

# SIoux FALLS CONVENTION.

**SIoux FALLS, Special Telegram, Sept. 14.**—A report has been prepared by the judiciary committee on the preamble to the constitution, and it will likely come before the convention to-morrow. The report made several days ago by the committee on preamble to the constitution was found to be unsatisfactory, the preamble involving, as it does, several legal points, and it was referred to the judiciary. The judiciary report will be introduced by some argument from the committee, giving the scope of the claims of the people of South Dakota to statehood, and it is probable that the argument will be adopted by the convention, with instructions to submit it to congress at the time the constitution is presented for ratification. The report of the committee is as follows:

It is clear that the United States government in the treaty of cession by France of the province of Louisiana, of which this territory formed a part, agreed as a condition precedent that it would admit into the Union no territory that would not be admitted on an equal footing with the original States in all respects whatsoever, and should be admitted by a permanent constitution and state government. The constitution and state government were to be formed by the inhabitants of the territory north of the Ohio river by the ordinance of 1787, and the territory was to be divided into States of reasonable area and that whenever any of the said States should have 60,000 inhabitants thereon, such State should be admitted by its delegate into the congress of the United States on an equal footing with the original States in all respects whatsoever, and should be admitted by a permanent constitution and state government. The constitution and state government were to be formed by the inhabitants of the territory north of the Ohio river by the ordinance of 1787, and the territory was to be divided into States of reasonable area and that whenever any of the said States should have 60,000 inhabitants thereon, such State should be admitted by its delegate into the congress of the United States on an equal footing with the original States in all respects whatsoever, and should be admitted by a permanent constitution and state government.

During the morning hour the report of the committee on schedule was partially considered. A deadlock occurred on the seventh section, which presumes that State legislature, county and town officers have been elected. The question arose, will it be expedient to elect these officers when the constitution is presented in November for ratification; or shall we wait until we are admitted to Statehood? Some of the longest heads contended that congress would consider the constitution more favorably if a full complement of officers are elected and their certificates presented for ratification by congress with the constitution, and that the work of the convention will only be half completed if they are not elected. Gen. F. M. Ziebach, one of the brightest and most influential men in the convention, known throughout the Territory as the equator governor, in a thrilling speech, advocated not only the election of legislative, State and county officers, but two members of congress and two United States senators. The subject was finally made the special order for 10:30 to-day, might be taken up.

**SIoux FALLS, Dak., Special Telegram, Sept. 15.**—This has been a field day for debaters in the constitutional convention. At the very opening of the convention, at 8 o'clock this morning, the question: "Shall we elect State and county officers and congressional representatives at the election to ratify the constitution in November, and then elect two United States senators and present them to congress with the constitution, or shall we wait until we are admitted to Statehood?" came up in the consideration of the report from the committee on schedule, and was a bone of contention until the adjournment at 5:30 this afternoon, when it went over as the special order for to-night, and at the night session it was not decided, and was made the order for Monday at 9 o'clock. The debate grew exceedingly interesting at times, and took a wide latitude, developing all of the underlying principles upon which this move to Statehood is based. The question was one merely of policy. Several delegates held that to elect congressmen and senators, and to submit them to congress for ratification, with the constitution, would prove more conclusively the earnestness and sincerity of the people, showing they were ready on the instant to assume all the functions of Statehood, while others contended that it would hazard the chances for Statehood and handicap the committee to be sent with the constitution, in that it would be claimed that the citizens were as eager for office as State government because they presented both issues at once. About two dozen amendments were offered, most of them being tabled, some setting dates next spring and summer for the election of officers, other stipulating in clearer and more specific terms that the officers elected should not assume office until Congress ratifies the constitution, and others striking out or avoiding the question by ambiguous terms of language. To-night the convention is seemingly no nearer conclusion than this morning, and the question seems about equally divided with odds in favor of electing officers.

The alternative said to-night was gained some strength on the argument that if the officers will bring out the full vote on the constitution, and by enlisting more strongly those having an interest in securing the vote to which they are elected, will insure more energy in the campaign for Statehood.

**SIoux FALLS, Special Telegram, Sept. 17.**—About all of the matter over which any considerable dispute could arise has been adopted by the constitutional convention. It was run through under the one-minute rule to-day, all delegates being limited to one-third of a minute upon each subject. There is a splendid feeling to-night of the manner in which the work progressed to-day. The question of electing State officers at the time the constitution is offered at the polls for ratification was determined without any struggle. The previous question brought it to a vote in a hurry. The ayes and nays were called for, and it was decided by a majority of twenty-four to elect officers on the Tuesday next after the first Monday in November, 1888, with the expressed provision that no officer elected shall assume in any way the functions of his office or receive pay until congress shall have ratified the election and the constitution, and admitted Southern Dakota to Statehood. By other sections of the article on schedule adopted, it is provided that—

The first meeting of the legislature shall be held at Yankton on the first Monday in December next, with power to adjourn to any other place. The election to be held the ballots shall be printed or written in the following form: "For the constitution." Against the constitution, and the returns of the votes on the ratification or rejection will be made to the president of this convention at any time before Nov. 30 next, and a computation and return of the same will be made to the legislature on the first day of their meeting or organization. Two United States senators and a representative will be elected by the legislature, and the certificates of their election certified by the proper State officers. The first legislature will provide for the

election of judicial and other officers. The president of the convention is directed to appoint a State executive committee, of which he will be chairman, consisting of one member from each county in the State, which committee will be in charge of the election, and compile the returns of the first legislature is further directed to make provisions for the proper apportionment of the existing territory between that portion of the Territory included in this State, and the remainder of the Territory. The two congressmen will be elected from at large.

Since the details for electing officers have been adopted and a few hours have intervened, there is good feeling and considerable enthusiasm over it. It is thought by a large majority to be the wisest plan, since it is no political scheme at all, no one seems to expect to reap after an office. It is sure to work up considerable interest, however, and will bring out a good vote upon the constitution, and those who are enlisted in the campaign as candidates and afterwards as officers will keep the fire burning on the altar of Statehood and not allow interest to flag.

The report from the judiciary was among the work adopted. It provides for the retirement of supreme court judges at the age of seventy years and who have served sixteen years immediately preceding time at which they reach that age. There are four judicial circuits, many contending that three or four were sufficient. During the debate it was stated that in the Black Hills district there are now 200 civil cases on the docket, and that some of them have been pending two years. More time was spent upon a clause forbidding county and other judges to receive any fees or pay other than their regular salary, than upon any other point. As the report was at first reported county judges were compelled to take final proofs before United States land office without receiving pay for them other than their regular salaries. It was held that they would sink the work unless paid, and the section was amended so that they may receive fees for that work. During the consideration of the report on judiciary an amendment was offered to the section which provides that for the purpose of re-election no supreme judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties, and adding, "This, provided that at the first election under the constitution, a residence of one year shall be sufficient to render any person eligible who has the other qualifications prescribed by this section."

A delegate, in opposing the amendment, said it was intended especially for Judge Edgerston, yet he didn't object to it for that reason, but because the point was covered by another section, and he wished to avoid repetition. The amendment was withdrawn. In the report on corporations and banking a section was inserted directing that the legislature shall provide wholesome laws from time to time regulating the tariffs charged by transportation companies and other laws governing the carriage of products and passengers, as to fair rates and provisions also for the election by the vote of the people of a board of commissioners, to be composed of three members, who shall not be interested in any way in any transportation company, and whose functions shall be to see that all laws relating to transportation are enforced. During the consideration of the report there was some hot shot fired at the railroad corporations of the country. A resolution was offered during the day by A. B. Melville of Huron, and referred to the legislative committee, directing that whenever 5,000 legal voters petition the legislature for the submission of any amendment to the constitution, asking that a question be submitted to the vote of the electors thereon, a majority of the legal voters are recorded in favor of the amendment it shall then become a part of the constitution. It is understood that the resolution will come before the convention for incorporation in the constitution.

**SIoux FALLS, Special Telegram, Sept. 18.**—The constitution of the State of Dakota is ready to go before the people for ratification or rejection. It was pronounced a finished document to-night after a day of almost ceaseless toiling. As stated in the PIONEER PRESS dispatch last night, the bulk of important matter was then completed, and to day the less consequential articles were ground out with a rush. However, the constitution as it now is, cannot be said to be a hurriedly constructed one, by any means. On the contrary, it has been prepared with all the nicety of care that 135 of the brainiest men of South Dakota could give it. There are no experimental features in it, and yet it is not without original ideas, as a review of the document will disclose. The varied country, and the many nationalities of people and kinds of interests to be fostered and anticipated compelled the authors to go into almost every channel that has ever been followed by constitution-makers. The preamble last produced in those dispatches was adopted without amendment, as were also the remarks of the committee upon reporting it, and the observations of the committee will go into it with, but not be incorporated in, the constitution to the people.

The number of members of the house of representatives shall never be less than fifty-five nor more than eighty, and the number of senators less than twenty-five nor more than thirty-two. The provision that no officer elected shall assume in any way the functions of his office or receive pay until congress shall have ratified the election and the constitution, and admitted Southern Dakota to Statehood. By other sections of the article on schedule adopted, it is provided that—

The right of trial by jury shall remain inviolate and shall never be taken away without regard to the amount in controversy; but a jury trial may be waived by parties in all civil cases, and in all criminal cases less than felony. No religious tests or oaths of property shall ever be required as a condition of office or franchise under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion, nor shall any penalty be exacted for the benefit of religious societies or theological seminaries; no "test" or "qualification" law, nor impairing the obligation of contracts, or retrospective in its operation, or one which shall operate to deprive any franchise or immunity shall ever be passed by the legislature; no law or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be levied and collected in such a manner as to grant to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

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Since the details for electing officers have been adopted and a few hours have intervened, there is good feeling and considerable enthusiasm over it. It is thought by a large majority to be the wisest plan, since it is no political scheme at all, no one seems to expect to reap after an office. It is sure to work up considerable interest, however, and will bring out a good vote upon the constitution, and those who are enlisted in the campaign as candidates and afterwards as officers will keep the fire burning on the altar of Statehood and not allow interest to flag.

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After five years the number of supreme judges may be increased to five, and their terms shall be four years. In case of re-election, it shall be eight years, and the third successor's term shall be twelve years. Provision may be made for the voluntary retirement of supreme judges at any time after they arrive at the age of seventy years, provided that they have been in the office at least three years, and such judge, for at least three years immediately preceding such retirement. The supreme court districts are:

First District—All that portion of the State lying west of the Missouri river. Second—All that portion of the State lying east of the Missouri river and west of the Dakota river. Third—All that portion of the State lying east of the Dakota river. The term of a judge of the circuit court shall be four years. The judicial circuits are arranged as follows:

First Circuit—The counties of Union, Clay, Lincoln, Turner, Hanson, Lake, Minnehaha, McCook and Mitchell. Second—Yankton, Bon Homme, Charles Mix, Douglas, Hutchinson, Davison, Aurora, Brule, Buffalo and Jerud. Third—Brookings, Moody, Kingsbury, Clark, Hamlin, Deuel, Codrington, Day, Roberts, Wahpeton and Sisseton reservation, and all that strip of territory now included between the north line of the county of Day and the forty-sixth parallel of north latitude, including all such portion of the State lying between these counties and not forming part of either. Fifth—All that portion of the State lying west of the Missouri river, provided that all parts of the State not included in the foregoing boundary and description of circuits, shall be attached and form a part of the Second district.

There shall be electors in each organized county a county judge. The legislature shall fix the salaries of all judges and court officers. Justices of the peace shall have jurisdiction in all cases not involving over \$100. The term of office of the county judge shall be one year, and the salary shall be as fixed by the legislature. The legislature shall also fix the salaries of all judges and court officers. Justices of the peace shall have jurisdiction in all cases not involving over \$100. The term of office of the county judge shall be one year, and the salary shall be as fixed by the legislature.

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across public and private corporate lands, for the construction of ditches, canals and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands and for mining, milling and manufacturing purposes, and for draining upon natural or artificial drainage systems. AMENDMENTS AND REVISION OF THE CONSTITUTION. If 5,000 legal voters shall petition this first legislature acting for this constitution and the legislature by congress, to amend the constitution in any particular, then the legislature shall submit such proposed amendments or amendments to the people at a general or special election thereafter, in such manner as the legislature shall prescribe, unless if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become part of the constitution. CORPORATIONS OTHER THAN MUNICIPAL AND BANKING. All railroads, canals, and other transportation companies, are declared to be common carriers, and subject to legislative control, and the legislature shall have power to enact laws regulating and controlling the rates of charges for transportation of passengers or freight of such common carriers from one point to another in the State. The legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him, or a majority thereof, and there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among the many candidates as he shall see fit; and such directors or managers shall not be elected in any other manner. The property of all corporations, except religious and charitable, shall be subject to a uniform rate of taxation. COMPENSATION OF PUBLIC OFFICERS. The salaries of executive officers shall be:

	A Year.
Governor	\$2,000
State Treasurer	1,000
Attorney General	1,000
Superintendent of Public Instruction	1,500
Secretary of State	1,500

The legislature will fix the salaries of judges of the supreme court. CONGRESSIONAL AND LEGISLATIVE. There shall be two representatives to congress from at large, and the legislature shall choose two United States senators. This resume covers the salient points of the constitution, and gives the reader a fair comprehension of what it contains. The document would occupy eight or nine columns of the PIONEER PRESS, and is being classified into about twenty-five articles. The constitution has been ordered 10,000 copies of the constitution to be printed in the English language and 1,000 each in the Scandinavian and German languages, to be distributed among the voters of the proposed State, with the following ADDRESS:

We, your delegates, have done the work which you committed to our hands, and as a result present the constitution which is now sent forth for your consideration and ratification. We have been diligent in forming the constitution until by careful research into all authorities and precedents we were fully satisfied that we had the best possible constitution for our State. There is no doubt remaining that we have done our duty in all our actions, not only in our sense of justice, but in formal enactments and decisions by the highest authorities known under our courts and the highest authority in the progress of our work, as was to be expected, opposing views have been warmly urged, but the result finally reached has been heartily adopted. It therefore remains for you to set your seal upon this instrument by declaring through your ballot that you accept this as the constitution of your State, and you alone can breathe the breath of life into this work which we have done in your name. By your voice of approval you make it instinct with life, and the sacred duty of your course is out of bondage into the condition of freemen, exercising all your own rights of self-government, were no one can abridge your enjoyment of life, liberty and the pursuit of happiness.

**SIoux FALLS, Special Telegram, Sept. 20.**—Hon. C. F. J. Muller, who has been working during the past year in England and Europe in the interest of the immigration department of the Chicago, Milwaukee & St. Paul Railway Company, has returned to the country office at Copenhagen, Denmark, of which Mr. Muller has been in charge for seven months, in good. Muller has for fourteen years been Danish consul for this State and Michigan, and later was State emigration agent here under Gov. Farnhill's administration, and is probably one of the best informed on matters pertaining to European immigration in the west. Mr. Muller stated this afternoon that the immigration from Germany, Denmark, Sweden and Norway to the Northwest—principally to South-eastern Dakota—will, in all probability, be greater the coming year than ever known before. The interest that has been awakened in this region with regard to Dakota is something surprising. The steamship companies are already getting in their work through their agents in anticipation of the exodus, and a rich harvest is in store for the railway and steamship companies that can secure the prestige of the first patronage next season. Mr. Muller had printed and distributed nearly 100,000 pamphlets descriptive of Dakota throughout the four countries named in the different languages required, and is in receipt of many letters since reaching home asking for further information.

Parties have purchased ground at Huron on which to build a \$30,000 brewery. A table is published showing the number and salaries of all the postoffices in Dakota where the postmaster is appointed by the president. There are twenty-seven of them, of which eleven are in North Dakota and sixteen in South Dakota. The postmaster at Deadwood gets the largest salary, \$2,700. Fargo comes second, at \$2,500, Yankton and Bismarck get \$2,200 each and Sioux Falls \$2,100.