on August 30, 1889, viz: SOLOMON BISHOP, for the northeast 1/4 of section 20, in township 141 north of range 70 west. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: Edmondson, upon, and cultivation of said land, viz: Anders O. Reed, of Conger, D. T., August C. Fisher, Edward T. Goodkind, Frank Miller, of Bismarck, D. T. Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and the regulations of the interior department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant. OSCAR E. REA, Register.

In Probate Court. TERRITORY OF DAKOTA, County of Burleigh, ss In the matter of the Estate of W. H. W. Comer, deceased. NOTICE OF FINAL SETTLEMENT. To whom it may concern: NOTICE is hereby given that James A. Comer, administrator of the estate of W. H. W. Comer, deceased, has presented and filed in said court his final account and report of his administration of said estate, and that said estate is ready for distribution, and praying for a final settlement thereof and an order for distribution, and on the 20th day of August, A. D. 1889, at the hour of ten o'clock a. m. of that day, at the court room in the city of Bismarck, in said county of Burleigh, has been appointed as the time and place for the hearing of said account and report and petition for distribution, and for the confirmation of the devise of the real estate described in the last will and testament of W. H. W. Comer, deceased. Witnesses my hand and seal of said court hereto affixed this 8th day of July A. D. 1889. J. F. F. BECKER, Judge of Probate.

Notice of Timber Culture Final Proof. LAND OFFICE AT BISMARCK, DAK., July 3, 1889. NOTICE is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at Bismarck, D. T., on Saturday, the 10th day of August, 1889, on timber culture application No. 128, for the west 1/4 of southeast 1/4 and east 1/4 of southwest 1/4 of section No. 4, township No. 140, n. range No. 81 w. He names as witnesses: Neil Johnson, Hanson Jacobson, Louis A. Larson, Gust. W. Johnson; postoffice address of all, Weagansport, D. T. Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the interior department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant. OSCAR E. REA, Register. O. F. DAVIS, Attorney.