

# Journal of the House.

SECOND LEGISLATIVE ASSEMBLY—SPECIAL SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
June 1, 1892.

At the hour of 12 o'clock m. of Wednesday, the first day of June, A. D. 1892, being the day and hour designated in the proclamation of the Hon. A. H. Burke, governor of the State of North Dakota, convening the second Legislative Assembly in special session the House of Representatives assembled in the hall of said House and was called to order by the speaker.

Prayer by the chaplain.

The roll being called, the following members responded to their names :

Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,

Messrs—

Foss,  
Gill,  
Graber,  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,

Messrs—

Noltimier,  
Oliver,  
Osgood,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,

Messrs—  
Ebbighausen,  
Erickson,  
Farrah,  
Fay,  
Fiske,

Absent:

Messrs—  
Burton,  
Daily,

Messrs—  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,

Messrs—  
McKendry,  
Thompson,

Messrs—  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Messrs—  
Triplett.

Messrs. Daily and Thompson having died since the close of the regular session.

Mr. Oliver moved

That the House proceed to the election of a sergeant-at-arms in place of Mr. Olson, absent, which motion prevailed and Mr. Ritchie nominated E. R. Kennedy of Dickey county.

The roll being called there were 55 votes cast, of which Mr. Kennedy received 55.

Those who voted for Mr. Kennedy were:

Messrs—  
Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglass,  
Ebbighausen,  
Erickson,  
Farrah,  
Fay,

Messrs—  
Fiske,  
Foss,  
Gill,  
Graber,  
Haight,  
Hall,  
Hanson,  
Hill,  
Hodson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,

Messrs—  
McCulloch,  
Noltmier,  
Oliver,  
Osgood,  
Peabody,  
Peterson,  
Ritchie,  
Satterlund,  
Skinner,  
Smith,  
Tufts,  
Wallin,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting were:

Messrs—  
Burton,  
Daily,  
Havrevold,

Messrs—  
McKendry,  
Strom,

Messrs—  
Thompson,  
Triplett,

Mr. Kennedy, having received a majority vote of all the members-elect, was duly elected sergeant-at-arms.

Mr. Yegen nominated J. H. Marshall of Burleigh, for assistant sergeant-at-arms and door keeper.

The roll being called there were 56 votes cast, of which Mr. Marshall received 56.

Those who voted for Mr. Marshall were:

Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,  
Ebbighausen,  
Erickson,  
Farrah,  
Fry,  
Fiske,

Messrs—

Foss,  
Gill,  
Graber,  
Haight,  
Hall,  
Hanson,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,  
Noltimier,

Messrs—

Oliver,  
Osgood,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
Daily,

Messrs—

Havrevold,  
McKendry,

Messrs—

Thompson,  
Triplett.

Mr. Marshall, having received a majority vote of all the members-elect, was declared duly elected assistant sergeant-at-arms and doorkeeper.

The oath of office was administered by the speaker to the sergeant-at-arms and assistant sergeant-at-arms.

PETITIONS, RESOLUTIONS, ETC.

Mr. Brooke offered the following resolutions and moved their adoption :

*Be it Resolved by the House of Representatives of the State of North Dakota:* That in the deaths of Representatives Daily of Walsh, and Thompson of Traill, this body has lost two of its most efficient, industrious and faithful members, their constituencies' representatives, whose places it will be hard to fill.

Honest and conscientious in the discharge of their legislative duties, ever alert to the interests of their constituents, and watchful of the welfare of the commonwealth in general, they well deserved the confidence and esteem of all.

Now, that they will never more answer to their names in these halls, we trust that when responding to the great roll call in eternity, they have received at the hands of the Divine Lawgiver, the well deserved greeting, "Well done, good and faithful servants, enter ye into the joy of the Lord," and that their lives that to human eyes seemed to have been cut short in their career of usefulness on earth, will find complete development in such great offices as suit the full grown energies of heaven.

That these resolutions be spread upon the Journal and copies forwarded to the families of the deceased.

Which motion prevailed, and  
The resolutions were adopted.

Mr. Oliver moved

That a committee of three be appointed to wait upon the Senate and inform it that the House is organized and ready to meet in joint session to listen to the Governor's message,

Which motion prevailed and

The speaker appointed as such committee:

Messrs. Oliver, Gill and Brooke.

Mr. Gill offered the following concurrent resolution and moved its adoption:

*Be it Resolved by the House of Representatives, the Senate Concurring:* That a joint committee of two from the Senate and three from the House be appointed to wait upon the Governor and inform him that the Legislative Assembly is organized and ready to receive any message he may have to make.

Which motion prevailed,

And the concurrent resolution was adopted.

Mr. Kearney offered the following resolution and moved its adoption:

Considering a short session of the utmost importance to the taxpayers of North Dakota, therefore be it

*Resolved,* That no business be entertained by this House, except that which pertains to the electoral vote and the canvassing of the same.

Mr. Oliver moved

To lay the resolution upon the table,

Which motion prevailed, and

The resolution was laid upon the table.

Mr. Oliver presented the following petition :

*To the Honorable Legislative Assembly of the State of North Dakota:*

Your petitioners, residents and taxpayers of Ransom county, respectfully represent that the enforcement of the collection of the delinquent personal property taxes for the several years prior to 1891, including the penalty and interest, will work a great hardship upon the poorer taxpayers of the State, many of whom are wholly unable to pay the same. Wherefore, your petitioners respectfully pray that your honorable body will pass a law abating the penalty and interest on all personal property taxes prior to the year 1891, and your petitioners will ever pray.

C. H. SIKES,  
and 43 others.

Mr. Holte offered the following concurrent resolution:

*Be it Resolved by the House of Representatives, the Senate Concurring;* That the work of this extra session of the Legislature be confined to the matter contained in the Governor's call.

Mr. Oliver raised the point of order that a similar resolution had been previously introduced and acted upon and that the resolution was therefore out of order,

Which point of order the speaker decided well taken, and

The resolution was ruled out of order.

Mr. Oliver offered the following concurrent resolution and moved its adoption:

*Resolved by the House of Representatives, the Senate Concurring:* That this special session do adjourn *sine die* not later than Saturday, June 4th, at 5 o'clock p. m.

Which motion prevailed, and  
The concurrent resolution was adopted.

A committee from the Senate was announced and informed the House that the Senate was organized and ready for the transaction of business.

Mr. Douglass offered the following concurrent resolution :

CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:* Whereas, The calling of this special session of the legislative body of North Dakota was necessitated by an oversight of that body at the last session of the Legislature in not providing the manner of electing presidential electors, we do hereby donate our per diem to the State of North Dakota in order to defray in part the expense of calling this special session of the Legislature.

Mr. Hill moved  
To lay the resolution upon the table,  
Which motion prevailed, and  
The resolution was laid upon the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 1, 1892. }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Senate of the State of North Dakota for the Second Legislative Session has assembled in special session, pursuant to the proclamation of the Governor.

With the following exceptions, the organization of the regular session has been retained:

Secretary—Fred Falley.

Assistant Secretary—Chas. Lee.

Assistant Enrolling and Engrossing Clerk—W. O. DePuy.

Postmaster—John A. Stoyell.

Doorkeeper—S. G. Smith.

Pages—Geo. Whitford and Geo. Wick.

Respectfully,

FRED FALLEY,  
Secretary.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS, MEMORIALS, ETC.

Mr. Oliver introduced—

House Bill No. 1,

A bill for an act providing for the election of presidential electors, state, district and county officers, and the manner of calling and giving notice of the same,

Which was read the first time.

Mr. Oliver moved

That the rules be suspended and that all bills read the first time be also read the second time and referred to the Committee of the Whole,

Which motion prevailed, and

House Bill No. 1,

Was read the second time and referred to the Committee of the Whole.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 1, 1892. }

MR. SPEAKER:

I have the honor to herewith transmit to your honorable body the following Joint Resolution:

JOINT RESOLUTION.

WHEREAS, This assembly of the Legislature has been called by the Governor to provide a method for the canvassing of the vote to be polled at the general election next to be held in this State; to provide for the election of presidential electors at such election and to consider the advisability of increasing the appropriation for the display from this State at the World's Columbian Exposition of 1893, each of which subjects being manifestly such as require immediate action to be of avail to the people; and

WHEREAS, It is apparent that, while there is some contrariety of opinion as to the propriety of having a special session of this Legislature at this time, there appears to be a general and uniform sentiment throughout this State that the members thus assembled should expeditiously and economically dispatch the business made the subjects for discussion at this extraordinary session and should refrain from the consideration of any other matters; now be it

*Resolved*, By the Senate of the State of North Dakota, the House of Representatives concurring, that this Legislature shall discuss or consider no bill the subject of which is not recommended in the message addressed by the governor to it unless by unanimous consent.

Which the Senate has passed, and your concurrence is respectfully requested.

FRED FALLEY,  
Secretary.

SENATE CHAMBER, }  
June 1, 1892. }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Senate has concurred in the joint resolution providing for a joint committee of two from the Senate and three from the House to be appointed to wait upon the Governor and inform him that the Legislative Assembly is organized and ready to receive any message he may have to present, and that the President has ap-

pointed on the part of the Senate, Senators Little, Patch and Palmer.

Respectfully,  
 FRED FALLEY,  
 Secretary.

The sergeant-at-arms announced the members of the Senate and officers thereof in waiting.

#### JOINT SESSION.

The joint session of the two houses was called to order by the Speaker of the House, who introduced the Lieutenant Governor, the President of the Senate.

The President designated the chief clerk of the House as the clerk of the joint session.

The roll of the House and Senate was then called,

All the members being present except Messrs. Burton, Daily, McKendry, Thompson and Triplett of the House, and Messrs. Arnold and Lowry of the Senate.

Mr. Little moved

That the President appoint a joint committee of three from the House and three from the Senate to inform the Governor that the two Houses are in joint session and ready to receive his message,

Which motion prevailed, and

Mr. President appointed as such committee

Messrs. Little, Ink and Patch, of the Senate, and Messrs. Gill, Fay and Burke, of the House.

The joint committee to wait upon the Governor returned escorting the Governor.

The president introduced the Hon. Andrew H. Burke, governor, who delivered the following message:

#### GOVERNOR'S MESSAGE.

*Gentlemen of the Senate and House of Representatives:*

An extraordinary occasion having arisen by reason of the lack of provision in the laws of the State for the canvass of the vote whereby the representatives to the Electoral College which shall elect the next President of the United States are chosen, and for canvassing the general election returns of the State, I have, as provided by the Constitution, called you together in special session.

The dignity of the State is not only involved in this omission of proper laws, but our duty to the National Government is thus rendered impossible of performance. The duty of your Executive is fulfilled in calling the assembly of the people's representatives together, and it remains with you to take such action as may seem proper to you in the premises.

The sentiment of the people, as expressed to me from almost every county of the State, also warrants me in calling your atten-

tion to the matter of an additional appropriation to the World's Fair fund. At your regular session you saw fit to make a certain appropriation, which was then thought sufficient; but a very large number of the citizens of North Dakota express themselves as dissatisfied with the amount set aside by you for that purpose, in view of the improved condition of affairs in the State generally since your adjournment. And the number who agree in this matter is so large that, in deference to their wishes, expressed in private to me, in public through the press and in mass meeting throughout the State, I bring this subject to the notice of your honorable body.

It is also my duty as Executive to inform you that it is the wish of the people of the State, so far as I am advised—and I should not venture to convey the message to you if I was not convinced from the multitude of expressions which have come to me that the sentiment of a majority of the people accords with this wish—that your session be short, and that you consider only the questions named above.

It is proper for me to say, however, that I have assumed the responsibility of taking you from your respective avocations and of incurring expense to you and to the State, with great reluctance. And especially have I felt the extreme delicacy of signifying to you the feeling with reference to the World's Fair fund, and with reference to the consideration of only two subjects at this special session; but believing, as we all do, in that fundamental principle of American liberty, that the people are the rulers, and that your honorable body, as well as myself, are but the servants of the people, and having been made acquainted with their desires, I felt that I should fail in my duty should I neglect the communication of them to you.

Since the close of the last session death has taken from us two of our associates. Representatives Daily, of Walsh, and Thompson, of Traill, have been summoned to meet with the great majority. I take this opportunity to pay my tribute of respect to their memory.

In welcoming you to your Capital I take pleasure in renewing the acquaintances of your former session, and trust that this one will be harmonious and that the duty before you will be cheerfully and expeditiously performed.

Having thus fulfilled my constitutional duty, I leave these matters in your hands, satisfied that you will deal with them wisely and as, in your judgment, the honor and dignity of the State and duty to yourselves and your constituency demand.

Mr. Oliver moved

That the joint session do now dissolve,

Which motion prevailed, and

The joint session dissolved.

J. G. HAMILTON,  
Clerk of the Joint Session.



The House reconvened, and

Mr. Oliver moved

That the House take a recess of two hours,

Which motion was lost.

Mr. Oliver introduced—

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,

Which was read the first and second times, and referred to the Committee of the Whole.

Mr. Gill introduced—

House Bill No. 3,

A bill for an act to amend Section 5 of Chapter 225 of the Laws of 1890, as amended by Chapter 100, Laws of 1891, amending the eleventh sub-division of said section,

Which was read the first and second times, and referred to the Committee of the Whole.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 1, 1892. }

MR. SPEAKER:

I have the honor to transmit herewith the following Joint Resolution providing for the speedy passage by the Congress of the United States, of the so-called Dolph Land Bill, for the relief of certain settlers in the Red River valley, State of North Dakota:

CONCURRENT RESOLUTION

In relation to the speedy passage by the Congress of the United States of the so-called Dolph Land bill for relief of certain settlers in the Red River valley, State of North Dakota.

WHEREAS, The St. Paul, Minneapolis & Manitoba Railway company, a corporation organized under the laws of Minnesota, acquired title to certain lands in the valley of the Red River of the North in the then territory of Minnesota, now State of North Dakota, by the timely construction of certain lines of railway, in accordance with the provisions of certain acts of congress, approved March 3, 1857 (11 U. S. Statutes at Large, 195) and March 3, 1865 (13 U. S. Statutes at Large, 526), which title was confirmed by decision of the Supreme Court of the United States, filed December 22, 1890; and,

WHEREAS, Subsequent to the acquisition of such title and prior to its confirmation, a large and meritorious class of citizens, now residents of this State, settled upon, improved and paid for said lands the government price charged for lands under the pre-emption and homestead laws of the United States, in good faith, supposing said lands to be unappropriated public domains, subject to acquisition under said laws, and received patents therefor from the government, and,

WHEREAS, The bill now pending before congress (Senate Bill No. 3134) will, if passed and carried into effect, allow said St. Paul, Minneapolis &

Manitoba Railway company to relinquish all its claim and title to said lands, and to select in lieu thereof other lands, vacant and unappropriated, and situated in states or territories along the lines of said railway, and will render such settlers secure in the enjoyment of their homes and their property, and prevent the institution of legal proceedings for their ejection from lands upon which they have erected homestead improvements costing many hundreds of thousands of dollars; now, therefore,

*Resolved*, By the Senate, the House concurring, That our Senators and Representatives in Congress be earnestly requested to use their utmost endeavors to effect the speedy passage and approval of said bill.

*Resolved*. That the Governor be and is requested to forward copies of these resolutions to our Senators and Representatives in Congress.

Which the Senate has passed, and your concurrence therein is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

Mr. Fay introduced—

House Bill No. 4,

A bill for an act in regard to election vacancies and to provide for filling vacancies in elective offices,

Was read the first and second times and referred to the committee of the whole.

Mr. Beardsley introduced—

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice-President of the United States,

Which was read the first and second times and referred to the committee of the whole.

Mr. Beardsley introduced—

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice-President of the United States,

Which was read the first and second times and referred to the committee of the whole.

Mr. Lutz offered the following resolution and moved its adoption:

*Resolved*, That Rule 39, of the rules of the House of Representatives, shall be amended so as to read as follows:

All bills reported from standing or select committees or from the committee of the whole, whether amended or not, may at once come up for a third reading and final passage.

Which motion prevailed and

The resolution was adopted and the rule amended.

Mr. Oliver moved

That the House do now take a recess until 3:30 o'clock, p. m.

Which motion prevailed and

The House took a recess until 3:30 o'clock, p. m.

The House reconvened at 3:30 o'clock, p. m.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Brown moved

That the House concur in the Senate concurrent resolution praying the passage of the so-called Dolph Land Bill by the Congress of the United States.

Mr. Gill moved as a substitute

That all joint and concurrent resolutions be referred to a committee of five to be named by the Chair, and that the Senate be requested to appoint a like committee to act with the House committee,

Which motion prevailed, and

Mr. Speaker appointed as such committee Messrs. Gill, Richie, Lutz, Oliver and Douglas.

Mr. Douglas offered the following resolution, and moved its adoption.

RESOLUTION.

*Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota:* That the President of the State World's Fair Commission be and he is hereby requested to report to this House as soon as convenient a statement and report showing the amount of money expended from the fund already appropriated to make an exhibit at the World's Fair, for what purposes the same was expended, and the names of the persons appointed on the boards for the purpose of making such exhibit.

Mr. Brooke moved

To adopt the resolution,

Which motion prevailed and

The resolution was adopted.

Mr. Burke moved

That the vote by which the motion to refer all joint and concurrent resolutions to a special committee was carried, be reconsidered.

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Beardsley moved

That the House do now resolve itself into committee of the whole for the purpose of considering the Senate concurrent resolution praying the passage of the so-called Dolph land bill.

Which motion prevailed and

Mr. Speaker called Mr. Gill to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your committee of the whole have had under consideration the Senate concurrent resolution praying the Congress of the United States to pass the so-called Dolph land bill,

And recommend that the House concur in the resolution.

J. C. GILL,  
Chairman.

Mr. Strom moved

That the report be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted, and

The resolution was concurred in.

Mr. Fay moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,  
Chief Clerk.

## SECOND DAY.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
June 2, 1892.

The House assembled at 2 o'clock p. m., pursuant to adjournment,

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Burton, McKendry and Triplett.

Mr. Oliver moved

That the reading of the Journal be dispensed with and that the Speaker appoint a committee of three to revise and correct the same,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Strom, Lutz and Brown.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 2, 1892. }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Senate has concurred in the concurrent resolution providing that the special session do adjourn *sine die* not later than Saturday, June 4, 1892, at 5 o'clock p. m.

Also to transmit herewith the following joint resolution providing that the unexpended balance of the appropriation of 1890 for the maintenance and support of the Deaf and Dumb School, at Devils Lake, be transferred to the credit of the building fund:

*Be it Resolved by the Senate of the Legislative Assembly of the State of North Dakota, the House Concurring:* That the unexpended balance of the appropriation of 1890, for the maintenance and support of the Deaf and Dumb School, at Devils Lake, be transferred to the credit of the building fund.

And your concurrence therein is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

PETITIONS, COMMUNICATIONS ETC.

Mr. Strom presented the following petition:

*To the Honorable Members of the Second Legislature of the State of North Dakota.*

We, the undersigned taxpayers and legal voters of the Township of Norway, County of Traill, and State of North Dakota, do hereby petition and pray against any additional appropriation for North Dakota to be represented at the World's Fair, at Chicago, being that we do not believe it to be of any benefit to the laboring class of people.

P. S. WASLIEN  
and 31 others.

Mr. Gill presented the following communication:

ABSARAKA, N. D., May 20, 1892.

*To the Hon. J. C. Gill, Representative of the Eleventh District:*

DEAR SIR: Will you, in behalf of the Christian people of North Dakota, use your influence to make the contemplated appropriation for the World's Fair conditional upon the closing the gates on Sunday.

Yours respectfully,

MATTIE MEACHAM,  
President Cass County W. C. T. U.,  
Per W. S.

MOTIONS AND RESOLUTIONS.

Mr. Brown offered the following resolution:

WHEREAS, The Committee on Ceremonies of the World's Columbian Exposition, through National Commissioner H. P. Rucker, has tendered this honorable body an invitation to witness the dedication ceremonies of the World's Fair buildings in Jackson park, city of Chicago, Oct. 11, 12 and 13, 1892; therefore, be it

*Resolved,* That we accept the same and extend our sincere thanks to the said committee, and especially to Commissioner Rucker for his thoughtfulness and kindness in securing them.

Mr. Gill moved

To adopt the foregoing resolution,

Which motion prevailed, and

The resolution was adopted.

COMMITTEE OF THE WHOLE.

Mr. Oliver moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering bills in general orders,

Which motion prevailed, and

The Speaker called Mr. Brooke to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration  
House Bill No. 1,

A bill for an act providing for the election of presidential electors, state, district and county officers, and the manner of calling and giving notice of the same,

And recommend that the bill do pass.

Also,

House bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,

And recommend that the bill do pass.

Also,

House Bill No. 3,

A bill for an act to amend Section 5 of Chapter 225 of the Laws of 1890, as amended by Chapter 100, Laws of 1891, amending the eleventh sub-division of said section,

And recommend that the bill be referred to the Attorney General for an opinion as to its constitutionality.

Also,

House Bill No. 4,

A bill for an act in regard to election vacancies and to provide for filling vacancies in elective offices,

And recommend that the bill be referred to the Attorney General for an opinion as to its constitutionality.

Also,

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice President of the United States,

And recommend that the bill do pass.

Also,

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice President of the United States,

And recommend that the bill do pass.

JAS. V. BROOKE,  
Chairman.

Mr. Gill moved

That the report of the Committee of the Whole be adopted,

Which motion prevailed, and

The report was adopted.

The privileges of the floor were extended to Mr. Robertson.

## THIRD READING OF HOUSE BILLS.

Mr. Oliver moved

That the rules be suspended and that the House proceed immediately to the third reading of House bills, and that all bills, immediately upon their passage, be engrossed and transmitted to the Senate,

Which motion prevailed.

House Bill No. 1,

A bill for an act providing for the election of presidential electors, state, district and county officers, and the manner of calling and giving notice of the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 53; nays, 2.

Those who voted in the affirmative were:

Messrs—

Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,  
Erickson,  
Fiske,  
Foss,  
Gill,  
Graber,

Messrs—

Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,  
Noltmier,  
Oliver,

Messrs—

Osgood,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
Ebbighausen,

Messrs—

Farrah,  
McKendry,

Messrs—

Triplett.

Messrs. Axvig and Fay voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,

Was read the third time and placed upon its final passage.

Mr. Beardsley asked unanimous consent to introduce the following amendment:

Add as sub-division A, at close of Section 1, the following:

SUB. A. If any railroad company after receiving notice as provided for in this section, shall fail, refuse or neglect to build and erect said platforms



as required by this act, within the required sixty days, the Commissioners of Railroads are hereby authorized and empowered, and it is made their duty, to notify such railroad company to appear before them at a certain time and place to show cause, if any there be, why said Commissioners should not issue an order requiring such railroad company to comply with the requirements of this act. Said Commissioners of Railroads shall have power, after such hearing, to issue an order upon said railroad company, commanding them to build and erect such platform as contemplated by this act; *Providing*, Said Commissioners of Railroads shall, upon such examination and hearing, deem such platform or platforms necessary,

Which consent was granted, and  
The amendment was adopted.

The question being upon the passage of the bill as amended.

The roll being called there were ayes, 50; nays, 2.

Those who voted in the affirmative were:

Messrs.—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,  
Ebbighausen,  
Farrah,  
Fay,  
Fiske,  
Foss,

Messrs.—

Gill,  
Graber,  
Haight,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,  
Noltmier,

Messrs.—

Oliver,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Messrs. Kearney and Osgood voting in the negative.

Absent and not voting:

Messrs.—

Brown,  
Burton,

Messrs.—

Erickson,  
Hall,

Messrs.—

McKendry,  
Triplett.

So the bill passed and the title was agreed to.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:

STATE OF NORTH DAKOTA, }  
ATTORNEY GENERAL'S OFFICE. }

BISMARCK, May 2, 1892.

To the Honorable Speaker and House of Representatives:

GENTLEMEN: You desire my opinion as to the constitutionality of House Bill No. 3, more particularly the amendment to the eleventh sub-division thereof. After careful examination of the same, I am of the opinion that the second proviso thereto makes the bill unconstitutional, in that it conflicts with Sub-divisions 23 and 29, Section 69, Article 2. Also Section 176, Article

11, of our State Constitution being under the first section, special legislation, Article 2, not taxation by uniform rule, nor exemption by uniform rule.

Respectfully submitted,

C. A. M. SPENCER,  
Attorney General.

Mr. Gill moved

That the further consideration of House Bill No. 3 be indefinitely postponed,

Which motion prevailed.

The further consideration of the bill was indefinitely postponed.

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice-President of the United States,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes, 56; nays, none.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,  
Ebbighausen,  
Erickson,  
Farrah,  
Fay,  
Fiske,

Messrs—

Foss,  
Gill,  
Graber,  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,

Messrs—

Oliver,  
Osgood,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
McKendry,

Messrs—

Noltmier,

Messrs—

Triplett.

So the bill passed and the title was agreed to.

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice-President of the United States,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 56; nays, 0.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglass,  
Ebbighausen,  
Erickson,  
Farrah,  
Fay,  
Fiske,

Messrs—

Gill,  
Graber.  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,  
Noltimier,

Messrs—

Oliver,  
Osgood,  
Peabody,  
Peterson,  
Ritchie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
Foss,

Messrs—

McKendry,

Messrs—

Triplett,

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
June 2, 1892. }

MR. SPEAKER:

I have the honor to transmit herewith  
Senate Bill No. 3,

A bill for an act to make an appropriation for the erection of a State building for the State of North Dakota at the World's Columbian Exposition of 1893, which the Senate has passed, and your favorable consideration thereof is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

Mr. Oliver moved,

That the House do not concur in the Senate concurrent resolution, providing that no other business than that mentioned in the Governor's call shall be considered except by unanimous consent,

Which motion prevailed.

Mr. Lutz offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:* That the operation of Section 37 of Chapter 86 of the Session Laws of 1891, providing for an annual encampment of the State

militia shall be suspended for one year, and that there shall be no encampment during the year 1892.

Mr. Gill moved

To refer the resolution to the Attorney General for an opinion as to its constitutionality,

Which motion was withdrawn.

The question being upon the adoption of the resolution,  
Roll call was demanded.

The roll being called there were ayes, 17; nays, 38.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Axvig,	Daniel,	Kearney.
Beardsley,	Douglas,	Lamb,
Brooke,	Farrah,	Lutz,
Burke,	Hall,	McCulloch,
Cope,	Hodgson,	Peabody.
Cunningham,	Horgan,	

Those who voted in the negative were:

Messrs.—	Messrs.—	Messrs.—
Bjornson,	Haight,	Skinner,
Brown,	Havrevold,	Smith,
Christianson,	Hill,	Strom,
Colosky,	Holte,	Tufts,
Davis,	Holritz,	Wallin,
Dennett,	Larson,	Walton,
Ebbighausen,	Loomis,	Ward,
Erickson,	Loring,	Watson,
Fay,	Noltmier,	White,
Fiske,	Oliver,	Williams,
Foss,	Osgood,	Yegen,
Gill,	Peterson,	Mr. Speaker.
Graber,	Richie,	

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Burton,	McKendry,	Triplett.
Hanson,	Satterlund,	

So the resolution was lost.

Mr. Lamb offered the following concurrent resolution:

CONCURRENT RESOLUTION.

*Be it Resolved by the Legislative Assembly of the State of North Dakota, the Senate Concurring:* That the members of said Legislative Assembly contribute their mileage and per diem to the fund providing for an exhibition of the products of North Dakota at the World's Fair.

Mr. Kearney moved

To adopt the resolution.

Mr. Skinner moved

To amend the resolution by striking out "members of the Legislature" and inserting in lieu thereof the words "Mr. Lamb,"

Which motion prevailed, and

The resolution as amended was adopted.

Mr. Brooke moved

That the House concur in the Senate concurrent resolution transferring the unexpended balance of the Devil's Lake Deaf and Dumb School appropriation,

Which motion prevailed.

COMMUNICATION FROM PRESIDENT OF STATE BOARD OF WORLD'S FAIR MANAGERS.

The following communication was received from Hon. C. H. Southard, president of the State Board of World's Fair Managers:

*To the Honorable House of Representatives:*

In response to the resolution passed by your body June 1, 1892, I have the honor to report:

That the names of the members of the State Board of World's Fair managers as appointed by the Governor in March, 1892, are as follows: A. C. Labrie, of Grand Forks; F. L. Goodman, of Hillsboro; P. B. Wickham, of Mandan; W. C. Plummer, of North Dakota, and H. C. Southard, of Fargo.

By the terms of the act under which these appointments were made the eight ladies and gentlemen comprising the National Commissioners and Ladies National Commissioners and their alternates were made ex-officio members of the State Board, and it was assumed by all concerned that they had the same rights, duties and responsibilities as the State members. Acting under this impression they met at the organization of the board at Fargo, in March, 1891; met in the meeting at Grand Forks, May 19, and were represented by one of their members at the meeting at Chicago.

Later on the Attorney General rendered his opinion declaring that they occupied simply an advisory position and were not entitled to hold office, participate in the control of the fund appropriated or draw any sums for expenses.

I refer to this in explanation of items of expense from Messrs. Rucker, Ryan and Stanley and Madames McLaughlin, Holly and Brown in the first part of the statement of expenses which is hereto attached.

On account of the expense incident to every meeting of the board it has held but five meetings in 1891 and two in 1892.

I believe the foregoing covers the matters referred to in said resolution.

Respectfully,

H. C. SOUTHARD,  
President State Board World's Fair Managers.

STATEMENT OF DISBURSEMENTS OF BOARD OF MANAGERS.

March 23, 1891—On account of expenses of trip to Chicago:	
W. C. Plummer.....	\$ 95 00
F. L. Goodman.....	90 00
H. C. Southard.....	90 00
C. H. Stanley.....	80 00
P. B. Wickham.....	120 00
July 28, 1891—P. B. Wickham, balance Chicago trip.....	65 00
F. L. Goodman, balance Chicago trip and meeting at Fargo, March 27, and Grand Forks, May 19.....	27 60
W. C. Plummer, balance Chicago trip, Fargo and Grand Forks meetings.....	37 95
H. C. Southard, balance Chicago trip.....	13 40
H. P. Rucker, balance Fargo meeting.....	8 90
May 19, 1891—Martin Ryan, meeting at Grand Forks.....	8 20
C. H. Stanley, Fargo and Grand Forks meetings.....	34 10

Mrs. McLaughlin, Fargo meeting.....	6 20
Mrs. Holly, Grand Forks meeting.....	30 80
Mrs. Brown, meeting at Fargo.....	8 70
Sept. 1, 1891—P. B. Wickham, Fargo meeting, June 10.....	32 00
W. C. Plummer, Fargo June 10 and Hillsboro Aug. 19.....	28 00
H. C. Southard, Hillsboro meeting.....	8 20
F. L. Goodman, meeting at Fargo, June.....	7 45
Sept. 26, 1891—A. C. Labrie, Chicago trip.....	83 85
Oct. 27, 1891—H. C. Southard, Chicago, Sept. 1.....	78 15
Printing.....	16 60
Nov. 11, 1891—A. C. Labrie, meeting, Fargo, June.....	8 90
A. C. Labrie, Hillsboro meeting, Aug.....	7 00
Dec. 1, 1891—W. C. Plummer, Grand Forks meeting, Nov. 14.....	37 50
Dec. 9, 1891—A. C. Labrie, account building, architect's.....	100 00
Dec. 14, 1891—H. C. Southard, meeting Grand Forks, Nov.....	14 95
Jan. 11, 1892—P. B. Wickham, Grand Forks meeting, Nov.....	35 35
F. L. Goodman, Grand Forks meeting, Nov.....	13 35
H. C. Southard, trip, Chicago, Dec. '91.....	83 15
P. B. Wickham, meeting, Feb. Fargo.....	34 50
May 17, 1892—W. C. Plummer, meeting, Feb. Fargo.....	37 00
Total.....	\$ 1,341 80
Expenses incurred but not paid:	
Architect fees for plans and specifications.....	\$ 250 00
Salary of executive manager from Feb. 11 to May 28, 1892 at \$2,000 per year.....	583 00
Expenses of office of executive manager, traveling, etc., esti- mated at about.....	300 00
Expense of gathering, packing and shipping of material for for- estry building.....	200 00
Expenses of meeting held at Fargo Feb. and at Grand Forks May 4, about.....	125 00
Total of incurred indebtedness about.....	\$ 1,458 00
Add expense paid.....	1,341 80
Total.....	\$ 2,799 80
Appropriation by Legislature of 1891.....	\$25,000 00
Balance remaining from appropriation.....	\$22,200 20

## HOUSE COMMITTEE REPORT.

The Committee on Engrossed Bills made the following report:

MR. SPEAKER:

Your Committee on Engrossed Bills have examined

House Bill No. 1,

A bill for an act providing for the election of presidential electors, state, district, etc.

Also,

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890;

Also,

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice-President of the United States;

Also,  
House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice-President of the United States,

And find the same correctly engrossed.

JOHN BURKE,  
Chairman.

Mr. Strom (by request) offered the following resolution, and moved its adoption:

WHEREAS, The Hon. L. P. Hunt, executive manager of the World's Fair Board of the State of Minnesota, is visiting this city to-day; and,

WHEREAS, Mr. Hunt, by reason of his experience in such office is conversant with the affairs of the World's Columbian Exposition at Chicago and the work and plans of other States; now, be it

*Resolved by the House of Representatives*, That the honorable gentleman be invited to favor us with an address upon said subjects, and that the Senate be invited to join with us in listening to him.

Mr. Oliver moved

To amend the resolution by striking out all after the word "subjects" in the next to the last line,

Which motion prevailed, and

The resolution as amended was adopted.

Mr. Speaker appointed Messrs. Burke and Loomis as a committee to wait upon Mr. Hunt and invite him to address the House.

The committee returned, escorting Mr. Hunt, who was introduced by the Speaker and addressed the House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 2, 1892. }

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 1,

A bill for an act to provide for a Board of State Canvassers;

Also,

Senate Bill No. 2,

A bill for an act for the final determination of contests concerning the election of electors of President and Vice-President of the United States,

Which the Senate has passed, and your favorable consideration thereof is respectfully requested.

Respectfully,  
FRED FALLEY,  
Secretary.

SENATE CHAMBER, }  
June 2, 1892. }

MR. SPEAKER:

I have the honor to transmit herewith the following concurrent resolution:

*Resolved by the Senate of the State of North Dakota, the House Concurring:* That it is the sense of this body that no intoxicating liquors be sold on the grounds of the World's Columbian Exposition on any day of the week.

Which the Senate has passed, and your concurrence therein is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Gill moved

That the House proceed to the first and second reading of Senate bills and that all bills on first reading be also read the second time and referred to general orders,

Which motion prevailed.

Senate Bill No. 1,

A bill for an act to provide for a Board of State Canvassers,

Was read the first and second times and referred to Committee of the Whole.

Senate Bill No. 2,

A bill for an act for the final determination of contests concerning the election of electors of President and Vice-President of the United States,

Was read the first and second times and referred to Committee of the Whole.

Senate Bill No. 3,

A bill for an act to make an appropriation for the erection of a State building for the State of North Dakota at the World's Columbian Exposition of 1893,

Was read the first and second times and referred to Committee of the Whole.

Mr. Burke moved

That when the House adjourn it be to meet at 10 o'clock a. m., and that Senate Bill No. 1 be made a special order for that hour,

Which motion prevailed.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the Attorney General:



STATE OF NORTH DAKOTA, }  
 ATTORNEY GENERAL'S OFFICE. }

BISMARCK, June 2, 1892.

*To the Honorable Speaker and House of Representatives:*

GENTLEMEN: You desire my opinion as to whether or not House Bill No. 4 is in conflict with Section 61, Article 2 of our State Constitution which provides that no bill shall embrace more than one subject, which must be expressed in its title.

This section must receive a reasonable construction, and whenever a matter contained in the statute may fairly be considered germane to the subject expressed in the title it is sufficient.

The subject matter of this bill is to provide for the filling of the respective public offices referred to and keeping the same filled at all times.

The bill referred to provides for the election of officers, also the method of filling any vacancies which may occur in any of said offices, all of which is necessary to carry out the main object of the bill before referred to.

I am therefore of the opinion that said bill is not in conflict with the section of the constitution referred to, hence is constitutional.

Yours truly,

C. A. M. SPENCER,  
 Attorney General.

House Bill No. 4,

A bill for an act in regard to election vacancies and to provide for filling vacancies in elective offices,

Was read the third time, and

Mr. Fay moved

That further action on the bill be deferred until to-morrow,

Which motion prevailed.

Mr. Ebbighausen moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

J. G. HAMILTON,  
 Chief Clerk.

MORNING SESSION.

The House reassembled at 10 o'clock a. m., pursuant to adjournment.

House Bill No. 4 being under consideration,

Mr. Fay moved

To amend the bill as follows:

Amend Section 10, as follows:

After the word "officer" in line 1, insert the words "except County Superintendent of Schools."

Amend Section 18, as follows:

SECTION 18. When a vacancy shall occur in the office of Judge of the Supreme Court, such vacancy shall be filled by appointment, by the Governor, until the next general election, when such vacancy shall be filled by election. The person appointed as aforesaid, shall hold his office until his successor is elected and qualified.

Change the number of Section 18 to Section 19 and strike out the words "Judge of the Supreme Court, and or" in lines 1 and 2, of Section 18, printed bill.

Which motion prevailed, and  
 The bill was so amended,  
 The question being upon the passage of the bill as amended.  
 The roll being called there were ayes, 42; nays, 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Axvig,	Hanson,	Osgood,
Beardsley,	Havrevold,	Peabody,
Brown,	Hill,	Peterson,
Christianson,	Hodgson,	Satterlund,
Dennett,	Holte,	Strom,
Erickson,	Holritz,	Tufts,
Farrah,	Horgan,	Wallin,
Fay,	Kearney,	Walton,
Fiske,	Lamb,	Ward,
Foss,	Larson,	Watson,
Gill,	Loring,	White,
Graber,	Lutz,	Williams,
Haight,	McCulloch,	Yegen,
Hall,	Noltimier,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brooke,	Cunningham,	Oliver,
Burke,	Daniel,	Richie,
Colosky,	Davis,	Smith.
Cope,	Douglas,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bjornson,	Loomis,	Skinner,
Burton,	McKendry,	Tripplett.
Ebbighausen,		

So the bill passed and the title was agreed to.

#### COMMITTEE OF THE WHOLE.

Mr. Oliver moved

That the House do now resolve itself into Committee of the Whole for the purpose of considering Senate Bills Nos. 1 and 2,  
 Which motion prevailed, and

Mr. Speaker called Mr. Oliver to the chair.

When the committee arose the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration  
 Senate Bill No. 1,

A bill for an act to provide for a State Board of Canvassers,  
 And recommend that the bill do pass,

Also,

Senate Bill No. 2,

A bill for an act for the final determination of contests concerning the election of President and Vice-President of the United States,

And recommend that the bill no pass.

H. S. OLIVER,  
Chairman.

Mr. Gill moved  
To adopt the report,  
Which motion prevailed, and  
The report of the Committee of the Whole was adopted.

Mr. Hill offered the following concurrent resolution and moved  
its adoption:

CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:* That the traveling expenses of Clerks and other functionaries called in by the Governor of the State to attend at this session shall be paid by the State.

Which motion prevailed, and  
The resolution was adopted.

Mr. Oliver moved  
That the House do now adjourn,  
Which motion prevailed, and  
The House adjourned.

J. G. HAMILTON,  
Chief Clerk.

## THIRD DAY.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
June 3, 1892.

The House assembled at 2 o'clock p. m., pursuant to adjournment,

The Speaker presiding.

Prayer by the Chaplain.

Roll called.

All the members present except Messrs. Burton, McKendry and Triplett.

## PETITIONS, MEMORIALS ETC.

Mr. Allen presented the following petitions:

CASSELTON, N. D. June 1, 1892.

*To the North Dakota House of Representatives:*

HONORABLE GENTLEMEN: In behalf of the Christian people of North Dakota, I ask you in making an appropriation for the World's Fair that you do so conditional upon the closing of the gates on Sunday.

Very respectfully,

MABEL WHEELER,  
President Y. W. C. T. U., Casselton.

FARGO, N. D. June 28, 1892.

*To the House of Representatives of North Dakota:*

GENTLEMEN: In view of the fact that this is a Christian nation, and that our example should be a Christian example; remembering also that most of the World's Fairs have been closed on Sunday and that in our Columbian World's Fair a great opportunity to exert a world-wide influence for the sanctity and perpetuity of the Christian Sabbath, and since our Legislature is called to deliberate on making an appropriation for North Dakota exhibit in the Columbian Exposition; therefore,

*Resolved,* That we, the Fargo Conference of Congregational Churches respectfully petition the Legislature to make the proposed appropriation of money conditional on the closing of the gates of the Exposition, both the buildings and the grounds through every Sabbath of the World's Fair.

*Resolved,* That the registrar of this conference is requested to furnish a copy of these resolutions to the President of the Senate and the Speaker of the House.

A true copy. Attest:

E. H. STICKNEY,  
Registrar of the Fargo Conference.

STEELE, N. D., June 1, 1892.

*To the Honorable, the House of Representatives of North Dakota:*

GENTLEMEN: Should you make an extra appropriation for our State exhibit at the Columbian Exposition, we respectfully ask that it be conditioned upon the Sunday closing of the gates to the same.

Very respectfully,

MARY L. BAILEY,

In behalf of Steele, Kidder County, Woman's Christian Temperance Union.

Mr. Holte presented the following petition:

*To the Members of the Legislature of North Dakota, in Extra Session Assembled:*

We, the undersigned voters and citizens of North Dakota, respectfully petition your honorable body to make no additional appropriation of the public money for our State's exhibit at the World's Fair in Chicago in 1893.

JOHN O. KOOM,

And 40 others.

Mr. Gill presented the following petitions:

DURBIN, CASS COUNTY, N. D., May 31, 1892.

*To the Legislature in Session at Bismarck:*

We, as a union, do earnestly petition that any appropriation of funds made for the World's Fair shall be made conditional on the closing of the gates on Sunday, and may God give you wisdom, grace and strength to so decide.

WILLARD W. C. T. U.,

MRS. NELLIE CURTIS,

President.

18 members.

CASSELTON, N. D., June 1, 1892.

*To the Honorable Gentlemen of the House of Representatives of North Dakota:*

In behalf of the Christian people of North Dakota, and for the sake of the preservation of the Christian Sabbath, I would ask that in making an appropriation for the World's Fair you do so conditional upon the closing of the gates on Sunday.

Very respectfully,

NORTH DAKOTA W. C. T. U.

MRS. D. W. SHINN,

President Casselton W. C. T. U.

Mr. Oliver presented the following communication:

LISBON, N. D.

*Mr. H. S. Oliver:*

I enclose copy of resolution passed by Plymouth Alliance.

*Resolved,* That we protest against any further appropriation being made from the public funds for the benefit of the World's Fair, at Chicago, and that a copy of this resolution be sent our Senator and one member of the House, and one copy be sent the Independent.

C. S. DUNBAR,

Secretary.

W. N. DICKENSON,

President.

Mr. Loomis offered the following resolutions, and moved their adoption:

WHEREAS, The voters of the State of North Dakota and of this nation are about to participate in a Presidential election; and

WHEREAS, Of the many able and honorable leaders, any of whom would fill with dignity and fidelity the Presidential chair, there is one who is the first choice of a vast majority of the masses of the Republican voters as well as a large percentage of those who have heretofore been allied with other parties; and

WHEREAS, We view with admiration the course pursued by him in the

various positions of trust to which he has been called, and especially the skillful and patriotic manner in which he has conducted the affairs of state as Secretary, and believe he best represents the principles of true Americanism; now, therefore, be it

*Resolved*, That we, the Republican representatives of the State of North Dakota, in Legislative Assembly convened, express our belief that the Republican National Convention about to assemble at Minneapolis will best serve the interests of the Republican party and promote the welfare of the country by the nomination of that illustrious statesman and gallant and magnanimous knight of reciprocity and protection, Hon. James G. Blaine.

Mr. Beardsley moved

To amend by striking out the name of James G. Blaine and substitute therefor the name of Benjamin Harrison.

Mr. Oliver moved

To lay the motion upon the table,  
Which motion prevailed.

Mr. Kearney moved

To amend by substitutting the name of Grover Cleveland for that of James G. Blaine,

Which motion was lost, and

The question recurring upon the adoption of the original resolution,

Mr. Kearney moved

To lay the resolution upon the table.

Roll call demanded.

The roll being called there were ayes 31, nays 25.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Douglas,  
Ebbighausen,

Messrs—

Farrah,  
Fay,  
Fiske,  
Foss,  
Hall,  
Havrevold,  
Hodgson,  
Holritz,  
Horgan,  
Kearney,

Messrs—

Lamb,  
Larson,  
Lutz,  
McCulloch,  
Noltmier,  
Peabody,  
Walton,  
Ward,  
Williams,  
Yegen.

Those who voted in the negative were:

Messrs—

Beardsley,  
Christianson,  
Davis,  
Dennett,  
Erickson,  
Gill,  
Graber,  
Haight,  
Hanson,

Messrs—

Hill,  
Holte,  
Loomis,  
Loring,  
Oliver,  
Osgood,  
Peterson,  
Richie,

Messrs—

Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Watson,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
McKendry,

Messrs—

Triplett.

Messrs—

White,

And so the resolution was laid upon the table.

Mr. Burke offered the following concurrent resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Be it Resolved by the Legislative Assembly of the State of North Dakota, the Senate Concurring:* That a vote of thanks be and is hereby tendered to Messrs. Hamilton, Rourk and Pollock for their kind assistance in preparing bills upon the intricate and important measures passed upon by this special session.

Which motion prevailed, and  
The concurrent resolution was adopted.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to revise and correct the Journal of the first day report that they have examined the same and recommend that after the word "resolution" in line 7 of page 4 the words "and moved its adoption" be inserted, and with this correction recommend that the Journal be approved.

H. H. STROM,  
Chairman.

Mr. Gill moved  
To adopt the report,  
Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Fay moved  
To refer the following Senate concurrent resolution to the Committee on Temperance:

*Resolved by the Senate of the State of North Dakota, the House Concurring:* That it is the sense of this body that no intoxicating liquors be sold on the grounds of the World's Columbian Exposition on any day of the week.

Which motion was lost.

Mr. Hill moved  
To amend the resolution by striking out the words "this body" and substituting the words "this Legislative Assembly,"

Which motion prevailed.

Mr. Fay moved  
To lay the resolution upon the table.

Roll call demanded.

The roll being called there were ayes, 33; nays, 25.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Beardsley,  
Brooke,

Messrs—

Farrah,  
Fay,  
Fiske,

Messrs—

Loomis,  
Lutz,  
Oliver,

## Messrs—

Brown,  
Burke,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Ebbighausen,

## Messrs—

Graber,  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Holritz,  
Horgan,  
Kearney,

## Messrs—

Osgood,  
Satterlund,  
Wallin,  
Walton,  
White,  
Williams,  
Yegen.

Those who voted in the negative were:

## Messrs—

Bjornson,  
Christianson,  
Dennett,  
Douglas,  
Erickson,  
Foss,  
Gill,  
Hill,  
Hodgson,

## Messrs—

Holte,  
Lamb,  
Larson,  
Loring,  
McCulloch,  
Noltimier,  
Peabody,  
Peterson,

## Messrs—

Richie,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Ward,  
Watson,  
Mr. Speaker.

Absent and not voting:

## Messrs—

Burton,

## Messrs—

McKendry,

## Messrs—

Triplett.

And so the resolution was laid upon the table.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act to provide for a Board of State Canvassers,  
Was read the third time and placed upon its final paasage.

The roll being called there were ayes, 55; nays, none.

Those who voted in the affirmative were:

## Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Douglas,  
Ebbighausen,  
Erickson,  
Farrah,  
Fay,  
Fiske,  
Foss,

## Messrs—

Gill,  
Graber,  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,

## Messrs—

Noltimier,  
Oliver,  
Osgood,  
Peabody,  
Peterson,  
Ritchie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Yegen,  
Mr. Speaker.

Absent and not voting were:

## Messrs—

Burton,  
Cope,

## Messrs—

McKendry,  
Triplett,

## Messrs—

Williams.



So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 3, 1892. }

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Senate has concurred in the House concurrent resolution providing that the traveling expenses of clerks and other functionaries called in by the Governor of the State to attend at this session shall be paid by the State.

Respectfully,  
FRED FALLEY,  
Secretary.

Senate Bill No. 2.

A bill for an act for the final determination of contests concerning the election of electors of President and Vice President of the United States.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 55; nays, 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Beardsley,	Foss,	Noltimier,
Bjornson,	Gill,	Oliver,
Brooke,	Graber,	Osgood,
Brown,	Haight,	Peterson,
Burke,	Hall,	Richie,
Christianson,	Hanson,	Satterlund,
Colosky,	Havrevold,	Skinner,
Cope,	Hill,	Smith,
Cunningham,	Holte,	Strom,
Daniel,	Holritz,	Tufts,
Davis,	Horgan,	Wallin,
Dennett,	Kearney,	Walton,
Douglas,	Lamb,	Ward,
Ebbighausen,	Larson,	Watson,
Erickson,	Loomis,	White,
Farrah,	Loring,	Williams,
Fay,	Lutz,	Yegen,
Fiske,	McCulloch,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burton,	McKendry,	Triplett.
Hodgson,	Peabody,	

Mr. Axvig voting in the negative.

So the bill passed and the title was agreed to.

Mr. Kearney offered the following resolution and moved its adoption:

## CONCURRENT RESOLUTION.

*Resolved by the House of Representatives of the Legislative Assembly, the Senate Concurring:* That the Honorable Board of Railroad Commissioners of the State of North Dakota be requested to make coal rates with the railroad company so that coal from Dickinson can be shipped from Dickinson to reasonably compete with coal shipped from Sims.

Mr. Holritz moved  
To lay the resolution on the table.

Roll call demanded.

The roll being called there were ayes, 26; nays, 20.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Christianson,  
Davis,  
Erickson,  
Fay,  
Fiske,  
Foss,  
Haight,  
Hanson,

Messrs—

Havrevold,  
Hill,  
Holte,  
Holritz,  
Larson,  
Loomis,  
Loring,  
Oliver,  
Osgood,

Messrs—

Peterson,  
Ritchie,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Yegen.

Those who voted in the negative were:

Messrs—

Beardsley,  
Brown,  
Burke,  
Colosky,  
Cope,  
Cunningham,  
Daniel,

Messrs—

Douglas,  
Ebbighausen,  
Farrah,  
Gill,  
Hall,  
Horgan,  
Kearney,

Messrs—

Lamb,  
Lutz,  
Smith,  
Strom,  
Williams,  
Mr. Speaker.

Absent and not voting:

Messrs—

Bjornson,  
Brooke,  
Burton,  
Dennett,  
Graber,

Messrs—

Hodgson,  
McCulloch,  
McKendry,  
Noltimier,  
Peabody,

Messrs—

Satterlund,  
Skinner,  
Triplett,  
Tufts.

And so the resolution was laid upon the table.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
June 3, 1892. }

MR. SPEAKER:

I have the honor to transmit herewith concurrent resolution providing that in case of vacancies in the Board of Managers for the World's Columbian Exposition for the State of North Dakota be filled by the Governor by practical and representative farmers,

Which the Senate has passed, and your concurrence therein is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

Mr. Gill moved

That the Speaker be authorized to appoint additional enrolling clerks to enable the enrollment to be completed,

Which motion prevailed.

Mr. Oliver moved

That the rules be suspended and that the clerk be instructed to transmit to the Senate,

Senate Bills Nos. 1 and 2,

Which motion prevailed.

Mr. Speaker announced an informal recess.

House reassembled.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
June 3, 1892. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,

Which the Senate has passed with the following amendment:

Amend Section 2, in line 12, printed bill, by striking out the words "six feet" and inserting in lieu thereof the words "four feet and six inches or such height as shall be determined by the Board of Railroad Commissioners."

And your concurrence therein is respectfully requested.

Respectfully,

FRED FALLEY,  
Secretary.

SENATE CHAMBER,  
June 3, 1892. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has concurred in the resolution for a vote of thanks to Messrs. Hamilton, Rourk and Pollock for their kind assistance in preparing bills upon the intricate and important measures passed upon by this special session.

Respectfully,

FRED FALLEY,  
Secretary.

Mr. Lutz moved

That the House concur in the Senate amendments to House Bill No. 2,

Which motion prevailed, and

The question being upon the passage of the bill as amended,

The roll being called there were ayes, 56; nays, 1.

Those who voted in the affirmative were:

Messrs—

Axvig,  
Beardsley,  
Bjornson,  
Brooke,  
Brown,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Cunningham,  
Daniel,  
Davis,  
Dennett,  
Ebbighausen,  
Erickson,  
Fay,  
Fiske,  
Foss,  
Gill,

Messrs—

Graber,  
Haight,  
Hall,  
Hanson,  
Havrevold,  
Hill,  
Hodgson,  
Holte,  
Holritz,  
Horgan,  
Kearney,  
Lamb,  
Larson,  
Loomis,  
Loring,  
Lutz,  
McCulloch,  
Noltimier,

Messrs—

Oliver,  
Osgood,  
Peabody,  
Peterson,  
Richie,  
Satterlund,  
Skinner,  
Smith,  
Strom,  
Tufts,  
Wallin,  
Walton,  
Ward,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Absent and not voting:

Messrs—

Burton,  
Douglas,

Messrs—

McKendry,

Messrs—

Triplett.

Mr. Farrah voting in the negative.

So the bill as amended passed and the title was agreed to.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }  
June 3, 1893. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 1,

A bill for an act providing for the election of Presidential Electors,

Which the Senate has passed unchanged.

Respectfully,

FRED FALLEY,  
Secretary.

SENATE CHAMBER, }  
June 3, 1893. }

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice-President of the United States,

Also,

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice-President of the United States,

Which the Senate has passed unchanged.

Respectfully,

FRED FALLEY,  
Secretary.

Mr. Speaker administered the oath of office to W. C. Baker as an assistant enrolling clerk.

Mr. Gill moved

That the House resolve itself into Committee of the Whole for the consideration of Senate Bill No. 3,

Which motion prevailed, and

Mr. Speaker called Mr. Gill to the chair.

When the Committee arose, the following report was presented:

MR. SPEAKER:

Your Committee of the Whole have had under consideration Senate Bill No. 3,

A bill for an act to make an appropriation for the erection of a State building for the State of North Dakota at the World's Columbian Exposition of 1893,

And recommend that the bill do pass without amendment.

J. C. GILL,  
Chairman.

Mr. Gill moved

To adopt the report,

Which motion prevailed, and

The report of the Committee of the Whole was adopted.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 1,

A bill for an act providing for the election of Presidential electors, state, district and county officers, and the manner of calling and giving notice of the same,

And find the same correctly enrolled.

H. A. NOLTIMIER,  
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws, 1890,

Also,

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice President of the United States,

And find the same correctly enrolled.

H. A. NOLTIMIER,  
Chairman.

The Committee on Enrolled Bills made the following report:

MR. SPEAKER:

Your Committee on Enrolled Bills have examined

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice President of the United States.

And find the same correctly enrolled.

HENRY A. NOLTIMIER,  
Chairman.

Mr. Speaker announced his signature to

House Bill No. 5,

A bill for an act fixing the compensation and mileage of electors of President and Vice-President of the United States,

Senate Bill No. 3,

A bill for an act to make an appropriation for the erection of a State building for the State of North Dakota at the World's Columbian Exposition of 1893,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 29.

Those who voted in the affirmative were:

Messrs—

Bjornson,  
Brooke,  
Brown,  
Daniel,  
Davis,  
Dennett,  
Erickson,  
Farrah,  
Fay,  
Fiske,

Messrs—

Gill,  
Hall,  
Hill,  
Holritz,  
Loomis,  
Loring,  
Lutz,  
Osgood,  
Richie,

Messrs—

Satterlund,  
Smith,  
Tufts,  
Walton,  
Watson,  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Those who voted in the negative were:

Messrs—

Axvig,  
Beardsley,  
Burke,  
Christianson,  
Colosky,

Messrs—

Graber,  
Haight,  
Hanson,  
Havrevold,  
Hodgson,

Messrs—

McCulloch,  
Noltimier,  
Oliver,  
Peabody,  
Peterson,

Messrs—  
Cope,  
Cunningham,  
Douglas,  
Ebbighausen,  
Foss,

Messrs—  
Holte,  
Horgan,  
Kearney,  
Lamb,  
Larson,

Messrs—  
Skinner,  
Strom,  
Wallin,  
Ward,

Absent and not voting:

Messrs—  
Burton,

Messrs—  
McKendry,

Messrs—  
Triplett.

So the bill was lost.

Mr. Speaker announced his signature to  
House Bill No. 1,

A bill for an act providing for the election of Presidential electors, state district and county officers, and the manner of calling and giving notice of the same,

Also,

House Bill No. 2,

A bill for an act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,

Also,

House Bill No. 6,

A bill for an act making an appropriation for the pay and mileage of electors of President and Vice-President of the United States.

Mr. Oliver moved

That the vote by which Senate Bill No. 3 was lost be reconsidered.

Mr. Beardsley moved

To lay the motion upon the table.

Roll call demanded.

The roll being called there were ayes, 25; nays, 31.

Those who voted in the affirmative were:

Messrs—  
Beardsley,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Douglas,  
Ebbighausen,  
Foss,  
Graber,

Messrs—  
Haight,  
Hanson,  
Havrevold,  
Hodgson,  
Holte,  
Horgan,  
Kearney,  
Lamb,

Messrs—  
Larson,  
McCulloch,  
Peabody,  
Peterson,  
Skinner,  
Strom,  
Wallin,  
Ward.

Those who voted in the negative were:

Messrs—  
Bjornson,  
Brooke,  
Brown,  
Cunningham,  
Daniel,

Messrs—  
Gill,  
Hall,  
Hill,  
Holritz,  
Loomis,

Messrs—  
Richie,  
Satterlund,  
Smith,  
Tufts,  
Walton,

Messrs—  
 Davis,  
 Dennett,  
 Erickson,  
 Farrah,  
 Fay,  
 Fiske,

Messrs—  
 Loring,  
 Lutz,  
 Noltimier,  
 Oliver,  
 Osgood,

Messrs—  
 Watson,  
 White,  
 Williams,  
 Yegen,  
 Mr. Speaker.

Absent and not voting:

Messrs—  
 Axvig,  
 Burton,

Messrs—  
 McKendry,

Messrs—  
 Triplett.

So the motion to lay on the table was lost.

The question recurring upon the motion to reconsider,  
 Roll call was demanded.

The roll being called there were ayes 32; nays, 24.

Those who voted in the affirmative were.

Messrs—  
 Bjornson,  
 Brooke,  
 Brown,  
 Cunningham,  
 Daniel,  
 Davis,  
 Dennett,  
 Erickson,  
 Farrah,  
 Fay,  
 Fiske,

Messrs—  
 Gill,  
 Hall,  
 Havrevold,  
 Hill,  
 Holritz,  
 Loomis,  
 Loring,  
 Lutz,  
 Noltimier,  
 Oliver,  
 Osgood,

Messrs—  
 Richie,  
 Satterlund,  
 Smith,  
 Tufts,  
 Walton,  
 Watson,  
 White,  
 Williams,  
 Yegen,  
 Mr. Speaker.

Those who voted in the negative were:

Messrs—  
 Beardsley,  
 Burke,  
 Christianson,  
 Colosky,  
 Cope,  
 Douglas,  
 Ebbighausen,  
 Foss,

Messrs—  
 Graber,  
 Haight,  
 Hanson,  
 Hodgson,  
 Holte,  
 Horgan,  
 Kearney,  
 Lamb,

Messrs—  
 Larson,  
 McCulloch,  
 Peabody,  
 Peterson,  
 Skinner,  
 Strom,  
 Wallin,  
 Ward.

Absent and not voting:

Messrs—  
 Axvig,  
 Burton,

Messrs—  
 McKendry,

Messrs—  
 Triplett.

So the motion to reconsider prevailed.

The question then being upon the passage of the bill.

The roll being called there were ayes, 32; nays, 25.

Those who voted in the affirmative were:

Messrs—  
 Bjornson,  
 Brooke,  
 Brown,  
 Cunningham,  
 Daniel,  
 Davis,

Messrs—  
 Gill,  
 Hall,  
 Havrevold,  
 Hill,  
 Holritz,  
 Loomis,

Messrs—  
 Ritchie,  
 Satterlund,  
 Smith,  
 Tufts,  
 Walton,  
 Watson,



Messrs—  
Dennett,  
Erickson,  
Farrah,  
Fay,  
Fiske,

Messrs—  
Loring,  
Lutz,  
Noltimier,  
Oliver,  
Osgood,

Messrs—  
White,  
Williams,  
Yegen,  
Mr. Speaker.

Those who voted in the negative were:

Messrs—  
Axvig,  
Beardsley,  
Burke,  
Christianson,  
Colosky,  
Cope,  
Douglas,  
Ebbighausen,  
Foss,

Messrs—  
Graber,  
Haight,  
Hanson,  
Hodgson,  
Holte,  
Horgan,  
Kearney,  
Lamb,

Messrs—  
Larson,  
McCulloch,  
Peabody,  
Peterson,  
Skinner,  
Strom,  
Wallin,  
Ward.

Absent and not voting were:

Messrs—  
Burton,

Messrs—  
McKendry,

Messrs—  
Triplet.

So the bill passed and the title was agreed to.

Mr. Oliver moved

That the rules be suspended and the Clerk instructed to transmit immediately to the Senate, Senate Bill No. 3,

Which motion prevailed.

Mr. Fay moved

To take from the table the resolution of Mr. Loomis in regard to presidential preference,

Roll call demanded.

The roll being called there were ayes, 29; nays, 24.

Those who voted in the affirmative were:

Messrs—  
Beardsley,  
Bjornson,  
Christianson,  
Colosky,  
Davis,  
Dennett,  
Erickson,  
Fay,  
Gill,  
Hanson,

Messrs—  
Hill,  
Holte,  
Holritz,  
Loomis,  
Loring,  
Oliver,  
Osgood,  
Peterson,  
Richie,  
Satterlund,

Messrs—  
Skinner,  
Smith,  
Strom,  
Tufts,  
Ward,  
Watson,  
White,  
Yegen,  
Mr. Speaker.

Those who voted in the negative were:

Messrs—  
Axvig,  
Brooke,  
Burke,  
Cope,  
Cunningham,  
Daniel,  
Ebbighausen,  
Farrah,

Messrs—  
Fiske,  
Foss,  
Graber,  
Haight,  
Hall,  
Havrevold,  
Hodgson,  
Horgan,

Messrs—  
Kearney,  
Lamb,  
Larson,  
Lutz,  
McCulloch,  
Peabody,  
Walton,  
Williams.

Absent and not voting:

Messrs—  
Brown,  
Burton,  
Douglas,

Messrs—  
McKendry,  
Noltimier,

Messrs—  
Triplett,  
Wallin.

So the motion prevailed.

Mr. Strom moved

That the following Senate concurrent resolution be laid upon the table:

*Resolved by the Senate, the House of Representatives concurring:* That owing to the fact that our people are largely engaged in agricultural pursuits, they should be properly represented at the World's Columbian Exposition.

Therefore, should there be any vacancies in the Board of Managers from this State, we would respectfully recommend to the Governor that in filling such vacancies he appoint one or more members who are practical and representative farmers.

Which motion was lost.

The question being upon the adoption of the resolution,  
The resolution was concurred in.

Mr. Kearney offered the following resolution:

*Be it Resolved by the House of Representatives:* That the Auditor of the State is hereby requested to furnish this House an itemized statement of the expenditures of the office of Superintendent of Public Instruction from July, 1891, to June 1, 1892, before this House adjourns.

Mr. Fay moved

To lay on the table,

Which motion prevailed.

Mr. Daniel offered the following resolution:

*Be it Resolved by the Lower House of the Legislative Assembly of the State of North Dakota:* That a vote of thanks be and is hereby tendered to Mr. and Mrs. E. S. Allen, of Bismarck, for their tasteful and beautiful floral decoration of the vacant desks of our honored dead; and that these resolutions be printed in the House Journal.

Mr. Strom moved

To adopt the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Oliver moved

That when the House adjourn it be to meet at 8 o'clock; and that final adjournment be at 9 o'clock p. m.

Which motion prevailed, and

Mr. Loomis moved

To adopt the resolution in regard to presidential preferences just taken from the table.

Roll call demanded.

The roll being called there were ayes, 28; nays, 5.

Those who voted in the affirmative were:

Messrs—  
 Bjornson,  
 Christianson,  
 Davis,  
 Dennett,  
 Douglas,  
 Erickson,  
 Fay,  
 Gill,  
 Haight,  
 Hanson,

Messrs—  
 Hill,  
 Holte,  
 Holritz,  
 Loomis,  
 Oliver,  
 Osgood,  
 Peterson,  
 Richie,  
 Satterlund,

Messrs—  
 Smith,  
 Strom,  
 Tufts,  
 Wallin,  
 Ward,  
 Watson,  
 White,  
 Yegen,  
 Mr. Sperker.

Those who voted in the negative were:

Messrs—  
 Beardsley  
 Brown,

Messrs—  
 Fiske,  
 Noltimier,

Messrs—  
 Skinner.

Absent and not voting:

Messrs—  
 Axvig,  
 Brooke,  
 Burke,  
 Burton,  
 Colosky,  
 Cope,  
 Cunningham,  
 Daniel,  
 Ebbighausen,

Messrs—  
 Farrah,  
 Foss,  
 Hall,  
 Havrevold,  
 Hodgson,  
 Horgan,  
 Kearney,  
 Lamb,

Messrs—  
 Larson,  
 Lutz,  
 McCulloch,  
 McKendry,  
 Peabody,  
 Triplett,  
 Walton,  
 Williams.

Messrs. Graber and Loring voting for Mr. Harrison.

So the resolution was adopted.

Mr. Speaker announced his signature to

Senate Bill No. 1,

A bill for an act to provide for a Board of State Canvassers,

Also,

Senate Bill No. 2,

A bill for an act for the final determination of contests concerning the election of electors of President and Vice-President of the United States,

Also,

Senate Bill No. 3,

A bill for an act to make an appropriation for the erection of a State building for the State of North Dakota at the World's Columbian Exposition of 1893.

Mr. Gill moved

That the House take a recess until 8 o'clock and that the business be restricted to reading and approving of the Journal and such other business as may be necessary to complete the work of the session,

Which motion prevailed, and

The House took a recess until 8 o'clock p. m.

The House re-assembled at 8 o'clock p. m.

The Journal of the second day was read, and

Mr. Brooke moved  
That it be approved as read,  
Which motion prevailed.

## COMMUNICATION FROM STATE AUDITOR.

The following communication was received from the State Auditor:

AUDITOR'S OFFICE, }  
June 3, 1892. }

*To the Honorable Speaker and Members of the House of Representatives:*

GENTLEMEN: I have the honor to herewith return to you the concurrent resolution relating to traveling expenses of the clerks and other functionaries. Am I to understand that it was the intention of your honorable body to allow the clerks and other functionaries called in by the order of the Governor the same mileage as is allowed to the honorable members of the Legislative Assembly? I have the honor to remain,

Yours very respectfully,

J. P. BRAY,  
State Auditor.

Mr. Hill moved  
That the resolution be construed to mean that clerks be allowed mileage the same as the members,  
Which motion prevailed.

## COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE OFFICE, }  
June 3, 1892. }

The following communication was received from the Governor:  
*To the House of Representatives:*

GENTLEMEN: I have the honor to inform you that I have approved

House Bill No. 1,

"An act providing for the election of Presidential electors, state, district and county officers, and the manner of calling and giving notice of the same,"

Also,

House Bill No. 2,

"An act to amend Sections 1 and 2 of Chapter 123 of the Laws of 1890,"

Also,

House Bill No. 5,

"An act fixing the compensation and mileage of electors of President and Vice President of the United States,"

Also,

House Bill No. 6,

"An act making an appropriation for the pay and mileage of electors of President and Vice President of the United States."

Very Respectfully,

ANDREW H. BURKE,  
Governor.

Mr. Oliver moved

That a committee of three be appointed to wait upon the Governor and ascertain whether he has any further communications to present to the House,

Which motion prevailed, and

Mr. Speaker appointed as such committee,  
Messrs. Oliver, Wallin and Cope.

The committee to wait upon the Governor reported that the Governor had no further communication to make.

Mr. Loomis moved

That a committee of three be appointed to wait upon the Senate and inform it that the House has completed its labors and is ready to adjourn,

Which motion prevailed, and

The Speaker appointed as such committee  
Messrs. Loomis, Ritchie and Lutz.

The Journal of the third day was being read when

Mr. Strom moved

That the reading of names on roll calls be dispensed with,  
Which motion prevailed.

Mr. Gill moved

To approve the Journal of the third day as read,

Which motion prevailed, and

The Journal of the third day was approved.

Mr. Smith offered the following resolution and moved its adoption:

*Resolved*, That it is the sense of this House that the Penitentiary Board is justified in contracting for its convict labor according to statutes,

Which motion prevailed, and

The resolution was adopted.

The committee to inform the Senate that the House was ready to adjourn reported that they had performed that duty.

Mr. Gill moved

That the House do now adjourn sine die,

Which motion prevailed, and

The House adjourned sine die.

J. G. HAMILTON,  
Chief Clerk.



## HOUSE BILLS.

Number.	Introduced by	Title.	Introduction.	First Reading.	Second Reading.	Reference.	Reported Back.	Third Reading.	Amended.	Passed.	Engrossed.	Received From Senate.	Amended.	Amendments Concurred in.	Enrolled.	To Governor.	Other Mention.	Executive Approval.
1	Mr. Oliver. ....	Relating to Election of Presidential Electors, State, District and County Offices.....	5	5	5	5	15	16	....	16	22	36	....	....	87	39	....	44
2	Mr. Oliver.....	A Bill for an Act to Amend Sections 1 and 2 of Chapter 123, of the Laws of 1890.....	9	9	9	9	15	16	16	17	22	35	35	36	38	39	....	44
3	Mr. Gill.....	A Bill for an Act to Amend Section 5 of Chapter 225, of the Laws of 1890, as Amended by Chapter 100, Laws of 1891, Amending the Eleventh Subdivision of said Section.....	9	9	9	9	15	....	....	....	....	....	....	....	....	....	18	....
4	Mr. Fay.....	A Bill for an Act in Regard to Election Vacancies, and to Provide for Filling Vacancies in Elective Offices.....	10	10	10	10	15	25	25	26	....	....	....	....	....	....	....	....
5	Mr. Beardsley..	A Bill for an Act Fixing the Compensation and Mileage of Electors of President and Vice-President of the United States....	10	10	10	10	15	18	....	18	22	37	....	....	88	38	....	44
6	Mr. Beardsley..	A Bill for an Act Making an Appropriation for the Pay and Mileage of Electors of President and Vice-President of the United States.....	10	10	10	10	15	18	....	18	22	37	....	....	88	39	....	44

SENATE BILLS.

Number.	Title.	When Received.	First Reading.	Second Reading.	Reference.	Reported Back.	Third Reading.	Passed.	Miscellaneous.
1	Providing a Board of State Canvassers.....	23	24	24	24	26	32	33	43-35
2	Providing a Court for Determination of Contests of Electors of President and Vice-President.....	23	24	24	24	26	33	33	35-43
3	Appropriation to Erect Building at World's Fair.....	19	24	24	24	37	38	41	41-43



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