

AT IT AGAIN.

The Constitutional Convention Again Get Down to Business With a Vengeance.

The Final Adoption of the Constitution Now in Progress and All Anxious.

The Parsons "Black List" Stricken Out After a Lively Debate.

The Forty-First Day.

The convention assembled at 2 p. m. Mr. Stevens moved that the privileges of the floor be extended to forty citizens of Ransom county now in the city—giving their names.

Mr. Moer moved to amend by extending the privileges of the floor to all citizens of North Dakota. Carried.

Telegrams were read from citizens of Grand Forks, Jamestown, Walsh and Traill county, protesting against the location of the public institutions in the constitution.

Telegrams were also read from citizens of Lisbon, Casselton, Mayville, Sheldon, Hatton in Traill county, Jamestown, Valley City, Fargo and other points, endorsing the action of the convention.

Mr. Scott moved that the further reading of the petitions be dispensed with, and that they be referred to a committee.

Mr. Purcell hoped the motion would not prevail. The petitions were the expressions of the people of North Dakota and he believed the convention should hear them.

Mr. Bartlett of Griggs, was in accord with Mr. Purcell.

Mr. Scott withdrew his motion with the statement that he made it simply to expedite business, not dreaming that it would call out speeches. He therefore withdrew his motion, and the next petition read was from Barnes county and was a hearty endorsement of the action of the convention in locating the public institutions.

Mr. Miller moved that all petitions be referred to a committee of five.

The roll call on the motion was demanded by Bartlett of Griggs, and the roll being called the motion prevailed by a vote of 40 to 25.

Chair appointed as such committee Messrs. Miller, Johnson, Selby, Stevens, and Colton.

The committee appointed to confer with the secretary of the territory with reference to the expenses of the convention reported.

At the evening session the report of the committee on revision was considered.

Mr. Rowe moved to substitute File 88 for the preamble reported by the committee. The substitute offered by Mr. Rowe is: "We the people of North Dakota, with profound reverence for the Supreme Ruler of the universe, do ordain and establish this constitution."

On motion of Mr. Stevens Mr. Rowe's motion was laid on the table.

On motion of Mr. Rolfe it was ordered that unless objection be made, each section with the amendments recommended be adopted.

Sections one to twenty-two of the constitution as recommended by the committee on revision, were adopted.

The light of the evening was on the recommendation of the committee that the section prohibiting the keeping of black lists, be stricken out.

Mr. Parsons of Morton, opposed the striking out of this section. He had introduced it in good faith in the interest of the laboring class. It had been adopted by the convention in committee of the whole, and he could see no good reason for striking it out.

Mr. Spaulding moved to amend the section by striking out the words "keeping a black list." He believed every man should have the right to seek employment, but did not favor the black list prohibition in the constitution.

Mr. Scott favored the adoption of the recommendation of the committee to strike out the entire section.

Judge Carland spoke against the section and favored striking it out.

After an extended discussion the section was stricken out.

THE ARENA.

SEE THEM COME.

As was expected a large number of North Dakotans arrived in Bismarck yesterday, but it cannot be said that they came on the mission anticipated. For several days the cities of Jamestown and Grand Forks have been raising a howl by wire such as would have done credit to a whole regiment of defeated candidates. They pawed the dirt and tore up the sod and announced that they were coming to the capital in such force that the "iniquitous," "nefarious," "damnable" "outrageous" and several other styles of combination would quake before their gaze and crumble beneath the awful force of their terrible denunciations. Such was the report that came surging over the wires and it was not surprising that a large number of delegates and citizens went to the train yesterday to witness the arrival of the enraged and indignant citizens. The citizens came. They came in greater numbers than was expected. When they began to leap from the train in blocks of five and twenty and fifty, the first impulse of the Bismarckers, against whom the Grand Forks-Jamestown combination had made such harrowing threats, was to flee, but as soon as arrivals opened their vocal machinery on the question of the location of public institutions, it was evident that the telegrams had been misleading. After hearing a hundred voices hurray for Bismarck, another hundred gave three cheers for the constitutional convention and innumerable squads of enthusiastic visitors inquire for the indignant citizens from Grand Forks and Jamestown, there was some reason to believe that a Bismarcker might be permitted to jostle around like the rest of mankind without carrying a Gatling gun for protection. In short it was a surprise. After all the telegrams and all the long-distance noise of the defeated capital candidates it was as difficult to find a Grand Forks kicker or a Jamestown howler as to escape the swaying, surging crowd of happy North Dakotans who came to ratify the action of the convention.

It would be impossible to do justice to all who arrived. From Ransom county came forty bright, intelligent constituents of Messrs. Stevens and Sandager, and they came with all their power of mind and lungs to endorse the action of their representatives and the convention. Among the members of the delegation were familiar faces and gentlemen who are no strangers to the commercial and political affairs of North Dakota.

Fargo came bounding in with all her athletic vigor and cosmopolitan cast of countenance, over a hundred strong, and from the time of arrival until slumber bid them halt, it was one continual round of friendly greetings and congratulations. There was Judge McConnell, the Adonis of the supreme bench; John Haggart, the whole-souled general of the 4th rifle's brigade and a hundred other gallant citizens who came to show their appreciation of the good work of the convention. S. Frazer, the thoroughbred Highlander with the silken Moses whiskers came at the head of a most entertaining squad of men and boys. Christianson, P. H. Mathews and several other well-known Celts marched at the head of the Hibernian corps.

It was an interesting, an entertaining, a most welcome body of the worthy representatives of North Dakota's brain and brawn, sociability and genius.

The night before the battle for the removal of the capital, Lloydis of Jamestown and Mathews of Grand Forks in conversation. Lloydis—Prithoe, Mathews, what be the signs? Doest find thee willing ears for thy sweet speech Or do the hardened fools give thee rebuff? Mathews: Lloydis m' friend— [Aside—I now do call him friend, but by the gods How m' good knife will make him wince If our dear plans do thrive.] Ah, faithful Lloydis, for this brief pause I do thy pardon beg, m' thoughts were borne On wings of bliss to our most glorious scheme. Now to thy question: The signs, pale Lloydis, most fickle are. When I do grasp men's hands and give them smiles, And shower upon them all m' winsome ways Then by the laughing Gods, the world is ours! But when m' smiles do vanish and grow dim Or by the clouds of argument are banished Then, m' poor Lloydis do I weep for thee. 'Tis not for me nor for m' city fair That m' heart in agony doth throbb. But it doth fill me with unutterable woe To think that in to-morrow's battle fierce M' noble, generous Lloydis must fall.

Lloydis: Nay, Nay, m' true Mathews, 'Tis for thyself and thy cherished friends That I do now most anxious query make. M' generosity—famous as thou know'st— Ne'er ruled me stronger than in this crisis great. [Enter O'Bennettus of Grand Forks, Winslow of Jamestown, Purcellus of Wahpeton, scouts, warriors, real estate speculators and politicians.] Lloydis: Ah, m' brave Purcellus, what means this? That snappeth in thy glaring, warlike eyes? Purcellus: [Dropping his sabre to the floor in great excitement.] Oh, crack o' doom! Oh crash of worlds! By all the devils that do stir the flames That flash in deep brimstonian lakes infernal, 'Tis time that we were out upon the field. The capital, the prize for which we pine Is laid by hosts Bismarckian! Our wisest speech, our sweetest words, Our boldest threats and all our native cunning Are but the toys with which their laughter plays And no good man, let my fervor wrack nor If we wouldn't boom, the capital must go.

O'Bennettus: Ah, be the powers, we are stripped for the strife! An' we'll fight to the ditch yez may bet yer swait loife. [Exeunt, beating tom-toms and shillaloes.] AMONG THEM. Editor Hansborough, of Devils Lake, whose congressional boom is beginning to show a most encouraging "fuzz" on its upper lip, says that he is here purely as an appreciative spectator. We are glad to see the beauteous smiles of D.W. Ensign, of Devils Lake playing "hide and seek" in the visiting crowd. Mr. Ensign is a pleasant reminder of the good old legislative days when it was considered the first duty of a legislator, after taking his oath of office, to draw a scalping knife from his boot leg and begin operations. He was a member of the immortal session at '85. Judge Haight of Jamestown, came in yesterday and to say that he is one of the most elegant and agreeable of gentlemen is to tell the simple, unvarnished truth. It is also true that he is as novel and picturesque a conversationalist as you could meet in a month's walk, but a description without a photograph is a mere aggravation. If some enterprising photographer will "catch" the judge some day when he is in an animated discussion, we will challenge the world to produce its best for gray-haired juvenility and venerable jocularities. Handle with care. A crisis is liable to be reached at any moment. Devils Lake's three candidates for congress arrived yesterday. Of course it is needless to say that the candidates are H. C. Hansborough, C. M. Lord and Col. Lounsbury. If this is sufficient to knock the congressional question out of political discussion in Bismarck for the present, then are the politicians becoming unwarrantably hazardous in conversation. 'T WAS BELL, BONY BELL. Clear the way, for I'm back from fair Walsh's green fields. From the land o' untriered men, Where the Marlinans stand w' their glistening shields. An' there's music in valley an' glen. I've scoored the brawd prairies from east to the west. An' w' shouts have I wakened the clan, To fight night an' day without slumber or rest— An' to clamor for blood to a man, Till iv'ry knoon object that ambles or crawls, Or th' leape w' mawd fury and rage— The anorier th' snorts an' the brawler th' brawls— Walsh's orators, statesmen an' sage— All cry out against this most dawning scheme That ha' left night w' the morn'g's first beam. An' greet th' still night an' the morn'g's first beam. W' a wild, irresistible whoop! For twas Bell, Who with yell, Such as ne'er before fell, On the lags o' mawn, maiden or sire, With wild consternation an' great indignation, Set all the north prairies afe.

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"No. I've simply kept track of the number of votes claimed by the opposing combinations."

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THE SEIGE OF THE CAPITAL.

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Mr. Scott favored the adoption of the recommendation of the committee to strike out the entire section.

Judge Carland spoke against the section and favored striking it out.

After an extended discussion the section was stricken out.

At the evening session the report of the committee on revision was considered.

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Forty-Second Day.

Convention met at 2 o'clock p. m. Mr. Stevens protested against the striking out of the section providing for township organization as recommended by the committee on revision. He said the measure was a compromise measure and was unanimously agreed to.

Mr. Parsons of Morton, agreed with Mr. Stevens. He also protested against striking out.

Futile efforts were then made by Messrs. Purcell, Noble, O'Brien and other democrats, to have the convention provide for minority representation.

Mr. Purcell introduced a resolution providing that the legislature may divide the senatorial districts into legislative districts, one member of the lower house to be elected from each district. The resolution prevailed after a brief discussion.

AFTERNOON SESSION.

The event of the afternoon session was furnished by President Fancher, who left the chair and took the floor to refute the charge made against him by Mr. Bennett at a public meeting in Grand Forks, and published in the Grand Forks newspapers.

This charge was in effect that President Fancher had refused to have the telegrams of protest from Grand Forks read to the convention Thursday evening last. Mr. Fancher read the charge and then made a clear, concise statement of all that he had to do with the telegrams. He said that he handed them to Chief Clerk Hamilton with the instructions that they be read, and that the clerk was making no effort to gain the attention of the convention when the motion to adjourn prevailed. He stated further that he had made every endeavor to deal fairly with every delegate and every interest; had permitted delegates to go far beyond the limit of the rules in debate that there might be a free expression of opinion on all sides, and had gone so far as to have the clerk read these very telegrams, although they were not properly before the convention and would not come up regularly until the next day under the head of petitions, memorials and remonstrances.

Having finished his speech amid the deafening applause of the convention, Mr. Fancher asked Mr. Bennett to take the floor and explain whether or not the newspapers had reported him correctly.

Mr. Bennett said he did not say that the president had refused to read the telegrams read, but that from his conduct he believed that he did not want them read.

Mr. Parsons of Morton moved that the convention exonerate President Fancher from the charge.

This motion was promptly seconded by over a dozen members, among them being a number of delegates from Grand Forks county. The motion prevailed by a vote of one hundred and two members being absent and one not voting.

Mr. Rolfe moved to reconsider the vote by which the convention decided that the legislature shall have power to divide the senatorial districts into representative districts.

Mr. Purcell moved to lay the motion on the table. Lost.

On motion of Mr. Stevens the section as reported by the committee, providing that representatives shall be elected at large in the senatorial districts, was adopted.

Mr. Stevens moved to amend section 89 which provides that members of the legislature shall not be appointed to office during their term, by adding "unless they shall have resigned."

Mr. Miller thought it would be better to strike out the entire section. The amendment would give members an opportunity to enter into a combination with the governor and then resign to accept appointment.

Mr. Moer agreed with Mr. Miller. As for him he did not expect to be a senator, had no axe to grind and preferred the section as it stands.

Mr. Williams said the reason the section was placed in the constitution to prevent members of the legislature from using their official positions to secure appointments. It was in the interest of honest legislation.

Mr. Stevens' amendment was defeated.

Mr. Rolfe moved to amend the section providing that members of the legislature shall be \$500 the compensation shall be \$500 per session.

Mr. Parsons voted in favor of the amendment because he wished to make it possible for any man to be a member of the legislature.

Mr. Stevens voted "no" because he thought it the poorest place in the world for a poor man.

Mr. Johnson thought subdivisions 15 and 24 covered the same ground, and moved that fifteen be stricken out.

Mr. Johnson reminded Mr. Pollock that they had discussed this question in Committee of the Whole, and the convention sustained his (Johnson's) views. He still opposed striking out.

Mr. Pollock's motion was defeated.

Mr. Rolfe moved to amend the section providing that members of the legislature shall be elected to any other office while holding the office of governor. He believed this section tied the hands of the people.

Mr. Bartlett of Griggs, opposed the amendment.

Mr. Williams hoped the motion would not prevail. The object of the section was to prevent the governor from using the power of his office to gain an election to the United States senate.

Mr. Lauder said that so far as the provision related to the United States senate it was inoperative, as the United States senate is the judge of the qualifications of its members and no state constitution could interfere.

Mr. Williams replied that the committee was well aware of this, but believed that an honorable governor who took an oath to support the constitution of the state would not violate his oath.

Mr. Lauder said that no man could be compelled to support an unconstitutional article, and when the governor takes an oath to support the constitution he is not bound to support an unconstitutional provision.

Mr. Stevens: Mr. Lauder has been one who has urged that the salaries of officers should be such as to induce men of ability to take the positions. Now if the governor should go to the United States senate and it was to refuse the charge that the president left the chair. Nor did he leave it in vain, for he favored the convention with one of the liveliest scenes of the session, made the fur fly in the most artistic and amusing manner, and was promptly exonerated by an almost unanimous vote of the body.

Mr. Wallace moved to amend by simply making any Morton county member of the convention ineligible for five years. [Laughter.]

Mr. Miller moved to amend section 79 so that it would require the notes of the members "elect" of the legislature instead of two-thirds of the members "present" to override the governor's veto. Carried.

Mr. Wallace moved that the compensation of lieutenant governor be double that of state senator instead of \$1,000 per year as provided in the section. He said this provision was in most of the state constitutions and he thought it reasonable. To pay the lieutenant governor \$1,000 per year for his term, you virtually pay him \$2,000 for presiding during a sixty day's session of the legislature or \$33 per day, for what you give the senators \$5 per day. He thought the motion would prevail.

The motion was lost.

Mr. Bartlett of Griggs, moved that the attorney general's salary be fixed at \$1,000 instead of \$2,000 as in the section. He thought the salaries of all the state officers were too high.

Mr. Camp had not been an attorney general, but he considered the compensation fixed not too high. It is much less than what would be paid by private individuals for like services.

Mr. Lauder thought the attorney general, if competent to render an opinion or to represent the state in the supreme court should receive more than \$1,000 per year.

Mr. Spaulding was one who favored economy in state salaries. He thought the present at least, but for an office that requires skill and professional training a reasonable salary should be paid. He had not been an attorney-general, but he had been the partner of an attorney-general, and he knew that it took most of the time of a trained lawyer to perform the duties.

Mr. Wallace called attention to the fact that the South Dakota constitution provided that the salary should be \$1,000 per annum.

The motion to reduce the salary to \$1,000 was lost.

A recess of ten minutes was taken.

After recess the report of the committee on judicial department was considered.

Mr. Noble moved that the report be amended so that instead of having the terms of the supreme court at the seat of government, Grand Forks and Fargo, the three terms be held at the seat of government.

On motion of Mr. Miller a call of the house was ordered and while the sergeant-at-arms was in search of the absent members the convention adjourned.

Consideration of article 4, judicial department, sections 88 to 102, occupied the convention during the first half hour, all of which was adopted as reported by the revision and adjustment committee, with some slight verbal amendments.

The subdivision "district courts," was also read and adopted, with the exception of the first section, 103.

Mr. Carland of Burleigh moved to amend that section by striking out the words "each within its territorial limits," which led to a running-fire debate, culminating in a vote on motion of Mr. Bart