

STATE OF NORTH DAKOTA.

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JOURNAL OF THE SENATE

OF THE

THIRD

LEGISLATIVE ASSEMBLY

BEGUN AND HELD AT THE

CAPITOL AT BISMARCK,

January 3, 1893, to March 3, 1893.

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BISMARCK, N. D.:  
TRIBUNE, STATE PRINTERS AND BINDERS.  
1893.

MEMBERS AND OFFICERS  
OF THE  
SENATE OF NORTH DAKOTA  
FOR THE  
THIRD LEGISLATIVE ASSEMBLY, 1893.

MEMBERS.

District.	NAME.	Where Born.	Ancestry.	Occupation.	Came to State.	Age.
5	*Arnold, H. F., <i>r</i>	Connecticut,	American,	Editor-Farmer,	1890	35
18	Bidlake, John, <i>d</i>	England,	English,	Merchant,	1879	34
2	Brynjolfson, S. B., <i>d</i>	Iceland,	Icelander,	Farmer,	1882	32
19	Burke, John, <i>d</i>	Iowa,	Irish,	Lawyer,	1887	35
4	Cashel, John L., <i>r</i>	New York,	Irish,	Banker,	1881	44
21	Day, Edwin P., <i>r</i>	New York,	English,	Farmer,	1882	66
16	Enger, Fingal G., <i>r</i>	Norway,	Norwegian,	Farmer,	1871	47
14	Engle, M. L., <i>d</i>	New York,	American,	Farmer,	1881	49
23	Fuller, Bailey W., <i>r</i>	Vermont,	American,	Farmer,	1881	46
29	*Gregory, Chas. E., <i>r</i>	Illinois,	American,	Lawyer,	1882	36
9	Haggart, John E., <i>r</i>	New York,	American,	Farmer,	1871	46
3	Hillier, Wm., <i>i</i>	Ontario,	English,	Farmer,	1880	46
12	Ink, Rolla N., <i>r</i>	Ohio,	Irish,	Farmer,	1878	36
8	Johnson, Roderick J., <i>r</i>	Nova Scotia,	Scotch,	Farmer,	1875	42
24	*Kinter, Foster M., <i>d</i>	Pennsylvania,	Dutch-Irish,	Merchant,	1882	63
17	*Lamb, James B., <i>r</i>	Michigan,	Irish,	Farmer,	1882	34
1	LaMoure, Judson, <i>r</i>	Canada,	French-Irish,	Merchant,	1870	54
27	Little, Clarence B., <i>r</i>	N. Hampshire,	American,	Banker,	1882	35
13	McCarten, Richard, <i>i</i>	Wisconsin,	Irish,	Farmer,	1882	34
6	McCormack, M. L., <i>d</i>	Pennsylvania,	Irish,	Banker,	1871	45
31	McGillivray, A. C., <i>r</i>	Toronto,	Scotch,	Merchant,	1883	34
90	Miller, Jos. L., <i>r</i>	Germany,	German,	Real Estate,	1881	46
20	+Palmer, Frank, <i>r</i>	Ohio,	English Welsh,	Merchant,	1865	45
22	Patch, James M., <i>d</i>	Ohio,	English,	Farmer,	1883	52
7	Pinkham, N. B., <i>r</i>	Maine,	English,	Farmer,	1871	50
10	Sorlev, John A., <i>r</i>	Iowa,	Scandinavian,	Lawyer,	1869	38
25	Stevens, Jas. W., <i>i</i>	New York,	English,	Farmer,	1883	69
15	*Svensrud, Anton, <i>r</i>	Iowa,	Norwegian,	Farmer,	1884	30
28	*White, Frank, <i>r</i>	Illinois,	English-Scotch	Farmer,	1882	36
26	Worst, John H., <i>r</i>	Ohio,	American,	Farmer,	1883	42
11	Young, Eben, <i>r</i>	Nova Scotia,	Scotch,	Merchant,	1879	44

\* Single.  
† Widower.  
*r* Republican.  
*d* Democrat.  
*i* Independent.

## OFFICERS.

*President*—LIEUT. GOV. ELMER D. WALLACE, Hope, Steele County.

*President Pro Tempore*—J. H. WORST, Williamsport, Emmons County.

*Secretary*—FRED FAILEY, Wahpeton, Richland, County.

*Assistant Secretary*—S. B. MAHANEY, Larimore, Grand Forks County.

*Sergeant-at-Arms*—WM. N. BOSWELL, Cass County.

*Enrolling and Engrossing Clerk*—W. D. McCLINTOCK, Bottineau, Bottineau County.

*Bill Clerk*—L. D. McGAHAN, Devils Lake, Ramsey County.

*Doorkeeper*—J. W. SCOTT, Cass County.

*Messenger*—FRANK GAULKE, Traill County.

*Postmaster*—J. T. BOARDMAN, Valley City, Barnes County.

*Stenographer*—R. M. TUTTLE, Mandan, Morton County.

*Chaplain*—REV. S. F. BEER, Bismarck, Burleigh County.

*Journal Clerk*—MISS ANNIE NELSON, Pembina, Pembina County.

*Clerk of Judiciary Committee*—N. F. BOUCHER, Bismarck, Burleigh County.

*Clerk of Committee on Appropriations*—ED. MORSE, Dickinson, Stark County.

*Pages*—HENRY McLEAN, WILLIE FLYNN, ED. MURPHY.

# Journal of the Senate.

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## THIRD SESSION.

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### FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 3, 1893.

At the hour of 12 o'clock meridian, on Tuesday, the 3rd day of January, 1893, being the day and hour designated by law for the assembling of the Legislative Assembly of the State of North Dakota, the members-elect of the Senate for the Third Session of the Legislative Assembly of the State of North Dakota, assembled in the Senate Chamber of the Capitol, in Bismarck, and were called to order by Fred Falley, Secretary of the Senate for the Special Session of the Second Legislative Assembly, who introduced the Hon. E. D. Wallace, Lieutenant-Governor, as President of the Senate.

The Lieutenant-Governor assumed the office of President of the Senate.

After prayer by the Rev. S. F. Beer, the roll was called and the following members-elect responded to their names:

From the—

First District—Judson LaMoure.

Second District—S. B. Brynjolfson.

Third District—Wm. Hillier.

Fourth District—J. L. Cashel.



Fifth District—H. F. Arnold.  
Sixth District—M. L. McCormack.  
Seventh District—J. A. Sorley.  
Eighth District—Roderick Johnson.  
Ninth District—John Haggart.  
Tenth District—W. B. Pinkham.  
Eleventh District—E. Young.  
Twelfth District—R. N. Ink.  
Thirteenth District—Richard McCarten.  
Fourteenth District—M. L. Engle.  
Fifteenth District—Frank White.  
Sixteenth District—Fingal Enger.  
Seventeenth District—J. P. Lamb.  
Eighteenth District—John Bidlake.  
Twentieth District—Frank Palmer.  
Twenty-first District—E. P. Day.  
Twenty-second District—J. M. Patch.  
Twenty-third District—Bailey Fuller.  
Twenty-fourth District—F. M. Kinter.  
Twenty-fifth District—J. W. Stevens.  
Twenty-sixth District—J. H. Worst.  
Twenty-seventh District—C. B. Little.  
Twenty-eighth District—Anton Svensrud.  
Twenty-ninth District—C. E. Gregory.  
Thirtieth District—Joseph Miller.  
Thirty-first District—A. C. McGillivray.

The oath of office was administered to the Senators-elect by the Hon. J. M. Bartholomew, Chief Justice of the Supreme Court of the State of North Dakota.

Mr. Little moved

That the rules of the last Senate be adopted, so far as consistent, as the rules of the Senate until otherwise provided,  
Which motion prevailed.

Mr. LaMoure moved

That the Senate now proceed to the election of officers,  
Which motion prevailed.

Mr. LaMoure nominated Fred Falley for Secretary of the Senate.

Mr. McCormack nominated Fred Falley on the part of the Democrats and Independents.

There being no other nominations the roll was called.

Those voting for Mr. Falley were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Kinter, Lamb, Little, LaMoure, McCarten, McCormack, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—30.

Mr. Falley receiving 30 votes was declared elected Secretary of the Senate.

Mr. Arnold nominated for Assistant Secretary S. B. Mahaney.

Mr. Brynjolfson nominated Chas. Lee for Assistant Secretary.

The roll was called.

Those who voted for Mr. Mahaney were:

Messrs. Arnold, Cashel, Day, Enger, Fuller, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—20.

Those who voted for Mr. Lee were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—10.

Mr. Mahaney having received a majority of all the votes cast was declared duly elected Assistant Secretary of the Senate.

Mr. Young nominated Wm. N. Buswell for Sergeant-at-Arms.

Mr. Stevens nominated J. E. Thacker for Sergeant-at-Arms.

The roll was called.

Those voting for Mr. Buswell were:

Messrs. Arnold, Cashel, Day, Enger, Fuller, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—20.

Those voting for Mr. Thacker were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—10.

Mr. Svensrud nominated W. D. McClintock for Chief Enrolling and Engrossing Clerk.

Mr. Fuller nominated Lewis Lyon for Chief Enrolling and Engrossing Clerk.

Mr. Bidlake nominated R. P. McAllin for Chief Enrolling and Engrossing Clerk.

The roll was called.

Those who voted for Mr. McClintock were:

Messrs. Arnold, Cashel, Day, Enger, Gregory, Haggart, Ink,

Johnson, Lamb, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—19.

Those who voted for Mr. McAllin were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, McCarten, McCormack, Patch, Stevens—9.

Mr. Fuller voted for Mr. Lyon.

W. D. McClintock having received a majority of all the votes cast for Chief Enrolling and Engrossing Clerk was declared the duly elected Enrolling and Engrossing Clerk.

Mr. Day nominated Mr. McGahan for Bill Clerk.

There being no other nomination the roll was called.

Those voting for Mr. McGahan were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Kinter, Lamb, Little, LaMoure, McCarten, McCormack, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—30.

Mr. McCormack nominated R. M. Tuttle for Stenographer.

There being no other nomination the roll was called.

Those voting for Mr. Tuttle were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Kinter, Lamb, Little, LaMoure, McCarten, McCormack, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—30.

Mr. Pinkham nominated J. W. Scott for Doorkeeper.

Mr. Kinter nominated Chas. White for Doorkeeper.

The roll being called.

Those who voted for Mr. Scott were:

Messrs. Arnold, Cashel, Day, Enger, Fuller, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—20.

Those who voted for Mr. White were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—10.

Mr. Scott having received a majority of all the votes cast was declared the duly elected Doorkeeper.

Mr. Sorley nominated Frank Gaulke for Messenger.

There being no other nominations the roll was called.

Those voting for Mr. Gaulke were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Kinter,

Lamb, Little, LaMoure, McCarten, McCormack, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—30.

Mr. Gaulke having received a majority of all the votes cast was declared elected.

Mr. White nominated J. M. Boardman for Postmaster.

Mr. McCarten nominated G. D. Smith for Postmaster.

The roll was called.

Those who voted for Mr. Boardman were:

Messrs. Arnold, Cashel, Day, Enger, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—19.

Those who voted for Mr. Smith were:

Messrs. Bidlake, Brynjolfson, Engle, Fuller, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—11.

Mr. Boardman having received a majority of all the votes cast was declared the duly elected Postmaster.

Mr. McGillivray nominated N. F. Boucher for Clerk of the Judiciary Committee.

Mr. McCormack nominated J. B. Brooke for Clerk of the Judiciary Committee.

The roll was called.

Those voting for Mr. Boucher were:

Messrs. Arnold, Cashel, Day, Enger, Fuller, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—20.

Those voting for Mr. Brooke were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—10.

Mr. Boucher having received a majority of all the votes cast was declared duly elected Clerk of the Judiciary Committee.

Mr. LaMoure nominated Miss Annie Nelson for Journal Clerk.

Mr. Kinter nominated Miss Lorine Allen for Journal Clerk.

There being no further nominations the roll was called.

Those voting for Miss Nelson were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Lamb, Little, LaMoure, McCarten, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—28.

Those voting for Miss Allen were:

Messrs. McCormack and Kinter—2.

Miss Nelson having received a majority of all the votes cast was declared duly elected Journal Clerk.

Mr. Haggart nominated Mr. E. Morse for Clerk of the Appropriation Committee.

Mr. Kinter raised the point of order that the nomination of this clerk is creating a new office.

The President sustained the point of order.

Mr. Little appealed from the decision of the Chair.

The question being shall the decision of the Chair stand, the roll was called.

The roll being called there were ayes 11, nays 19.

Those voting to sustain the decision of the Chair were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Kinter,	Patch,
Engle,	Lamb,	Stevens.
Fuller,	McCarten,	

Those voting that the Chair be not sustained were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Gregory,	Miller,	White,
Haggart,	Palmer,	Young.
Ink,		

So the decision of the Chair was not sustained.

Mr. Kinter gave notice that he should request the opinion of the Attorney General on the decision.

The question recurring on the election of Clerk of Committee on Appropriations the roll was called.

Those voting for Mr. Morse were:

Messrs. Arnold, Cashel, Day, Enger, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, Worst, White, Young—19.

Mr. Morse having received a majority of all the votes cast was declared duly elected Clerk of the Committee on Appropriations.

Mr. Little moved

That the President be requested to appoint as Assistant Enrolling and Engrossing Clerks the following:

A. M. Packard, H. A. Williams, Miss Alice Parsons, Mrs. N. L. Call, A. W. Spencer, Ben. Cameron, Miss M. Arnold, Chas. A. Jacobson, Miss Nellie Drake.

Mr. Kinter raised the point of order that the nomination of these clerks was creating a new office.

The Chair decided that the point of order was not well taken.

Mr. Kinter raised the point of order that the order of business and resolution under which the Senate was working called for the election of officers of the Senate, and the proposed clerks were not officers of the Senate.

Mr. Little withdrew his resolution temporarily.

Mr. Little nominated Mr. J. H. Worst for President *pro tem.* of the Senate.

Mr. Kinter nominated Mr. M. L. McCormack for President *pro tem.*

The roll was called.

Those voting for Mr. Worst were:

Messrs. Arnold, Cashel, Day, Enger, Fuller, Gregory, Haggart, Ink, Johnson, Little, LaMoure, McCormack, McGillivray, Miller, Palmer, Pinkham, Sorley, Svensrud, White, Young—20.

Those voting for Mr. McCormack were:

Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, Patch, Stevens, Worst—10.

Mr. Worst having received a majority of all the votes cast was declared duly elected President *pro tem.* of the Senate.

Mr. Pinkham nominated Rev. S. F. Beers for Chaplain of the Senate.

There being no other nominations the roll was called.

Those voting for Mr. Beers were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart, Hillier, Ink, Johnson, Kinter, Lamb, Little, McCarten, McCormack, McGillivray, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young—29.

Mr. Beers having received a majority of all the votes cast was declared duly elected Chaplain.

Mr. Little renewed his motion for the adoption of the following resolution:

*Resolved,* That the President of the Senate appoint the following named persons as Assistant Enrolling and Engrossing Clerks: A. M. Packard, H. A. Williams, Miss Alice Parsons, Mrs. N. L. Call, A. W. Spencer, Ben Cameron, Miss Emma Arnold, Charles A. Jacobson, Miss Nellie Drake.

The roll being called there were ayes 19, nays 11.

Those voting for the resolution were:

Messrs—

Arnold,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,  
Ink,

Messrs—

Johnson,  
Little,  
LaMoure,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Pinkham,  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Those voting against the resolution were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Kinter,	Patch,
Engle,	Lamb,	Stevens.
Fuller,	McCarten,	

So the resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
January 3, 1893. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House has organized by the election of the following officers, and is ready to receive any communication the Senate may have to present:

Hon. Geo. H. Walsh, Speaker.

J. G. Hamilton, Chief Clerk.

E. H. Sanford, Assistant Clerk.

W. A. Kelley, Enrolling and Engrossing Clerk.

B. W. Shaw, Bill Clerk.

Bessie Wagner, Stenographer.

M. B. Rose, Sergeant-at-Arms.

J. B. Sinclair, Messenger.

Robt. J. Macnider, Postmaster.

Rev. G. A. Chambers, Chaplain.

Pages—James Fortune, John Peterson, George Wick, Burtie Allen.

Very respectfully,

J. G. HAMILTON,  
Chief Clerk.

Henry McLean, Willie Flynn, Ed. Murphy, F. J. McCormick, Guy Bolton and Burbank Lewis were placed in nomination for Pages of the Senate.

The roll was called.

Eddie Murphy had 27, Henry McLean had 19, Willie Flynn had 16, F. J. McCormick had 12, Burbank Lewis had 10, and Guy Bolton had 3.

Eddie Murphy, Henry McLean and Willie Flynn having received the largest number of all the votes cast were declared duly elected Pages.

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

*Resolved*, That the President appoint Walter Morris and A. S. Capehart as Clerks of Committees other than Judiciary and Appropriation Committees.

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

The roll being called there were ayes 10, nays 18.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kinter,	McCormack,
Brynjolfson,	Lamb,	Patch,
Engle,	McCarten,	Stevens.
Hillier,		

Those voting against the motion were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Haggart,	Miller,	White,
Ink,	Palmer,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Fuller,	Gregory.

So the motion was lost.

The question recurring on the motion of Mr. Worst,  
The roll being called there were ayes 18, nays 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Haggart,	Miller,	White,
Ink,	Palmer,	Young.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kinter,	McCormack,
Brynjolfson,	Lamb,	Patch,
Engle,	McCarten,	Stevens.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Fuller,	Gregory.

Mr. Worst nominated Wm. Laist as Janitor of the Senate.

Mr. Engle nominated A. W. Miner as Janitor of the Senate.

The roll was called.

Those voting for Mr. Laist were:

Messrs. Arnold, Cashel, Day, Enger, Gregory, Haggart, Ink,  
Johnson, Little, McGillivray, Miller, Palmer, Pinkham, Sorley,  
Svensrud, Worst, White, Young—19.

Those voting for Mr. Miner were:



Messrs. Bidlake, Brynjolfson, Engle, Hillier, Kinter, Lamb, McCarten, McCormack, Patch, Stevens—10.

Messrs. Burke and Fuller being absent and not voting.

Wm. Laist having received a majority of the votes cast was declared duly elected as Janitor.

A committee from the House announced that the House was organized and ready for business, and requested to be informed at what time the Senate would be ready to meet the House in joint session to receive the Governor's message.

Mr. Ink moved

That a vote of sympathy of the Senate be extended to Mr. Falley, the Secretary of the Senate, who has just received the sad intelligence of the sudden death of his wife, and that Mr. Falley be given a leave of absence until such time as he can conveniently return.

Which motion prevailed.

Mr. Cashel offered the following resolution:

WHEREAS, Under the present system, the number of employes for each branch of the Legislature may be limited, with no system or definite mode of employment; therefore, be it

*Resolved*, That, in addition to the regular corps required by Chapter 86, of the Laws of 1890, for the organization of the Senate, that there shall be appointed, from time to time, as may be required, only one clerk for every two Senators, not exceeding sixteen in all, whose duties shall be defined by the chief clerk or head of each division, subject to the direction of the Senate, and that each such clerk shall be a secretary to two Senators, as amanuensis, commencing at District 1, No. 1, and running consecutively.

Mr. Cashel moved that the resolution lie over until to-morrow, Which motion prevailed.

Mr. Haggart moved

That the clerks already appointed shall be sworn in and draw pay only on and from the date at which their services are required,

Which motion prevailed.

Mr. Sorley offered the following resolution:

*Resolved*, That a committee of three be appointed to inform the Governor that the Senate is organized and ready to receive any message that he may have to communicate.

The resolution was adopted.

The President appointed as such committee Messrs. Sorley, Stevens and Kinter.

Mr. Gregory moved

That a committee of three be appointed to notify the House that the Senate will be ready to meet the House in joint session at 2 o'clock to-morrow, to receive the Governor's message,

Which motion prevailed.

The President appointed as such committee Messrs. Gregory, McCormack and McCarten.

The oath of office was administered to Messrs. Worst, McClintock, Mahaney, Packard, McGahan, Tuttle, Boucher, Scott and Boardman, officers of the Senate, by the President; and to Fred Falley, Secretary, by Judge J. M. Bartholomew; and to Miss Annie Nelson, Miss Nellie S. Drake, Charles A. Jacobson and W. N. Buswell, by R. D. Hoskins, Clerk of the Supreme Court.

Mr. McCormack moved

That Senator Burke be excused for a few days,  
Which motion prevailed.

Mr. Ink moved

That Mr. McClintock act as Secretary during the absence of Mr. Falley,  
Which motion prevailed.

Mr. Cashel moved

That the Secretary of State be directed to furnish stationery for the Senate and copies of the Compiled Laws of 1887 and subsequent Session Laws, which shall be returned to the Secretary of State at the close of the session,  
Which motion prevailed.

Mr. Arnold moved

That the courtesies of the floor be extended to Mr. N. G. Larimore,  
Which motion prevailed.

Mr. LaMoure moved

That the President appoint a committee of seven on rules,  
Which motion prevailed.

The President appointed as such committee Messrs. LaMoure, Cashel, Johnson, White, Pinkham, Bidlake and Hillier.

Mr. Miller moved

That when the Senate adjourn it adjourn until 2 o'clock tomorrow,  
Which motion prevailed.

Mr. Bidlake moved

That the Senate do now adjourn,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

## SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 4, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senator Burke.

Mr. Sorley reported that the Committee appointed to wait upon Governor Shortridge had performed their duty, and Mr. Shortridge had expressed a desire that the Joint Committee wait upon Governor Burke and invite him to meet the Assembly in Joint Session and deliver his biennial message.

Mr. LaMoure moved

That the Senate now proceed to the House of Representatives,  
Which motion prevailed.

The Senate reassembled.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 5, 1893.

The Senate met at 2 o'clock p. m. pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senator Burke, excused.

Mr. LaMoure moved

That the Journal of the first day be referred to a Special Committee of three for the purpose of making corrections,  
Which motion prevailed.

The Journal of the preceding day was read and approved.

Mr. Cashel moved

That the Senate now take a recess of fifteen minutes,  
Which motion prevailed.

The Senate reassembled.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 5, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith a Concurrent Resolution petitioning the Congress of the United States for the passage of an anti-option law, which the House has passed and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

The President appointed a Committee of three, consisting of Messrs. LaMoure, Kinter and Bidlake, to examine and correct the Journal of the first day.

Mr. Worst introduced the following resolution:

WHEREAS, The reporters of the several newspapers of the State and elsewhere have no suitable accommodations;

*Resolved*, By the Senate that the Janitor be authorized to provide a table for their convenience.

Mr. Worst moved

That the resolution be adopted,

Which motion prevailed.

The oath of office was administered to Frank Gaulke and Ben Cameron by the Lieutenant Governor.

Mr. Haggart moved

That the Senate do now adjourn until 2 o'clock to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 6, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senator Burke, excused.

The Journal of the third day was read and approved.

Mr. LaMoure reported that the committee to examine the Journal had examined and corrected the same.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

Mr. White moved

That the Journal of the first day be corrected so that the Postmaster be included in the number of officers sworn in on the first day,

Which motion prevailed.

The Committee on Rules made the following report:

MR. PRESIDENT:

Your Committee on Rules to whom was referred the matter of preparing rules for the government of this Senate beg leave to report as follows:

They recommend the adoption of the rules of the Senate of the last session, with the following amendments:

Amend Section 35 by striking out the word "President" in the first line and inserting the word "Senate."

Further, that Section 35 be amended by increasing the number of the Judiciary Committee from seven to nine; also the membership of the Railroad Committee from seven to nine; also the Committee on Warehouses, Grain and Grain Grading from seven to nine.

We further recommend that Section 36 be stricken out and the following sections be numbered consecutively to follow.

Mr. LaMoure moved

The adoption of the report of the Committee on Rules and that their report be declared the rules of this Senate.

Mr. Bidlake offered the following minority report of the Committee on Rules:

MR. PRESIDENT:

The following members of your Committee on Rules beg leave to report that we deem it not wise to change the rules that were in use at the last Session.

JOHN BIDLAKE,  
WILLIAM HILLIER.

Mr. Kinter moved

As a substitute to Mr. LaMoure's motion, that the minority report of the committee be adopted instead of the majority report.

Roll call demanded.

The roll being called there were ayes 11, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Kinter,	Patch,
Engle,	Lamb,	Stevens.
Fuller,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Gregory,	Miller,	White,
Haggart,	Palmer,	Young.
Ink,		

Mr. Burke being absent and excused.

So the motion was lost.

The question recurring on the motion of Mr. LaMoure, and The roll being called there were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Gregory,	Miller,	White,
Haggart,	Palmer,	Young.
Ink,		

Those who voted in the negative were:

Messrs—  
Bidlake,  
Brynjolfson,  
Engle,  
Fuller,

Messrs—  
Hillier,  
Kinter,  
Lamb,  
McCarten,

Messrs—  
McCormack,  
Patch,  
Stevens.

Mr. Burke being absent and excused.

So the motion of Mr. LaMoure prevailed.

Senator Arnold introduced the following resolution and moved its adoption:

*Resolved*, That the Standing Committees of the Senate be and the same are constituted as follows, viz:

**JUDICIARY**—C. B. Little, Chairman, C. E. Gregory, J. A. Sorley, H. F. Arnold, A. C. McGillivray, J. L. Cashel, John Burke, J. P. Lamb, J. M. Patch.

**EDUCATION**—J. H. Worst, Chairman, Anton Svensrud, H. F. Arnold, Frank White, M. L. McCormack, William Hillier, Richard McCarten.

**ELECTIONS**—J. A. Sorley, Chairman, Frank Palmer, E. P. Day, Joseph Miller, F. M. Kinter, Wm. Hillier, Richard McCarten.

**APPROPRIATIONS**—John Haggart, Chairman, E. P. Day, Frank White, Roderick Johnson, Judson LaMoure, E. Young, H. F. Arnold, C. B. Little, M. L. Engle.

**FEDERAL RELATIONS**—M. L. McCormack, Chairman, M. L. Engle, S. B. Brynjolfson, John Haggart, Frank Palmer.

**INSURANCE**—Frank White, Chairman, Fingal Enger, C. B. Little, John Bidlake, John Burke.

**PUBLIC HEALTH**—S. B. Brynjolfson, J. M. Patch, J. W. Stevens, Frank Palmer, Bailey Fuller.

**PUBLIC PRINTING**—E. Young, Chairman, H. F. Arnold, A. C. McGillivray, M. L. Engle, J. P. Lamb.

**TEMPERANCE**—Fingal Enger, Chairman, N. B. Pinkham, J. A. Sorley, Anton Svensrud, F. M. Kinter, J. M. Patch, J. W. Stevens.

**MINES AND MINING**—A. C. McGillivray, Chairman, Bailey Fuller, C. E. Gregory, John Bidlake, J. M. Patch.

**RULES**—Judson LaMoure, Chairman, J. L. Cashel, Roderick Johnson, Frank White, N. B. Pinkham, John Bidlake, William Hillier.

**IMMIGRATION**—William Hillier, Chairman, S. B. Brynjolfson, J. W. Stevens, Fingal Enger, John Haggart.

**HIGHWAYS, BRIDGES AND FERRIES**—Richard McCarten, Chairman; M. L. McCormack, J. P. Lamb, F. M. Kinter, John Burke.

**IRRIGATION**—Joseph Miller, Chairman; A. C. McGillivray, J. H. Worst, N. B. Pinkham, M. L. McCormack, Richard McCarten, M. L. Engle.

**APPORTIONMENT**—F. M. Kinter, Chairman; Frank White, C. E. Gregory, J. H. Worst, M. L. McCormack, N. B. Pinkham, J. P. Lamb.

**CORPORATIONS OTHER THAN MUNICIPAL**—J. M. Patch, Chairman; John Bidlake, John Burke, J. W. Stevens, R. N. Ink, A. C. McGillivray, J. L. Cashel.

**MILITARY**—John Bidlake, Chairman; S. B. Brynjolfson, J. M. Patch, Frank White, Frank Palmer.

**RAILROADS**—Roderick Johnson, Chairman; Anton Svensrud, C. E. Gregory, R. N. Ink, Judson LaMoure, J. H. Worst, A. C. McGillivray, John Bidlake, Richard McCarten.



STATE AFFAIRS—Anton Svensrud, Chairman; J. A. Sorley, Joseph Miller, E. Young, M. L. McCormack, M. L. Engle, J. P. Lamb.

PUBLIC LANDS—John Burke, Chairman; William Hillier, F. M. Kinter, J. W. Stevens, John Haggart, E. P. Day, Bailey Fuller.

WAYS AND MEANS—C. E. Gregory, Chairman; Roderick Johnson, C. B. Little, John L. Cashel, J. M. Patch, John Burke, S. B. Brynjolfson.

AGRICULTURE—N. B. Pinkham, Chairman; E. P. Day, Fingal Enger, S. B. Brynjolfson, William Hillier, Richard McCarten, M. L. Engle.

WAREHOUSE, GRAIN AND GRAIN GRADING—E. P. Day, Chairman; Anton Svensrud, J. A. Sorley, Fingal Enger, J. P. Lamb, Richard McCarten, M. L. McCormack, N. B. Pinkham, Judson LaMoure.

COUNTIES—H. F. Arnold, Chairman; Joseph Miller, A. C. McGillivray, C. E. Gregory, M. L. Engle, F. M. Kinter, J. M. Patch.

ENGROSSED AND ENROLLED BILLS—R. N. Ink, Chairman; C. B. Little, H. F. Arnold, Anton Svensrud, John Burke.

BANKS AND BANKING—J. L. Cashel, Chairman; C. B. Little, Judson LaMoure, C. E. Gregory, J. W. Stevens, M. L. McCormack, John Bidlake.

CITIES AND MUNICIPALITIES—Bailey Fuller, Chairman; E. Young, John Haggart, J. H. Worst, William Hillier, S. B. Brynjolfson, J. P. Lamb.

INDIAN AFFAIRS—Frank Palmer, Chairman; Joseph Miller, J. M. Patch, Richard McCarten, John Burke.

STATISTICS—J. P. Lamb, Chairman; J. W. Stevens, S. B. Brynjolfson, F. M. Kinter, John Bidlake.

STOCK—M. L. Engle, Chairman; J. W. Stevens, M. L. McCormack, A. C. McGillivray, C. E. Gregory.

WOMAN'S SUFFRAGE—J. W. Stevens, Chairman; F. M. Kinter, J. M. Patch, John Burke, John Bidlake.

Mr. Kinter moved

That the following names be substituted on the Appropriation Committee for those named in Mr. Arnold's resolution:

APPROPRIATION COMMITTEE—R. N. Ink, Anton Svensrud, J. L. Cashel, F. M. Kinter, Judson LaMoure, Fingal Enger, J. P. Lamb, J. M. Patch, C. E. Gregory.

Roll call demanded.

The roll being called there were ayes 11, nays 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Kinter,	Patch,
Engle,	Lamb,	Stevens.
Fuller,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Svensrud,
Enger,	McGillivray,	Worst,
Gregory,	Miller,	White,
Haggart,	Palmer,	Young,
Ink,		

Mr. Burke being absent and excused.

So the motion was lost.

The question recurring upon the adoption of the resolution offered by Mr. Arnold, and

The roll being called there were ayes 19, nays 11.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,  
Ink,

Messrs—

Johnson,  
Little,  
LaMoire,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Pinkham,  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Brynjolfson,  
Engle,  
Fuller,

Messrs—

Hillier,  
Kinter,  
Lamb,  
McCarten.

Messrs—

McCormack,  
Patch,  
Stevens.

Mr. Burke being absent and excused.

So the resolution was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 6, 1893.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 1,

A bill for an act to amend Section 3 of Chapter 120, of the  
Laws of 1891, regulating appeals in the Supreme Court,

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

J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
January 6, 1893.

MR. PRESIDENT:

I have the honor to inform the Senate, that the House by vote,  
requests the return of the Concurrent Resolution relating to the  
Anti-Option Law.

J. G. HAMILTON,  
Chief Clerk.

Mr. Ink moved

That the rules be suspended and that House Bill No. 1 be read  
the first and second times,

Which motion prevailed, and  
House Bill No. 1,

A bill for an act to amend Section 3 of Chapter 120, of the Laws of 1891, regulating appeals in the Supreme Court,

Was read the first and second times, and referred to the Committee of the Whole for consideration at the hour of 2:30 p. m., January 7, 1893.

Mr. Ink moved

That the Senate now take up for consideration messages from the House.

Mr. Worst moved

That the Senate accede to the request of the House to return the Concurrent Resolution, relating to the Anti-Option Bill,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended and that all Senate Bills be read the first and second times, and referred to the appropriate committees,

Which motion prevailed.

Mr. Ink introduced—

Senate Bill No. 1,

A bill for an act entitled "An act to amend Chapter 66 of Session Laws of 1891."

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Svensrud introduced—

Senate Bill No. 2,

A bill for an act to repeal sub-division 11 of Section 1 of Chapter 100 of the Session Laws of 1891.

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Haggart introduced—

Senate Bill No. 3,

A bill for an act to regulate the building of railroads and prevent damages to property owners thereby.

Which was read the first and second times and referred to the Committee on Railroads.

Mr. Cashel introduced—

Senate Bill No. 4,

A bill to amend Sections 82, 83, and 84 of Article 3 of the Constitution of the State of North Dakota.

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Miller introduced—

Senate Bill No. 5,

Joint resolution and memorial of the Senate and House of Representatives of the State of North Dakota, to the Senate and House of Representatives of the United States, asking that a part of the Fort A. Lincoln Military Reservation be donated to the State of North Dakota for the use of the State Reform School.

Which was read the first and second times and referred to the Committee on Federal Relations.

Mr. McCormack introduced—

Senate Bill No. 6,

An act to regulate the practice of veterinary medicine, surgery and dentistry in the State of North Dakota.

Which was read the first and second times and referred to the Committee on Public Health.

Mr. Svensrud introduced—

Senate Bill No. 7,

A bill for an act to amend Section 324 of the Code of Civil Procedure of 1877.

Which was read the first and second times and referred to the Committee on Judiciary.

Also,

Senate Bill No. 8,

A bill for an act to amend Section 2 of Chapter 184, Session Laws of 1890.

Which was read the first and second times and referred to the Committee on State affairs.

Mr. Arnold moved

That the Senate Committee on Rules be also the Committee on Joint Rules,

Which motion prevailed.

Mr. LaMoire nominated J. C. Becker for the office of Watchman of the Senate.

There being no other nominations the roll was called.

Those voting for Mr. Becker were:

Messrs. Arnold, Bidlake, Brynjolfson, Cashel, Day, Enger, Engle, Gregory, Haggart, Hillier, Ink, Johnson, Kinter, Lamb, Little, LaMoire, McCarten, McCormack, Miller, Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, Young—27.

Absent and not voting:

Messrs. Burke (excused), McGillivray, White and Fuller.

Mr. Becker having received a majority of all the votes cast was declared duly elected Watchman.

Mr. Worst moved

That a committee of three be appointed to secure committee rooms,

Which motion prevailed.

The president appointed as such committee Messrs. Worst, Kinter and Stevens.

H. A. Williams, J. C. Becker, Edward Morris, William Laist, and Emma Arnold took the oath of office.

Mr. Ink moved

That the Senate do now adjourn till to-morrow at 2 o'clock.

Roll call demanded.

The roll being called there were ayes 19, nays 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Cashel,  
Day,  
Enger,  
Haggart,  
Hillier,

Messrs—

Ink,  
Johnson,  
Lamb,  
Little,  
LaMoure,  
McCarten,

Messrs—

Palmer,  
Patch,  
Stevens,  
Svensrud,  
Worst,  
Young.

Those who voted in the negative were:

Messrs—

Brynjolfson,  
Engle,  
Fuller,

Messrs—

Kinter,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Pinkham,  
Sorley,

Mr. Burke being absent and excused.

So the motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 7, 1893. }

Senate met pursuant to adjournment.

Lieutenant Governor in the chair.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Burke, Pinkham Engle and White, excused.

Journal of previous day read and, after correction, approved.

Mr. Worst announced that the committee appointed to secure committee rooms for the Senate had secured rooms over the Capital National Bank, at an expense of \$200 for the Session, including the heating of the same.

Mr. LaMoure moved

The adoption of the report of the committee,  
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Arnold offered the following resolution:

WHEREAS, Certain slanderous statements have recently appeared in the public press, reflecting, in some instances, on the character and integrity of members of this honorable body; and,

WHEREAS, Every member is exposed to like attacks; therefore, be it

*Resolved*, That a committee of three, consisting of Senators Cashel, Johnson and Bidlake, be appointed to investigate the source and foundation for such attacks and report the same to this body, together with what means in their judgment should be employed to protect the members of this body from unwarranted slander and libel.

Mr. Arnold moved

The adoption of the resolution,

Which motion prevailed.

Mr. McCormack moved  
That the President appoint Blakely Durant as Janitor of the  
Senate committee rooms,  
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Little moved

That the Senate now go into Committee of the Whole for con-  
sideration of House Bill No. 1,  
Which motion prevailed.

Mr. LaMoure in the chair.

When the Committee arose the following report was presented:

MR. PRESIDENT:

Your Committee have had House Bill No. 1 under considera-  
tion and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

Mr. McGillivray moved

To adopt the report of the Committee of the Whole,  
Which motion prevailed.

Mr. Haggart moved

That the rules be suspended and that House Bill No. 1 be read  
the third time and placed upon its final passage,  
Which motion prevailed.

House Bill No. 1,

A bill for an act to amend Section 3 of Chapter 120, of the  
Laws of 1891, regulating appeals in the Supreme Court,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 25, nays none, not vot-  
ing 6, viz:

Those who voted in the affirmative were:

Messrs--

Arnold,  
Brynjolfson,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,  
Hillier,  
Ink,

Messrs--

Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs--

Miller,  
Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs--

Bidlake,  
Burke,

Messrs--

Engle,  
Fuller,

Messrs--

Pinkham,  
White.

Messrs. Bidlake, Burke, Engle, Fuller, Pinkham, White, excused.

So the bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which House Bill No. 1 was passed be reconsidered.

Mr. Haggart moved

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

Mr. Little moved

That the rules be suspended and that Senate Bills receive their first and second readings and be referred to the appropriate committees,

Which motion prevailed.

#### INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Miller introduced—

Senate Bill No. 9,

A bill for an act giving power to county commissioners to correct errors in assessments after the adjournment of the board of equalization,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 10,

A bill for an act providing for the returns and records of births, marriages and deaths, and compilation of statistics relating thereto.

Which was read the first and second times and referred to the Committee on Statistics.

Mr. Day introduced—

Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish, in suitable location, public scales and regulating the appointment and duties of public weighmaster,

Which was read the first and second times and referred to the Committee on State Affairs.

Also,

Senate Bill No. 12,

A bill for an act to amend Section 2, Chapter 133, Session Laws of 1891, entitled "An act to amend Section 2, Chapter 161, of Session Laws of 1890," entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

Which was read the first and second times and referred to the Judiciary Committee.



Mr. Cashel introduced—  
Senate Bill No. 13,  
Concurrent Resolution to amend Section 162 of Article 9 of the  
Constitution of the State of North Dakota,  
Which was read the first and second times and referred to the  
Judiciary Committee.

Mr. Ink moved  
That the courtesies of the floor be extended to Hon. R. H.  
Hankinson of Richland county,  
Which motion prevailed.

Mr. Haggart moved  
That the courtesies of the floor be extended to Hon. J. R.  
Smith of Cass county,  
Which motion prevailed.

Mr. Kinter introduced—  
Senate Bill No. 14,  
A bill for an act to regulate the appointment and prescribe the  
qualifications of special deputy sheriff, constable, marshal, police-  
man and other peace officer within this Commonwealth, and for  
the punishment of any person who may exercise or attempt to  
exercise the functions of any such officer without authority of law,  
Which was read the first and second times and referred to the  
Judiciary Committee.

Also,  
Senate Bill No. 15,  
A bill for an act authorizing the counties in the State of North  
Dakota to raise and expend a fund in indemnifying residents  
therein for stock slaughtered by order of the State Veterinary  
Surgeon, and describing the duties of said Veterinarian.  
Which was read the first and second times and referred to the  
Judiciary Committee.

Also,  
Senate Bill No. 16,  
A bill for an act to vacate town plats and for placing the same  
on the tax list,  
Which was read the first and second times and referred to the  
Judiciary Committee.

Also,  
Senate Bill No. 17,  
A bill for an act to amend Sections 17 and 24 of Chapter 66 of  
Laws of 1891, known as the "Australian election law,"  
Which was read the first and second times and referred to the  
Committee on Elections.

Also,  
Senate Bill No. 18,

A bill for an act indemnifying the owners of sheep and other stock in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. McGillivray introduced—

Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of Stark and Mercer,

Which was read the first and second times and referred to the Committee on Counties.

Mr. Arnold introduced—

Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State University,

Which was read the first and second times and referred to the Committee on Appropriations.

Eddie Murphy, Harry McLean and Willie Flynn were sworn in as pages.

Blakely Durant, as janitor of the Senate committee rooms, and Mrs. F. J. Call, as assistant enrolling and engrossing clerk, were also sworn in.

Mr. Little moved

That the Senate do now adjourn till Monday at 2 o'clock p. m.

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 9, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senator Engle, excused.

Mr. Cashel moved

That the name of Mr. Burke be entered upon the Journal of the Senate as having qualified, and that the Clerk of the Supreme Court furnish the certificate to the Secretary of the Senate,

Which motion prevailed.

The Journal of the previous day was read, and after correction, approved.

The President announced his signature to House Bill No. 1,

A bill for an act to amend Section 3, Chapter 120, Laws of 1891, regulating appeals to the Supreme Court.

Mr. LaMoure moved

To amend the Journal of the fourth day by inserting in the report of the Committee on Rules the following: "Amend Section 33 at the end of the first line after the word 'Senate,' by inserting, 'or his refusal to act,'"

Which motion prevailed.

## MOTIONS AND RESOLUTIONS.

Mr. Day offered the following resolution:

*Resolved*, That the President of the Senate appoint Miss Phoebe Eastgate to a Senate Clerkship as soon as her services may be required in that capacity.

Mr. Arnold moved

The adoption of the resolution,  
Which motion prevailed.

Mr. Haggart offered the following resolution:

*Resolved*, That the State Treasurer be requested to inform the Senate as to the amount of money in the general fund at this date.

Mr. Cashel moved  
The adoption of the resolution,  
Which motion prevailed.

Mr. LaMoure moved  
That the special committee appointed to investigate certain slanderous reports concerning senators be empowered to send for persons and papers,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCormack moved  
That the rules be suspended and all Senate Bills be read the first and second times and referred to their appropriate committees,  
Which motion prevailed.

Mr. Haggart introduced—  
Senate Bill No. 21,  
A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo,  
Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Sorley introduced—  
Senate Bill No. 22,  
A bill for an act to amend Section 7595 of Chapter 10, relating to reprieves, commutations and pardons,  
Which was read the first and second times and referred to the Judiciary Committee.

Mr. Day introduced—  
Senate Bill No. 23,  
A bill for an act to amend Sections 1, 6, 8, 13 and 14 of Chapter 161 Session Laws of 1890, creating an institution for the education of the deaf and dumb of North Dakota and providing for its support and management,  
Which was read the first and second times and referred to the Committee on State Affairs.

Mr. McCormack introduced—  
Senate Bill No. 24,  
A bill for an act providing for the erection of a boiler house for the State University,  
Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Miller introduced—

Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the North Dakota Reform School and for incidental and contingent expenses for the same,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Cashel introduced—

Senate Bill No. 26,

A bill for an act to amend Sections 3, 4, 5 and 6 of Chapter 81, Laws of 1890, relating to First Judicial District,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 27,

A bill for an act to amend Section 1 of Chapter 35 of the Laws of 1887, relating to corporations,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Gregory introduced—

Senate Bill No. 29,

A bill for an act to amend Section 290 of the Penal Code, being Section 6490 of the Compiled Laws,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Brynjolfson introduced—

Senate Bill No. 30,

A bill for an act to authorize boards of county commissioners to designate certain banks with whom the county treasurer shall deposit all funds coming into his hands, and receive interest on the same, to require bonds from such depositors, and relieve the Treasurer from liability for loss of funds so deposited,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Cashel introduced (by request)—

Senate Bill No. 28,

A bill for an act to amend Sections 7 and 21 of Chapter 146, General Laws of 1890, etc.,

Which was read, the first and second times, and referred to the Committee on Public Lands.

Mr. Little moved

That the Senate do now adjourn till 2 o'clock to-morrow afternoon,

Which motion prevailed,

And the Senate adjourned.

FRED FALLEY,  
Secretary.

EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 10, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Senator Palmer, excused.

The Journal of the previous day was read and approved.

REPORTS OF STANDING COMMITTEES.

The Committee on Federal Relations submitted the following report:

MR. PRESIDENT:

Your Committee on Federal Relations, to whom was referred  
Senate Bill No. 5,

A Joint Resolution and Memorial of the Senate and House of Representatives of the State of North Dakota, to the Senate and House of Representatives of the United States, asking that a part of the abandoned Fort Abraham Lincoln, Military Reservation, and the buildings and material thereon, be donated to the State of North Dakota for the benefit and use of the State Reform School,

Have had the same under consideration and recommend that the same do pass.

M. L. McCORMACK,  
Chairman.

Mr. Miller moved

That the report be adopted,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 3,

A bill for an act to regulate the building of railroads and prevent damages to property owners, thereby

Have had the same under consideration and recommend that the same do pass.

RODERICK J. JOHNSON,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 12,

A bill for an act to amend Section 2, Chapter 133, Session Laws of 1891, entitled "An act to amend Section 2, Chapter 161, of Session Laws of 1890," entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 4,

A Concurrent Resolution to amend Sections 82, 83 and 84, of Article 3, of the Constitution of the State of North Dakota,

Have had the same under consideration and recommend that the same be amended, by striking out of Section 82 the words, "Who shall have power to appoint a deputy by and with the consent of the Governor," the same occurring immediately after the words "Commissioner of Railroads" in said section; also, by striking out of Section 84 the words, "and the Deputy Commissioner of Railroads,"

And as so amended, recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 14,

A bill for an act to regulate the appointment and prescribe the qualifications of special deputy sheriffs, constables, marshals, policemen and other peace officers within this Commonwealth, and for the punishment of any person who may exercise, or attempt to exercise the functions of any such office without authority of law,

Have had the same under consideration and recommend that the same be amended, by striking out of Section 1 thereof, the words, "and who shall not have been a resident of the county or one of the counties in which it is intended he shall perform the duties of such appointment for the period of two months," and inserting in the place thereof, the words, "and who shall not be a qualified elector of the county, or one of the counties in which it is intended he shall perform the duties of such appointment,"

And as so amended, recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

#### REPORTS OF SPECIAL COMMITTEES.

The special committee to investigate certain newspaper charges made the following report:

BISMARCK, N. D., January 10, 1893.

**MR. PRESIDENT:**

Your special committee to investigate "certain slanderous statements" reflecting on the character and integrity of members of this body, notably a telegram that appeared in the Bismarck Daily Tribune of the 7th inst., and widely copied, headed "A Diabolical Plot," the last sentence of which read, "Robinson, of Mayville, transportation disburser of the Northern Pacific, is sincere in his support of Kingman," but McKenzie, "boodle" disburser, and Haggart, "sub-boodle disburser," it is certain are opposed to him; beg leave to report as follows: That on investigating we found L. E. Stover, of Fargo, N. D., who is connected with the Argus of that city, to be the correspondent of the Tribune and author of said article, of whom we made the following request by wire, viz:

BISMARCK, N. D., January 7, 1893.

L. E. Stover, Fargo, N. D., "Care Argus."

Give your authority for your telegram in the Bismarck Tribune of January 7, closing as follows: "But McKenzie, boodle disburser, and Haggart, sub-boodle disburser, it is certain are opposed to him." The Senate, particularly, wishes to know why you term "Haggart sub-boodle disburser." Answer at once.

(Signed)

J. L. CASHEL,  
JOHN BIDLAKE,  
R. J. JOHNSON,

Senate Investigating Committee.



To which we received the following reply:

FARGO, N. D., January, 7, 1893.

Hons. J. L. Cashel,  
John Bidlake,  
R. J. Johnson, } Senate Investigating Committee.

Authority for statement is current gossip about hotel corridors by stay-at-home politicians and as dispatch states is given as rumor about Kingman headquarters. There was no intention to cast unfair imputation upon Mr. Haggart. In dispatch, either maliciously or by accident, name of Casey was substituted in place of Kingman, in speaking of Robinson's loyalty to Kingman.

(Signed) L. E. STOVER.

The word "rumor" given in the above dispatch does not appear in the published article. In the Grand Forks Daily Herald of the same date, the Minneapolis Times and other journals we found articles of like import, which appear to have emanated from the same source. Your committee is in possession of such information that leads it to believe that the object of these articles was for "blackmailing" purposes and deplore the fact that the author of such, animated by motives of the kind, should be retained on the staff of a journal in good standing or be recognized by the fraternity on which his acts have cast discredit. The Minneapolis Tribune of the 31st ult. contained an article from Jamestown; N. D., reflecting on every member of this Legislative Assembly.

We not only deprecate but denounce this cry of "boodle" that emanates from an unscrupulous press, thus degrading man in the eyes of his fellow men, and sowing false impressions abroad of our citizens, especially of the members of this Assembly. As the individual is responsible for his utterances, so also is the newspaper for the matter that appears in its columns. While your committee recognizes the press as the great exponent of public sentiment by the diffusion and dissemination of general information, yet it realizes the necessity of prudence in the selection of its matter, and giving only reliable news, at least such as will not besmirch respectable citizens.

Current gossip about hotel corridors by stay-at-home politicians is not usually of the highest order, nor most reliable kind, and should be investigated closely before being given to the public through the newspaper medium.

A careful scanning by the editor of communications from irresponsible and sensational correspondents before publication will frequently avoid confusion and difficulty.

We entertain the highest regard for members of the press generally and regret exceedingly that articles of the nature referred to should be published in reputable newspapers reflecting on the integrity of the representatives of the people without cause or provocation, and would recommend that should there be a recurrence of similar articles that this Senate take prompt and decisive action in bringing the offenders to justice.

Respectfully submitted,

J. L. CASHEL,  
JOHN BIDLAKE,  
R. J. JOHNSON,

Senate Investigating Committee.

Mr. Little moved

To adopt the report of the committee,

Which motion prevailed.

#### COMMUNICATION FROM STATE TREASURER.

The following communication was received from the State Treasurer:

BISMARCK, January 10, 1893.

*To the President of the Senate:*

SIR: In accordance with Senate Resolution of the 9th inst., requesting the State Treasurer to inform the Senate as to the amount of money in the general fund, I have the honor to state that the amount to the credit of the general fund at this date is \$100,153.95.

Very respectfully, your obedient servant,

KNUD J. NOMLAND,  
State Treasurer.

## MOTIONS AND RESOLUTIONS.

*Resolved*, That the Senate Joint Committees be and the same are hereby constituted as follows, viz.:

**PUBLIC BUILDINGS**—N. B. Pinkham, Chairman, Joseph Miller, A. C. McGillivray, John Haggart, M. L. Engle.

**CHARITABLE INSTITUTIONS**—E. Young Chairman, Bailey Fuller, E. P. Day, Frank White, S. M. Brynjolfson.

**PENAL INSTITUTIONS**—Joseph Miller, Chairman, C. B. Little, J. L. Cashel, John Bidlake.

**EDUCATIONAL INSTITUTIONS**—J. A. Sorley, Chairman, J. H. Worst, R. N. Ink, Roderick Johnson, E. P. Lamb, Frank Palmer, William Hillier.

**STATE LIBRARY**—C. E. Gregory, Chairman, H. F. Arnold, Judson LaMoure, C. B. Little, F. M. Kinter.

**JOINT RULES**—Judson LaMoure, Chairman, J. L. Cashel, Roderick Johnson, N. B. Pinkham, Frank White, William Hillier, John Bidlake.

Mr. Arnold moved

The adoption of the resolution,  
Which motion prevailed.

Mr. LaMoure moved

That the committee appointed to investigate the slanderous reports concerning Senators be continued,

Which motion prevailed.

Mr. Worst moved

That the order of daily business be amended by adding  
No. 18, Announcement of Committee Meetings,  
Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended, and all Senate bills be read the first and second times, and referred to the appropriate committee.

Which motion prevailed.

The courtesies of the floor were extended to the presidential electors, Messrs. Wamberg, Rondestvedt and Williams; also to Messrs. R. E. Fleming, of Cass; R. C. Kingman, of Traill; John McBride, of Cavalier; J. W. Burnham, of Cass, and W. N. Roach, of Grand Forks.

Mr. Worst moved

That the Senate take a recess of 15 minutes,  
Which motion prevailed.

The Senate reassembled.

Mr. Lamb introduced—  
Senate Bill 32,

A bill for an act to amend Section 10 of Chapter 146 of the General Laws of 1890, an act entitled "An act to provide for the leasing and sale of the common school lands of North Dakota," approved January 10, 1890,

Which bill was read the first and second times and referred to the Committee on Public Lands.

Mr. Gregory introduced --  
Senate Bill No. 33,

A bill for an act to amend Section 44 of Chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for the purposes relative thereto,"

Which was read the first and second times and referred to the Committee on Counties.

Mr. Little introduced—  
Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Cashel introduced—  
Senate Bill No. 35,

A Bill to amend Chapter 23, Laws of 1890, entitled "Organization and Government of State Banks,"

Which was read the first and second times and referred to the Committee on Banks and Banking.

Mr. Engle introduced—  
Senate Bill No. 36,

A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldier's Home at Lisbon,

Which was read the first and second times and referred to the Committee on Appropriations.

#### THIRD READING OF SENATE BILLS.

Mr. Miller moved

That Senate Bill No. 5 be read the third time and placed upon its final passage,

Which motion prevailed, and

## Senate Bill No. 5,

Joint Resolution and Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States asking that a part of the abandoned Fort and Lincoln Military Reservation be donated to the State of North Dakota for the use of the State Reform School,

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

The roll being called there were ayes 28, nays 0.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoire,  
McCarten,  
McCormack,

Messrs—

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting, Messrs. Palmer, Gregory and Sorley.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

Mr. Worst introduced the following resolution:

*Resolved*, That the janitor of the committee rooms, over the Capitol National Bank, be authorized and required to procure six copies each of House and Senate journals and twenty each of all House and Senate bills, and to arrange them in convenient files for the use of the committees.

Mr. Worst moved—

That the resolution be adopted,  
Which motion prevailed.

Mr. Haggart moved—

That the Senate do now adjourn,  
Which motion prevailed  
And the Senate adjourned.

FRED FALLEY,  
Secretary.

## NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1893.

The Senate met pursuant to adjournment.

Lieutenant-Governor in the chair.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }  
January 11, 1893.

MR. PRESIDENT:

I have the honor to inform your honorable body that the following gentlemen have been appointed as members of the Committee on Joint Rules: Messrs. Hodgson, Chairman, McCulloch, Wallen, McLean, McCanna, Pierce, Tufts, Bentley, Wineman.

J. G. HAMILTON,  
Chief Clerk.

## REPORT OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred

Senate Bill No. 29,

A bill for an act to amend Section 290 of the Penal Code, being Section 6490 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 18,

A bill for an act idemnifying the owners of sheep and other  
stock in case of damage by dogs, and creating a fund to pay for  
the same by a tax on dogs,

Have had the same under consideration and recommend that  
the same be amended as follows:

Striking out of the same the section thereof numbered five (5)  
and insert in lieu thereof new sections submitted herewith and  
numbered 5, 6, 7 and 8, and by changing the number of section  
six (6) thereof to section nine (9),

And that when so amended the said bill do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

Mr. LaMoure moved

That the Napoleon of Democracy of the State, Hon. Daniel  
Maratta, not only be admitted to the floor, but that the Sergeant-  
at-Arms be instructed to escort him to a chair within the bar of  
the Senate,

Which motion prevailed.

Mr. Burke moved

That the courtesies of the floor be extended to W. H. McKee,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended, and all Senate bills be read the  
first and second times and referred to the appropriate committees,  
Which motion prevailed.

Mr. Stevens moved

That the courtesies of the floor be extended to L. D. Bartlett,  
of Dickey,

Which motion prevailed.

Mr. Day introduced—

Senate Bill No. 31,

A bill for an act providing for making monthly statements to  
the county auditors by persons or corporations engaged in buying  
and selling for profit commodities such as grain, stock, merchan-

dise, products of mines and stocks of corporations, and prescribing the duties of the county auditor in the premises, the basis of assessment and taxation,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Hillier introduced—  
Senate Bill No. 37,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of the grass-hopper pests in Walsh and Grand Forks counties in the summer of 1891,

Which was read the first and second times and referred to the Appropriations Committee.

Mr. Day introduced—  
Senate Bill No. 38,

A bill for an act fixing the measure of liability and recovery on insurance policies,

Which was read the first and second times and referred to the Committee on Insurance.

Mr. Sorley introduced—  
Senate Bill No. 39,

A bill for an act to amend Section 3401 of Chapter 3 of the Compiled Laws of 1887, relating to the succession of real and personal property,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Johnson introduced  
Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.,

Which was read the first and second times and referred to the Appropriations Committee.

Mr. Lamb introduced—  
Senate Bill No. 41,

A bill for an act fixing the fees to be charged for renewing and releasing chattel mortgages,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Gregory introduced—  
Senate Bill No. 42,

A bill for an act defining the boundaries of the Second Judicial District, subdividing the same and fixing the terms of court to be held therein,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Cashel introduced—  
Senate Bill No. 43,

A bill for an act to amend Section 79 of Article 6 of Chapter 62 of the Session Laws of 1890, entitled "Education,"

Which was read the first and second times and referred to the Committee on Education.

Mr. Kinter introduced—  
Senate Bill No. 44,

A bill for an act forbidding the use of telegraph or telephone lines for certain purposes, and providing a penalty therefor,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Haggart moved  
That Senate Bill No. 3,

A bill for an act to regulate the building of railroads and prevent damage to property owners thereby,

Be read the third time and placed upon its final passage,  
Which motion prevailed, and

Senate Bill No. 3 .

Was read the third time,

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens.  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Burke,  
Engle,

Messrs—

Ink.

Messrs—

Palmer.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate bill No. 3 passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Arnold moved

That there be three hundred copies of Senate Bills and Senate Journals printed for the use of the Senate.



Mr. Cashel moved

As a substitute that three hundred copies of Bills and two hundred copies of the Journal be printed,  
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 12,

A bill for an act to amend Section 2, Chapter 123, Session Laws of 1891, entitled "An act to amend Section 2, Chapter 161, of Session Laws of 1890." entitled "An act to create an institute for the education of the deaf and dumb of North Dakota and providing for its support and management,"

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

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Haggart being absent.

So the bill passed and the title was agreed to.

Senate Bill No. 14,

A bill for an act to regulate the appointment and prescribe the qualification of special deputy sheriffs, constables, marshals, policemen and other peace officers within the Commonwealth and for the punishment of any person who may exercise the functions of any such officer without authority of law,

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

The roll being called there were ayes 29, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Messrs. Fuller and White being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 4,

Concurrent Resolution to amend Sections 82, 83 and 84 of Article 3 of the Constitution of the State of North Dakota,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 30, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs--
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens.
Enger,	Little,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White,
Gregory.	McGillivray,	Young.

Mr. LaMoire being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## TENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 12, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

## REPORTS OF STANDING COMMITTEES.

The Committee on Counties made the following report:

**MR. PRESIDENT:**

Your Committee on Counties, to whom was referred  
Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of  
Stark and Mercer,

Have had the same under consideration and recommend that  
the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The courtesies of the floor were extended to Rev. Father Per-  
rault, W. J. Andrews, Alex. Montague and Judge Templeton.

The Committee on Judiciary made the following report:

**MR. PRESIDENT:**

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 27,

A bill for an act to amend Section 1 of Chapter 35 of the Laws

of 1887, being Section 2900 of the Compiled Laws, as to purposes for which private corporations may be formed,

Have had the same under consideration and recommend that the same be amended by striking out Section 2 thereof, and by changing Section 3 thereof so that it be numbered Section 2,

And that the bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 7,

A bill for an act to amend Section 324 of the Code of Civil Procedure of 1877,

Have had the same under consideration and recommend that the same be amended as follows:

Insert after the word debtor in the second line of said bill the words "being the head of a family."

That the words "seven hundred and fifty" in said bill be stricken out, and the words "five hundred" be inserted in lieu thereof.

That said bill be further amended by the addition of the following:

SECTION 2. The phrase "head of a family," as used in this act, is defined as follows:

First: The husband or wife when the claimant is a married person, but in no case are both husband and wife entitled to exemption under the provision of this act.

Second: Every person who has been residing on the premises with him or her, and under his or her care and maintenance, either:

1. His or her minor child, or the minor child of his or her deceased wife or husband.

2. A minor brother or sister, or the minor child of a deceased brother or sister.

3. A father, mother, grandfather or grandmother.

4. The father or mother, grandfather or grandmother of a deceased husband or wife.

5. An unmarried sister or any other of the relatives mentioned in this section who have attained the age of majority and are unable to take care of or support themselves.

SEC. 3. Nothing in this act contained shall apply to debts contracted prior to July 1, 1893.

And that the bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 26,

A bill for an act to amend Sections 3, 4, 5 and 6 of Chapter 81,  
Laws of 1890, relating to the boundaries and subdivisions of the  
First Judicial District, and fixing the terms of court to be held  
therein,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 15,

A bill for an act authorizing the counties in the State of North  
Dakota to raise and expend a fund in indemnifying residents  
therein for stock slaughtered by order of the State Veterinary  
Surgeon, and describing the duties of said Veterinarian,

Have had the same under consideration and recommend that  
the same do not pass, for the reason that the same is, in the  
opinion of the committee, unconstitutional.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Joint Rules made the following report:

MR. PRESIDENT:

Your Committee on Joint Rules, to whom was referred the  
question of Joint Rules of the Senate and House of Representatives,  
also Joint Convention Rules, have met a like committee of the  
House and recommend the adoption of the Joint Rules, also the  
Joint Convention Rules, of the last session.

JUDSON LAMOURE,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

#### REPORT OF COMPILATION COMMITTEE.

MR. PRESIDENT:

We respectfully submit the report of the committee appointed

by the Governor to compile, classify and arrange the laws of the State in force July 1, 1892.

J. G. HAMILTON,  
P. H. ROURKE,  
R. M. POLLOCK,  
Committee.

Mr. Sorley offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring,* That the report of the Compilation Committee be referred to the Judiciary Committee of the House and Senate.

Mr. Sorley moved  
To adopt the resolution,  
Which motion prevailed.

Mr. McCormack moved  
That the Secretary of State be requested to mail a copy of the report of the Compilation Commission to each of the judges of the Supreme and district courts,  
Which motion prevailed.

Mr. Patch offered the following resolution:

*Resolved,* That the President of the Senate appoint Miss Bell Mattison and Mr. Watson E. Boise to clerkships as soon as their services may be required in that capacity; also Mr. Sidney Smith as doorkeeper of the cloak room.

Mr. McGillivray moved  
That the resolution be adopted,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, January 11, 1892. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the Speaker has appointed the following joint standing committees:

PUBLIC BUILDINGS—Messrs. Halvorson, Chairman, Thompson, Cochrane, Boynton, Havrevold, Hallum, James, Ueland, McArthur.

CHARITABLE INSTITUTIONS—Messrs. Horgan, Chairman, Severson, Logan, Wallen, Kelly, Wright, McCanna, McCulloch, Haugen.

PENAL INSTITUTIONS—Messrs. Severson, Chairman, Yegen, Rinde, Burkhardt, James, Deans, Benedict, Thompson, Wishek.

EDUCATIONAL INSTITUTIONS—Messrs. Deans, Chairman, Bentley, Boynton, Haugen, Newman, Towers, Strom, Levang, Johnson, of Sargent.

STATE LIBRARY—Messrs. Hurley, Chairman, Simpson, Yegen, Ueland, Hallum, Kelly, Oliver, Hagen, Davis.

JOINT RULES—Messrs. Hodgson, Chairman, McCulloch, Wallen, McLean, McCanna, Pierce, Tufts, Bentley Wineman.

J. G. HAMILTON,  
Chief Clerk.

The courtesies of the floor were extended to J. R. Clarke and Hon. J. D. Benton.

The Senate returned to the sixth order of business.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred Senate Bill No. 13,

Concurrent Resolution to amend Section 162 of Article 9 of the Constitution of the State of North Dakota,

Have had the same under consideration and recommend that said bill be amended as follows:

Insert after the word "Dakota," line 18, the following: Bonds of other States that have not defaulted in interest nor repudiated their bonds.

And when so amended that said resolution do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved

That the report be adopted,

Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred Senate Bill No. 2,

A bill for an act to repeal subdivision 11 of Section 1 of Chapter 100 of the Session Laws of 1891, relating to revenue and taxation,

Have had the same under consideration and recommend that said bill do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved

That the report be adopted,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended and that all Senate Bills be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Hillier introduced—

Senate Bill No. 45,

A bill for an act to encourage the manufacture of butter and cheese in the State of North Dakota,

Which was read the first and second times and referred to the Committee on Agriculture.

Mr. Cashel introduced—

Senate Bill No. 46,

A bill for an act for the encouragement of higher education and appropriating money therefor,

Which was read the first and second times and referred to the Committee on Education.

The courtesies of the floor were extended to Hon. E. M. Upson, of Traill.

Mr. Cashel introduced—

Senate Bill No. 47,

A bill for an act to amend the law enacted by the First Legislative Assembly of the State of North Dakota, entitled "Boiler inspection," being Chapter 27, Laws of 1890,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Little introduced—

Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 49,

A bill for an act prescribing the compensation of the lieutenant-governor while acting as governor,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. White introduced—

Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Worst introduced—

Senate Bill No. 51,

A bill for an act providing for garnishment, and regulating the proceedings in connection therewith,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Miller introduced—

Senate Bill No. 52,

A bill for an act to amend Section 8 of Chapter 93 of Session Laws of 1891, entitled "An act for the prevention of prairie fires, and to provide against damage done by them; also prescribing



duties of county commissioners in relation thereto," and approved March 9, 1891,

Which was read the first and second times and referred to the Judiciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
BISMARCK, January 12, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted the Joint Rules and Joint Convention Rules of the Second Legislative Assembly as the Joint Rules and Joint Convention Rules of the Third Legislative Assembly.

J. G. HAMILTON,  
Chief Clerk.

READING OF SENATE BILLS.

Senate Bill No. 18,

A bill for an act indemnifying the owners of sheep and other stock in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs,

Was read the third time.

Mr. Little moved

That the report of the committee on Senate Bill No. 18, with the amendments to the bill, be printed in the Journal.

Which motion prevailed.

REPORT OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred Senate Bill No. 18,

A bill for an act indemnifying the owners of sheep and other stock in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs,

Have had the same under consideration, and recommend the same be amended as follows:

Strike out of the same the section thereof numbered five (5) and insert in lieu thereof new sections submitted herewith and numbered 5, 6, 7 and 8, and by changing the number of section six (6) thereof to section nine (9):

SECTION 5 Any person suspecting any dog of having killed or injured any sheep or other stock, may make an affidavit setting forth said fact and the name of the owner of such dog, and file the same with a justice of the peace in the county where the owner of such dog resides, whereupon the justice shall issue an order directed to the owner thereof, commanding him to appear before such justice at his office, at a time not less than three nor more than six days from the day of service of such order, to show cause why

such dog should not be killed. On the return day of such order, any person may appear and give evidence regarding the matters stated in the affidavit, and witnesses may be subpoenaed as in other actions before a justice of the peace. If the justice, after hearing the evidence, shall be of the opinion that the matters stated in the affidavit are true, he shall render judgment that such dog be killed, and commanding the owner thereof to kill same and judgment for the costs of the proceeding; provided, that if the justice should be of the opinion that any dog should not be killed, he may impose a fine on the owner thereof, in a sum not less than \$20 nor more than \$50 and costs, and on default of the payment of such fine, that the owner of such dog be imprisoned in the county jail until such fine be paid, not to exceed, however, a period of thirty days.

SEC. 6. Any person refusing to comply with any judgment rendered herein shall be guilty of contempt of court.

SEC. 7. Any sheriff or constable of the county where such proceeding is had shall have power to carry into effect any judgment rendered under this act.

SEC. 8. The same rules of practice as far as practicable shall govern under the proceedings of this act as in other actions tried before a justice of the peace.

And when so amended the said bill do pass.

C. B. LITTLE,  
Chairman.

Mr. White moved

That Senate Bill No. 18 be made a special order for Friday at 3 o'clock,

Which motion prevailed.

Senate Bill No. 29,

A bill for an act to amend Section 290 of the Penal Code, being Section 6490 of the Compiled Laws,

Was read the third time.

Mr. Sorley moved

That the bill be re-referred to the Judiciary Committee,

Which motion prevailed.

Mr. Kinter offered the following resolution:

*Whereas*, In the death of General B. F. Butler of Massachusetts the nation has lost one of her most eminent statesmen and one of her ablest volunteer generals in the war for the Union; therefore,

*Resolved*, That the flag on our Capitol Building be displayed at half mast the day of the funeral, January 13, 1893.

Mr. McGillivray moved

To adopt the resolution,

Which motion prevailed.

Sidney G. Smith took the oath of office as doorkeeper of the cloak room.

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## ELEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 13, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Engle, excused.

The Journal of the previous day was read and approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 13, 1893.

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted the following Concurrent Resolution:

## CONCURRENT RESOLUTION.

WHEREAS, Information has been received from the morning journals of the death of General Benjamin F. Butler, of Massachusetts, one of the generals of our late war, whose distinguished services were so intimately connected with the success of the Union cause; therefore, be it

*Resolved by the Legislative Assembly of the State of North Dakota, the Senate concurring:* That in the death of General Butler this nation has lost one of its most distinguished citizens. A man great in the various walks of civil life, standing in the foremost rank of constitutional lawyers and statesmen, but especially dear to every patriot of this land for his unswerving loyalty to our common country in its days of peril, and for his remarkable career as a general, who accomplished results without unnecessarily sacrificing his men.

*Resolved, further,* That as a mark of respect to his eminent services, both in war and peace, and in sympathy with his family and friends because of his death, the flag of our country be placed over the Capitol Building of the State at half mast upon the day of his funeral.

And your concurrence therein is respectfully requested.

Also,

I have the honor to transmit herewith  
House Bill No. 22,

A bill for an act exempting volunteer firemen from jury duty  
and payment of poll tax,

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

J. G. HAMILTON,  
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 37.

A bill for an act appropriating money from the State Treasury  
not otherwise appropriated to reimburse Hon. Andrew H. Burke,  
ex-Governor of the State of North Dakota, for money advanced  
by him to defray expenses incident to the extermination of grass-  
hopper pests in Walsh and Grand Forks counties in the summer  
of 1891,

Have had the same under consideration and recommend that  
the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 30,

A bill for an act to authorize boards of county commissioners  
to designate certain banks with whom the county treasurer  
shall deposit all funds coming into his hands, and receive interest  
on the same, to require bonds from such depositors, and relieve  
the Treasurer from liability for loss of funds so deposited,

Have had the same under consideration and recommend that  
said bill be amended as follows:

Strike out all after the word "their" in line 12, section 2, of the printed  
bill; also strike out line 13 of same section and insert in lieu thereof the fol-  
lowing: "Annual meeting in January, 1894, and each year thereafter."

Strike out the word "May" in line 11, section 2, and insert in lieu thereof  
the word "shall."

And when so amended that it do pass.

A. SVENSRUD,  
Chairman.

Mr. McGillivray moved

That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 43,

A bill for an act to amend section 79 of article 6 of chapter 62  
of the Session Laws of 1890, entitled "Education,"

Have had the same under consideration and recommend that  
the same be amended as follows:

Amend line 11 of printed bill by striking out the words and figures "fifteen  
(15)" and insert in lieu thereof the words and figures "twenty (20)."

Also by adding after repealing clause:

An emergency exists in that the school tax provided for in this bill must  
be levied prior to July 1, 1893, it shall take effect and be in force after its  
passage and approval.

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 16,

A bill for an act to vacate town plats and for placing the same  
on the tax list,

Have had the same under consideration and recommend that  
the same do not pass for the reason that there is, in the opinion  
of the committee, a good and sufficient law on the subject covered  
by the same now in force.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 42,

A bill for an act defining the boundaries of the Second Judicial  
District, subdividing the same and fixing the terms of court to be  
held therein,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

Mr. Little moved  
That Senate Bill No. 14 be recalled from the House and referred  
to the Judiciary Committee for the purpose of correction,  
Which motion prevailed.

Mr. Stevens moved  
That the courtesies of the floor be extended to Hon. Walter  
Muir,  
Which motion prevailed.

Mr. Cashel moved  
That the Senate do concur in the House resolution relating to  
the death of General B. F. Butler,  
Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Svensrud moved  
That the rules be suspended and all Senate Bills be read for the  
first and second times and referred to their appropriate com-  
mittees,

Which motion prevailed.

Mr. Arnold introduced—  
Senate Bill No. 53,  
A bill for an act providing for and redistricting of counties into  
commissioner districts,  
Which was read the first and second times and referred to the  
Committee on Counties.

Mr. Day introduced—  
Senate Bill No. 54,  
A bill for an act providing for an appropriation of money for  
the completion of the building for the school for the deaf and  
dumb and for contingent expenses thereto,

Which was read the first and second times and referred to the  
Committee on Appropriations.

Also,  
Senate Bill No. 55,  
A bill for an act providing for the maintenance and for current  
and contingent expenses of the School for the Deaf and Dumb,

Which was read the first and second times and referred to the  
Committee on Appropriations.

Mr. Sorley introduced—  
Senate Bill No. 56,  
A bill for an act to amend section 1 of chapter 88 of the Session  
Laws of 1892, being section 7599 of the Compiled Laws relating  
to reprieves, commutations and pardons,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Little introduced—

Senate Bill No. 57,

A bill for an act defining the duties of the Attorney General as to escheats,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Burke introduced—

Senate Bill No. 58,

A bill for an act to amend section 1 of an act entitled "An act to amend section 3 of an act regulating appeals from district courts and to repeal chapters 2 and 16 of the Code of Civil Procedure of Dakota Territory, as published in Levissee's Code, and chapters 20 and 26 of the Session Laws of the Territory of Dakota for the year 1887, and also sections 5213 to 5239, both inclusive, of the Compiled Laws of Dakota Territory for the year 1887, passed at the Second Session of the Legislative Assembly of the State of North Dakota in the year 1891,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Young introduced—

Senate Bill No. 59,

A bill for an act to protect laborers on farms and to provide a lien upon crops for labor performed in planting, sowing, harvesting or threshing the same,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Worst introduced—

Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer,

Which was read the first and second times and referred to the Committee on State Affairs.

Also,

Senate Bill No. 61,

A bill for an act fixing the time for commencement and ending of the fiscal year for the State of North Dakota,

Which was read the first and second times and referred to the Committee on State Affairs.

The Senate returned to the eighth order of business, and

Mr. Worst introduced—

The following Concurrent Resolution:

WHEREAS, There are pending in the Congress of the United States various bills designed to prohibit or restrict the landing of immigrants in the United States on the ground that such prohibition of immigration is necessary to protect the country from cholera; and

WHEREAS, Such prohibition or restriction would work incalculable harm to the State of North Dakota by keeping out of the State a class of persons who are necessary for its further development, progress and welfare; men who have made good and worthy citizens and proved an honor to their adopted country; therefore,

*Resolved by the Senate, the House of Representatives of the State of North Dakota concurring:* That this Legislative Assembly does earnestly protest against the passage by Congress of any bill tending to restrict the landing of desirable immigrants in the United States;

*Be it further resolved,* That such prohibition is unnecessary to protect the public health, as efficient quarantine regulations will effectually prevent the introduction of cholera or other diseases;

*Be it further resolved,* That a copy of this resolution, properly attested, be sent to each Senator and member from North Dakota in Congress, and that they be asked to use every honorable means to prevent the passage of any bill tending to interfere with the free coming to this country of desirable immigrants.

Mr. Sorley moved

That the resolution be made a special order of business for Monday at 3 o'clock,

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 2,

A bill for an act to repeal subdivision 11 of section 1 of chapter 100 of the Session Laws of 1891,

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

The roll being called there were ayes 20, nays 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Svensrud,
Cashel,	Little,	Worst,
Enger,	LaMoure,	White,
Gregory,	McGillivray,	Young.
Hillier,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Lamb,	Pinkham,
Day,	McCarten.	Sorley,
Fuller,	McCormack,	Stevens.

Mr. Haggart being absent and not voting.

Mr. Engle being excused.

The bill was declared lost, there not being a two-thirds vote necessary to carry the emergency clause.

Mr. Svensrud moved

A call of the Senate,

Which motion prevailed.

The roll being called, all members were found to be present except Messrs. Engle, excused, and Haggart.



Mr. Haggart returning.

Mr. Ink moved

That the call of the Senate be dispensed with,  
Which motion prevailed.

Mr. Ink moved

That the vote by which Senate Bill No. 2 was declared lost be reconsidered,

The motion prevailed, and  
Senate Bill No. 2 was placed on its final passage.

The roll being called there were ayes 21, nays 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Enger,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Day,  
Fuller,

Messrs—

Lamb,  
McCarten,  
McCormack,

Messrs—

Pinkham,  
Sorley,  
Stevens,

Mr. Engle being absent and excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 13, 1893. }

MR. PRESIDENT:

I have the honor to return herewith Senate Bill No. 14, as requested by the Senate.

J. G. HAMILTON,  
Chief Clerk.

#### SPECIAL ORDERS.

The hour having arrived for the consideration of special orders,  
Senate Bill No. 18,

A bill for an act indemnifying the owners of sheep and other stock in case of damage by dogs, and creating a fund to pay for the same by a tax on dogs,

Was read the third time.

Mr. Kinter moved

That Senate Bill No. 18 be recommitted to the Judiciary Committee,

Which motion prevailed.

Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of Stark and Mercer,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Bidlake,	Johnson,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens.
Day,	LaMoure,	Svensrud,
Enger,	McCarten,	Worst,
Gregory,	McCormack,	White,
Haggart,	McGillivray,	Young.
Hillier,	Miller,	

Mr. Fuller being absent and not voting.

Mr. Engle excused.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

The courtesies of the floor were extended to Honorables C. C. Schuyler, N. J. Mooney, E. E. Cole and Rev. O. J. Norby and Taylor Crum.

Mr. McGillivray moved

That the Senate take a recess of 15 minutes,

Which motion prevailed.

The Senate reassembled.

Senate Bill No. 13,

Concurrent Resolution to amend section 162 of Article 9 of the Constitution of the State of North Dakota,

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Bidlake,	Johnson,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	McCarten,	Svensrud,
Enger,	McCormack,	Worst,
Gregory,	Miller,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Ink,	McGillivray,
Haggart,	LaMoure,	White.

Mr. Engle being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 7,

A bill for an act to amend section 324 of the Code of Civil Procedure of 1887,

Was read the third time.

Mr. Svensrud moved

That Senate Bill No. 7

Be made a special order for Thursday, January 19, at 3 o'clock,  
Which motion prevailed.

Mr. Cashel moved

That Senate Bill No. 26

Be made a special order for Friday, January 20, at 3 o'clock,  
Which motion prevailed.

Senate Bill No. 27,

A bill for an act to amend section 1 of chapter 35 of the Laws of 1887, relating to corporations,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Gregory,  
Hillier,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McCormack,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Fuller,  
Haggart,

Messrs—

Ink,

Messrs—

LaMoure.

Mr. Engle being excused.

So the bill passed and the title was agreed to.

Miss Bell Mattison was sworn in as Clerk.

Mr. McCormack moved

That the Senate do now adjourn until Monday afternoon at 2 o'clock,

Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

FOURTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 16, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Arnold, Brynjolfson, Enger and Engle, who were excused.

The courtesies of the floor were extended to Honorables O. W. Francis, N. Davis, T. S. Underhill, E. H. Sikes, John McGennt, Thos. Bolton, F. S. Davies, W. H. Marsh, H. D. Reeve, F. N. Junod, J. O. Boughman.

The Journal of the previous day was read.

Mr. Cashel moved

That a committee of three be appointed by the President to correct the Journal,

Which motion prevailed.

The President appointed Messrs. Haggart, Cashel and Kinter as such committee.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, January 16, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith the following Concurrent Resolution:

*Resolved by the House of Representatives, the Senate concurring:* That a Joint Committee of five, consisting of three members from the House and two from the Senate, be appointed as a committee on prairie fires and fire brakes,

Which the House has adopted, and your concurrence therein is respectfully requested.

Also the following:

CONCURRENT RESOLUTION AND MEMORIAL

Of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that a part of the abandoned Fort Abraham Lincoln Military Reservation and the buildings and material thereon be donated to the State of North Dakota for the benefit and use of a State Reform School.

*Be it Resolved by the Legislative Assembly of the State of North Dakota:* That the Honorable the Congress of the United States be requested to grant to the State of North Dakota, for the use of the Reform School, a part of that public domain known as the abandoned Fort Abraham Lincoln Military Reservation, and more particularly described as follows:

All that part of the abandoned Fort Abraham Lincoln Military Reservation which lies north of the south line of sections eleven (11) and twelve (12), in township one hundred and thirty-eight (138), north of range eighty-one (81), west of the fifth principal meridian in North Dakota; and also all the buildings and material now situated on said Fort Abraham Lincoln Military Reservation, to be used by the State of North Dakota for the purpose of erecting a Reform School.

*Resolved,* That the Secretary of State is hereby requested to forward copies of this resolution to each of our Senators and Representative in Congress at as early a day as expedient.

Which the House has passed unchanged.

Also the following:

CONCURRENT RESOLUTION.

WHEREAS, The World's Columbian Exposition, for the celebration of the four hundredth anniversary of the discovery of America by Columbus, is to be held in the city of Chicago, Illinois, between the months of April and November in this year; and,

WHEREAS, The Congress of the United States and the legislatures of the several states have made liberal appropriations for the purpose of making a creditable exhibit of the resources of the country and showing its advancement and progress; and,

WHEREAS, A large number of the people of our country, and especially the working people, who are unable to attend on other days, will be deprived of all benefits to be derived from a personal visit to and inspection of the various exhibits, unless the said exposition be opened to the public on Sunday; now, therefore,

*Be it resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:* That the Legislative Assembly of the State of North Dakota is in favor of the opening of said exposition on Sunday, and recommends that our members in Congress so vote when the matter comes before them for action thereon.

Which the House has adopted, and your favorable consideration thereof is respectfully requested.

Also,

A bill for an act amending sections 6490 and 7429 and subdivision 2 of section 6772 of the Compiled Laws of 1887, relating to the Penal Code,

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

J. G. HAMILTON,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 8,

A bill for an act to amend section 2 of chapter 184, Session  
Laws of 1890,

Have had the same under consideration and recommend the  
following as a substitute for said bill:

## A BILL

For An Act to Amend Sections 1, 2, 3 and 7 of Chapter 184 of the Session  
Laws of 1890, Entitled "An Act Defining Usury and the Penalty for the  
Same." Passed at the Second Session of the Legislative Assembly of  
the State of North Dakota, Approved March 31, 1890.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That section 1 of chapter 184 of the Session Laws of 1890 be amended so as to read as follows: [Legal rate 7 per cent.] Interest for any legal indebtedness shall be at the rate of 7 per centum per annum, unless a different rate is contracted for in writing, and all contracts shall bear the same rate of interest after they become due as before, unless it clearly appears therefrom that such was not the intention of the parties; and no contract for a greater rate of interest than 10 per centum per annum shall be valid.

SEC. 2. That section 2 of chapter 184 of the Laws of 1890 be amended so as to read as follows: Sec. 2. [Highest rate 12 per cent.] No person, company or corporation shall directly or indirectly take or receive, or agree to take or receive, in money, goods or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods or things in action than 10 per centum per annum; and in the computation of interest upon any bond, note or other instrument or agreement, interest shall not be compounded, but any contract to pay interest not usurious upon interest overdue shall not be construed to be usury.

SEC. 3. That section 3 of chapter 184 of the Session Laws of 1890 be amended so as to read as follows: Sec. 3. [Greater rate than 10 per cent. declared usury—proviso.] All bonds, bills of exchange, promissory notes, mortgages, contracts and securities whatever, and all deposits or pledges of goods, wares, merchandise or property of any kind, or things in action, whereby or whereupon there shall be directly or indirectly taken, reserved or secured, or agreed to be taken, reserved or secured, any greater sum or value for the use, loan or forbearance of money or things in action than is provided in section 1 of this act, whether the sum or value so secured, reserved (received) or taken, or agreed to be taken, shall appear in or from such bond, bill, note, assurance, mortgage, contract, or otherwise, shall be deemed usurious, and are hereby declared to be void from the beginning. Provided, That the provisions of this section shall not apply to nor invalidate the collection of any negotiable bill of exchange or promissory note purchased of the original holder in good faith for a valuable consideration before the maturity of the same. Provided, further, That the payment of interest in advance for any time not exceeding ninety days at a rate not exceeding 10 per cent. per annum shall not be deemed to be usury within the meaning of this act.

SEC. 4. That section 7 of chapter 184 of the Session Laws of 1890 be amended so as to read as follows: Sec. 7. [Receipt or agreement to take usury void from beginning.] The receipt of or an agreement by any

broker, loan agent, or person to receive from any person a sum of money or other consideration as a fee or compensation for obtaining a loan or forbearance of money, or an extension of time on an existing loan or forbearance of money, where such sum of money or other consideration received, or agreed to be received, as a fee or compensation by such broker, loan agent or person, when added to the rate of interest expressed and reserved in the bond, bill of exchange, promissory note, mortgage or other security made or given to evidence or to secure such loan, exceeds in the aggregate the rate of 10 per centum per annum, interest shall be deemed and is hereby declared to be usury within the meaning of this act, and all and every bond, bill of exchange, promissory note, mortgage, or other contract or security, thus or in like manner tainted with usury or usurious purposes, shall be void from the beginning, and subject to the same provisions and liabilities and provisos, and the maker of such usurious bill of exchange, promissory note, mortgage, security or other contract shall have the same remedy in the law against the original owner or receiver of any such usurious bond, bill, note, mortgage or other contract or security, or against any broker, agent or person who procured or aided or assisted in procuring the execution and delivery of any such usurious bond, bill, note, mortgage or other contract or security as is provided for by the preceding sections of this act.

SEC. 5. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. Cashel moved

That the rules be suspended and that

Senate Bill No. 68

Be read the first and second times and referred to the Judiciary Committee,

Which motion prevailed, and

The bill was so referred.

A. SVENSRUD,  
Chairman.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. McCormack moved

That the rules be suspended and that the House Concurrent Resolutions be read the first and second times and be referred to their appropriate committees,

Which motion prevailed, and

Both resolutions were referred to the Committee on State Affairs.

Mr. Cashel moved

That the Senate return to the ninth order of business, and that all Senate Bills be read the first and second times and be referred to their appropriate committees,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Mr. Gregory introduced—

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of

the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform, and in the assessment and collection of the State tax in the unorganized counties of Buford, Montrailie, Flannery and Renville in the years 1890, 1891 and 1892,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 63,

A bill for an act appropriating money from the State Treasury, not otherwise appropriated, to reimburse the county of Ward for money paid by said county in the holding of coroners' inquests, in the expense of criminal trials, and in assessing and collecting the State tax, in the unorganized counties of Buford, Montrailie, Flannery and Renville in the years 1890, 1891 and 1892,

Which was read the first and second times and referred to the Committee on Appropriations.

Also,

Senate Bill No. 64,

A bill for an act providing for the appointing of notaries public and providing a penalty for violation of the provisions thereof,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Sorley introduced

Senate Bill No. 65,

A bill for an act to amend section 14 of article 10 of chapter 73 of the Laws of 1887, relative to the incorporation of cities,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works,

Which was read the first and second times and referred to the Committee on Cities and Municipal Corporations.

Mr. Burke introduced—

Senate Bill No. 67,

A bill for an act to amend section 5 of an act entitled "An act for printing and distributing ballots at public expense, and to regulate voting at all general elections except municipal, town or school elections," chapter 66 of the Session Laws of 1891,

Which was read the first and second times and referred to the Judiciary Committee.

The Committee on State Affairs introduced—

Senate Bill No. 68 as a substitute for Senate Bill No. 8,



A bill for an act to amend sections 1, 2, 3 and 7 of chapter 184 of the Session Laws of 1890, entitled "An act defining usury and the penalty for the same," passed at the Second Session of the Legislative Assembly of the State of North Dakota, and approved March 31, 1890,

Which was read the first and second times and referred to the Committee on Judiciary.

Mr. Lamb introduced—  
Senate Bill No. 69,

A bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from \$2,000 per year to \$100 from and after December 31, 1894,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Cashel introduced (by request)—  
Senate Bill No. 70,

A bill for an act to amend section 330 of the Penal Code of 1877, being section 6531 of the Compiled Laws of 1887, relating to abduction,

Which was read the first and second times and referred to the Judiciary Committee.

Also,  
Senate Bill No. 71,  
Memorial and Concurrent Resolution,

Which was read the first and second times and referred to the Committee on Federal Relations.

Mr. McCormack introduced—  
Senate Bill No. 72,

A bill for an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and amending its title,

Which was read the first and second times and referred to the Appropriations Committee.

Mr. Worst introduced—  
Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,

Which was read the first and second times and referred to the Committee on Public Lands.

#### SPECIAL ORDERS.

The time having arrived for the consideration of special orders,  
The Concurrent Resolution petitioning Congress not to restrict immigration,

---

Was read the second time.

Mr. Kinter moved

That the resolution be referred to its appropriate committee,  
Which motion prevailed, and

The resolution was referred to the Committee on Federal Relations.

The committee appointed to examine and correct the Journal would report that the Journal is correct with the exception of errors in the make-up, which will be corrected in the permanent edition.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

That the Senate do now adjourn until 12 o'clock noon to-morrow,  
Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## FOURTEENTH DAY.

ADJOURNED SESSION.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 17, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Kinter moved

That the Senate adjourn till 2 o'clock,

Which motion prevailed,

And the Senate adjourned.

FRED FALLEY,  
Secretary.

FIFTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 17, 1893.

Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal was read and approved.

Mr. Haggart moved

That the Senate do now proceed to vote for a United States  
Senator,

Which motion prevailed.

Mr. Little nominated J. H. Worst of Emmons county.

Mr. McGillivray seconded the nomination.

Mr. Burke nominated W. N. Roach of Grand Forks county.

Mr. McCormack seconded the nomination.

Mr. Johnson nominated R. T. Kingman.

Mr. Enger seconded the nomination.

Mr. Ink nominated Lyman R. Casey of Foster county.

Mr. Cashel and Mr. White seconded the nomination.

Mr. Sorley nominated W. J. Anderson of Grand Forks county.

Mr. Arnold seconded the nomination.

Mr. Young nominated J. W. Smith of Cass county.

Mr. Pinkham seconded the nomination.

Mr. Gregory nominated John Satterlund of McLain county.

Mr. Stevens nominated Walter Muir of Cass county.

Mr. McCarten seconded the nomination.

The roll being called there were 31 votes cast, of which number

Mr. Worst received 7, Mr. Roach 7, Mr. Kingman 3, Mr. Casey 5, Mr. Anderson 2, Mr. Smith 2, Mr. Satterlund 1, Mr. Muir 4.

Those voting for Mr. Worst were:

Messrs. Day, Fuller, Little, McGillivray, Miller, Palmer, Young—7.

Those voting for Mr. Roach were:

Messrs. Bidlake, Brynjolfson, Burke, Engle, Kinter, McCormack, Patch—7.

Those voting for Mr. Kingman were:

Messrs. Enger, Johnson, LaMoure—3.

Those voting for Mr. Casey were:

Messrs. Cashel, Haggart, Ink, Svensrud, White—5.

Those voting for Mr. Anderson were:

Messrs. Arnold, Sorley—2.

Those voting for Mr. Smith were:

Messrs. Pinkham, Worst—2.

Mr. Gregory voted for Mr. Satterlund.

Those voting for Mr. Muir were:

Messrs. Hillier, Lamb, McCarten, Stevens—4.

Mr. Little moved

That the Senate do now adjourn till 11:45 o'clock a. m. tomorrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

SIXTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 18, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, January 18, 1893. }

MR. PRESIDENT:

I have the honor to inform the Honorable Senate that the House is now ready to receive the Senate in Joint Session to ballot for a United States Senator.

Also to inform the Senators that ushers will meet them at the door of the House and escort Senators to seats with the Representatives of their district.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Haggart moved

That the Senate do now proceed to the House to meet in Joint Session, for the purpose of voting for a United States Senator,  
Which motion prevailed.

At 1:40 p. m. the Senate reassembled, and

Mr. Little moved

That the Journal of the fifteenth day be referred to a committee for correction,

Which motion prevailed, and

Mr. President appointed Messrs. Arnold, Lamb and Little as such committee.

The President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Haggart moved

That the Senate do now adjourn till 11.45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

SEVENTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

The courtesies of the floor were extended to Hon. Duncan McLaren, Col. Peake, Mr. Leslie, Mr. Copeland and Hon. George Lutz.

Mr. Kinter moved

That the Journal be corrected so as to show the result of the Joint convention yesterday,

Which motion prevailed.

A committee from the House informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Little moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1:45 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. McGillivray moved

That the Senate adjourn till 11:45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.



## EIGHTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 20, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

The Journal of the previous day was read and approved.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 57,

A bill for an act defining the duties of the Attorney General as  
to escheats,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved

The adoption of the report,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders  
may be committed to the penitentiary,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

The adoption of the report,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 64,

A bill for an act providing for the appointing of notaries public and providing a penalty for violation of the provisions thereof, Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Gregory moved  
The adoption of the report,  
Which motion prevailed.

Mr. Brynjolfson moved  
That Senate Bill No. 30 be recommitted to the Committee on State Affairs,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Miller introduced—  
Senate Bill No. 74,  
Concurrent Resolution providing for the repeal of article 20 of the State Constitution, and to provide for a special election.

Mr. Enger introduced—  
Senate Bill No. 75,  
A bill for an act defining usury and penalty for taking the same.

Mr. Fuller introduced—  
Senate Bill No. 76,  
A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown.

Also,  
Senate Bill No. 77,  
A bill for an act for an appropriation for new buildings for the Asylum for the Insane at Jamestown.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Cashel moved,  
That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1:45 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate

had received a majority of all votes cast for United States Senator.

Mr. Haggart moved

That the Senate adjourn till 11:45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

NINETEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 21, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

PETITIONS AND COMMUNICATIONS.

The following petition was read:

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State owning cattle and farming from the encroachment of cattle imported from Texas to this State, which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges, and in other ways interfere with the following of their said calling.

E. W. NORTON,  
and twenty-five others.

The courtesies of the floor were extended to Messrs. G. B. Winship, H. G. Bell, Mayor Deschenes of Grafton, John E. Paulson and Peter Stewart.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended, and that all Senate Bills now upon the table receive their first and second readings, and be referred to their appropriate committees,

Which motion prevailed.

Senate Bill No. 74,

Concurrent Resolution, providing for the repeal of article 20 of the State Constitution and to provide for a special election,

Was read the first and second times and referred to the Committee on Temperance.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Cashel moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Pinkham moved

That when the Senate adjourns, it do adjourn till Monday at 10 o'clock,

Which motion was lost.

The courtesies of the floor were extended to Major Murphy, A. M. McHench, A. Meacham, H. A. Armstrong, H. A. Hoag, B. L. Smith, C. O. Brink, Mr. Twitchell, C. L. Zimmerman, C. F. Meny and Mr. Galehouse.

Mr. McCormack moved

That the salary of the janitor of the committee rooms be fixed at \$4 per day,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
BISMARCK, January 21, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 13,

A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota.

Also,

House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof and to regulate the exercise of such powers,

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

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 75,

A bill for an act defining usury and penalty for taking the same,

Was read the first and second times and referred to the Judiciary Committee.

Senate Bill No. 76,

A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown,

Was read the first and second times and referred to the Committee on Appropriations.

Senate Bill No. 77,

A bill for an act for an appropriation for new buildings for the Asylum for the Insane at Jamestown,

Was read the first and second times and referred to the Committee on Appropriations.

The courtesies of the floor were extended to Messrs. J. A. Douglass, H. A. Johnson and C. B. Lord.

Mr. Miller introduced—

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Haggart introduced—

Senate Bill No. 79,

A bill for an act to amend section 6 of chapter 33 of the Laws of 1889, relative to the general incorporation act,

Which was read the first and second times and referred to the Judiciary Committee.

The courtesies of the floor were extended to the Hon. W. C. Leistikow and Peter Douster.

Mr. Little introduced—

Senate Bill No. 80,

A bill for an act to amend section 26 of chapter 39 of the Political Code, being section 1429 of the Compiled Laws, as to collection and taxation of a jury fee in civil cases,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Day introduced—

Senate Bill No. 81,

A bill for an act to encourage the live stock industry, to provide for the purchase or importation of thorough-bred stock for breeding purposes, to protect breeders and importers from unjust and exorbitant charges, and appointing a commission for the

purpose of carrying the provisions of this act into effect and appropriating funds for the furtherance thereof,

Which was read the first and second times and referred to the Committee on Agriculture.

Mr. Arnold introduced—

Senate Bill 82,

A bill for an act to amend chapter 25 of the Penal Code of North Dakota, entitled "Libel," being sections 6511 to 6520, inclusive, of the Compiled Laws of 1887,

Which was read the first and second times and referred to the Committee on State Affairs.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 37,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of the grasshopper pests in Walsh and Grand Forks counties in the summer of 1891,

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

The roll being called there were ayes 30, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake.	Hillier,	Palmer,
Brynjolfson,	Ink,	Patch.
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Little,	Stevens.
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White,
Gregory.	McGillivray,	Young.

Mr. Lamb being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 43,

A bill for an act to amend section 79 of article 6 of chapter 62 of the Session Laws of 1890, entitled "Education,"

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. Fuller and Lamb being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That Senate Bill No. 42 be made a special order for Saturday, January 28, at 3 o'clock,

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS, ETC.

House Bill No. 15,

A bill for an act amending sections 6490 and 7429 and subdivision 2 of section 6772 of the Compiled Laws of 1887, relating to the Penal Code,

Was read the first time.

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax,"

Was read the first time.

Mr. Little moved

That the Senate do concur in House resolution relating to Sunday opening of the World's Fair.

Mr. McCormack moved as a substitute

That the House Concurrent Resolution relating to Sunday opening of the World's Fair be made a special order for Thursday, January 26, at 3 o'clock,

Which substitute prevailed.

Mr. Miller moved

That Senate Bill No. 52 be recalled from the Judiciary Committee and referred to the Committee on Fire Brakes,

Which motion prevailed.

Mr. Miller moved

That the Senate do concur in the Concurrent Resolution from the House relating to fires and fire brakes, and that a joint committee be appointed,

Which motion prevailed.

Mr. President appointed as such Joint Committee Senators Miller and Hillier.

House Bill No. 13,



A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota,

Was read the first time.

House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof, and to regulate the exercise of such powers,

Was read the first time.

Mr. McGillivray moved

That the Senate adjourn till 11:45 a. m. Monday,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

TWENTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 23, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Hillier and Lamb, who were excused.

The Journal of the previous day was read and, after correction, approved.

Mr. LaMoure moved

That the rules be suspended and the courtesies of the floor be extended to H. E. Kinney, Watson E. Boise and Hon. Andrew Sandager,

Which motion prevailed.

UNFINISHED BUSINESS.

Mr. Svensrud moved

That Senate Bill No. 7 be made a special order for Monday, January 30.

Which motion prevailed.

Mr. Cashel moved

That Senate Bill No. 26 be made a special order for Saturday, January 28, at 3:30 o'clock P. M.,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate do now proceed to the House to meet in Joint Session, for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:35 P. M. the Senate reassembled, and Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, January 23, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate concurring:* That the Governor be requested to appoint a committee of three expert accountants, one of whom shall be the Public Examiner, R. E. Wallace, whose duty it shall be to investigate and report to this Legislative Assembly all facts relating to the investment of all moneys received from the sale or rental of school lands within this State. Said committee shall have full power to examine all public records and papers in the various State offices, and to compel the attendance of witnesses before said committee,

Which the House has adopted and your favorable consideration thereof is respectfully requested.

Also,

House Bill No. 59,

A bill for an act to amend section 1 of chapter 22 of the Political Code of 1877, as amended by section 1 of chapter 137 of the Laws of 1881, being section 1386 of the Compiled Laws.

Also,

House Bill No. 31,

A bill for an act to amend chapter 81 of the Laws of 1891,

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

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the rules be suspended for the purpose of concurring in the Concurrent Resolution from the House,

Which motion prevailed.

Mr. Little moved

That the Senate do now concur in the House Concurrent Resolution, requesting the Governor to appoint a committee to investigate facts relating to the investment of moneys received from the sale of school lands,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Gregory presented the following petition:

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

We, the undersigned, residents and citizens of the organized county of Williams and of the unorganized counties of Alred and Wallace, hereby petition your honorable body, that on account of the close proximity of the settled portions of said counties and of the inconvenience arising from residence in an unorganized county, to annex to the county of Williams all those unorganized counties lying north of the organized counties of Billings, Mercer and Stark, or to enact such legislation as will submit to the electors of the county of Williams the question of such annexation.

Signed by

JOSEPH DENOYER,  
And One Hundred Others.

Mr. McGillivray presented the following petition:

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

We, the undersigned residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State owning cattle and farming from the encroachment of cattle imported from Texas to this State, which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges and in otherwise interfere with the following of their said calling.

Signed by

F. E. McCLUN,  
And Five Hundred Others.

Mr. Miller presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned citizens and voters of Morton county, most respectfully pray that the prohibition question be resubmitted to the vote of the people.

(Signed)

DANNIE TRUMBULL,  
And Two Hundred Others.

Mr. Pinkham presented the following petition:

*To the Honorable the Senate and the House of Representatives of the State of North Dakota:*

The undersigned residents of the State of North Dakota, believing that three years is not a sufficient length of time in which to test the working of the prohibitory system of dealing with the liquor traffic, pray your honorable body to take no steps at this session looking towards a resubmission of the question to the people.

Signed by

W. A. BRADLEY,  
And Five Thousand Others.

REPORT OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 56,

A bill for an act to amend section 1 of chapter 88 of the Session

Laws of 1883, being section 7599 of the Compiled Laws, relating to reprieves, commutations and pardons,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The courtesies of the floor were extended to Messrs. H. S. Deisem, M. Lang, C. Barrett, W. McDonald, J. B. Vallandigham, C. F. Amidon, S. F. Mercer.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved  
That the rules be suspended and all Senate Bills now on the table be read the first and second times,  
Which motion prevailed.

Mr. Sorley introduced—  
Senate Bill No. 83,  
A bill for an act to amend section 5 of chapter 58 of the Laws of 1887, being section 2369 of the Compiled Laws, relating to the protection of birds,  
Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Kinter introduced—  
Senate Bill No. 84,  
A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment,

Which was read the first and second times and referred to the Judiciary Committee.

#### EXPLANATION OF SENATE BILL NO. 84.

With the limitations of section 85 of the Constitution, excluding us from lodging any judicial power in railroad commissioners, we will never have need of any commission in North Dakota, and as we must amend our legislation so as practically to strip them of all power, we will leave them nothing to do, and therefore should reduce their salaries to the lowest minimum.

We cannot abolish the office, because it is created by the Constitution, except by the slow process for amending the Constitution, but the Constitution, so far as they, the railroad commissioners, are concerned, does nothing but name the office. It does not designate any power they shall be required to exercise. The railroads should be controlled by fixed, stable laws, like every other interest in the State—laws that are just to both the railways and the public, and capable of enforcement; then be enforced through the Attorney General, the State's Attorneys and people who choose to make complaint for their being violated, in proceedings to be started in the district court, and heard and tried on evidence and law before a tribunal that knows what law is, and not before a tribunal that perhaps never saw a law book until it was sworn into office.

The people of the locality who use the railway, through the State's Attorney of the county, with the supervision and aid of the Attorney General, will discover a violation of the law by the railways as soon as it is committed, when the State's attorneys, if they are not sufficiently advised in the premises as to how to proceed, will confer with the Attorney General and receive the necessary advice, and when a few decisions are made to settle all these questions which may arise, the railways will comply on request, and no litigation will be needed, and both railways and the people will work in harmony, and the railways will know, as they did before we had a commission, that they are required to obey the laws of the State.

Bills to divest railroad commissioners of power are being prepared.

Section 84 of the Constitution gives the Legislature power to cut off and limit the duties of railroad commissioners, but it does not give the Legislature power to cut off salaries for this term, but the salaries of commissioners for the next term can be cut off by passing a law of this kind by this Legislature.

This is no reflection on the present or any preceding board of commissioners. We believe they have tried to serve the State.

These remarks are in the interest of better legislation than we now have, and to save about twelve thousand dollars a year of expense to the State in the future, and to bring about legislation that will meet the needs of the public and be capable of enforcement by the courts.

W. H. STANDISH,  
Attorney General, North Dakota.

Mr. McGillivray introduced—  
Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the County Treasurer of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Alred and Hettinger in the years 1891 and 1892,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Cashel introduced—  
Senate Bill No. 86,

A bill for an act to amend section 7 of article 5 of chapter 13 of the Laws of 1887, entitled "Fees of Registrar of Deeds,"

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Miller introduced—  
Senate Bill No. 87,

A bill for an act to suppress intemperance and the illegal selling of intoxicating liquors, and to provide for county local option in the sale and manufacture of spirituous, malt, fermented and vinous liquors, and the granting of permits therefor,

Which was read the first and second times and referred to the Committee on Temperance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 56,

A bill for an act to amend section 1 of the Session Laws of 1883, being section 7,599 of the Compiled Laws, relating to repleves, commutations and pardons.

Mr. Burke moved  
To amend as follows:

Strike out all after the word "by" in line 10 of the printed bill, and insert "at least two-thirds of the jurors who tried the case that reside in or can be found in the State."

Which motion prevailed.

Mr. Burke moved  
To amend Senate Bill No. 56 further, as follows:

*Provided*, In case the party seeking pardon has pleaded guilty, then it shall be sufficient if the petition is signed by the presiding judge and the state's attorney of the county in which the crime was laid, or their successors.

Mr. LaMoure moved

To amend the amendment by inserting the word "either" after the words "signed by" and before the words "the presiding judge," and to substitute the word "or" in lieu of the word "and" after the word "judge."

The question being upon the amendment to the amendment,

The roll being called there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	Palmer,
Brynjolfson,	Haggart,	Pinkham,
Burke,	LaMoure,	Svensrud,
Cashel,	McCormack,	White,
Day,	Miller,	Young.
Engle,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Patch,
Enger,	Little,	Sorley,
Gregory,	McCarten,	Stevens,
Ink,	McGillivray,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	Johnson,	Lamb,

So the amendment to the amendment was adopted.

The question being on the amendment offered by Mr. Burke as amended,

The amendment was adopted.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 26, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Haggart,	Palmer,
Brynjolfson,	Ink,	Patch,
Burke,	Kinter,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Stevens,
Enger,	McCarten,	Svensrud,
Engle,	McCormack,	Young.
Fuller,	McGillivray,	

Those who voted in the negative were:

Messrs—	Messrs—
Worst,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	Johnson,	Lamb.

So the bill passed and the title was agreed to.

Mr. Miller moved

That 100 extra copies of Senate Bill No. 87 be printed,  
Which motion prevailed.

The Senate returned to the eighth order of business.

Mr. McCormack introduced—

Senate Bill No. 88,

A bill for an act to provide protection from fire within the Capitol Building.

Mr. Ink moved

That the Senate do now adjourn till 11.45 a. m. to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.



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TWENTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 24, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier, excused.

The Journal of the previous day was read and approved.

Mr. LaMoure moved

That the rules be suspended and that the courtesies of the floor be extended to Messrs. H. J. Watt, N. C. Young, J. D. Trenholm and Don R. Davidson,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 39,

A bill for an act to amend section 3401 of chapter 3 of the Compiled Laws of 1887, relating to the succession of real and personal property,

Have had the same under consideration and recommend that the same be amended as follows:

That the title thereto be stricken out and the following inserted in lieu thereof: "An act to amend section 778 of the Civil Code, being section 3401 of the Compiled Laws, relating to the succession of real and personal property."

And that subdivision 2 thereof be stricken out and the following inserted in lieu thereof: "2. If the decedent leave no issue and the estate does not exceed in value the sum of five thousand dollars (\$5,000), all the estate goes to the surviving husband or wife, and all property in excess of five thousand dollars (\$5,000) in value, one-half thereof goes to the surviving husband or wife and the other half goes to the decedent's father, and if he be dead, then to decedent's mother. If the decedent have no issue, nor husband nor wife, the estate must go to the father, and if he be dead, then to the mother. If

the decedent leave a surviving husband or wife, and no issue, and no father nor mother, nor brother nor sister, the whole estate goes to the surviving husband or wife."

And that the bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report be adopted,

Which motion prevailed.

#### MOTIONS AND RESOLUTIONS.

Mr. Cashel offered the following

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House of Representatives concurring:* That a Joint Committee of seven be appointed, three from the Senate and four from the House, for the purpose of reviewing and proposing amendments, if thought necessary, to the Australian system of voting.

Mr. Cashel moved

That the resolution be adopted,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Kinter moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:35 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

The courtesies of the floor were extended to T. S. Hunet, H. A. Foss, W. A. Boise, Col. H. M. Creel, Rev. J. D. Deckard, A. McCulley, C. H. King, Charles E. Eyers, C. A. Heegaard, G. W. Finkle.

Mr. LaMoure moved  
That the Senate take a recess of fifteen minutes,  
Which motion prevailed.

The Senate reassembled.

Mr. Watson E. Boise and Miss Eastgate were sworn in as Senate clerks.

Mr. Cashel moved  
That Malcolm Sinclair and R. P. McAllan be placed upon the Engrossing and Enrolling force,  
Which motion prevailed.

Mr. Svensrud moved  
That Mr. McClintock be excused from duty till to-morrow morning,  
Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved  
That all bills on the table receive their first and second reading, and be referred to their appropriate committees,  
Which motion prevailed.

Senate Bill No. 88,  
A bill for an act to provide protection from fire within the Capitol building,  
Was read the first and second times and referred to the Committee on State Affairs.

Mr. Patch introduced—  
Senate Bill No. 89,  
A bill for an act to provide free and uniform text books throughout the several counties of the State,  
Which was read the first and second times and referred to the Committee on Education.

Mr. Worst introduced—  
Senate Bill No. 90,  
A bill for an act to amend section 249 of the Penal Code, and to repeal chapter 9 of the Laws of 1883, chapter 29 of the Laws of 1885, and section 6449 of the Compiled Laws of 1887, defining the punishment for murder,  
Which was read the first and second times and referred to the Judiciary Committee.

Mr. Kinter introduced—  
Senate Bill No. 91,  
A bill for an act to amend section 4 of chapter 70 of the Laws of 1891, being an act entitled "An act defining the boundaries of the Fifth Judicial District, subdividing the same, and fixing the time for holding the terms of district court therein,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Cashel introduced (by request)—

Senate Bill No. 92,

A bill for an act to amend section 162 of chapter 62 of the Laws of 1890,

Which was read the first and second times and referred to the Judiciary Committee.

Also (by request)—

Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns,

Which was read the first and second times and referred to the Judiciary Committee.

Also (by request)—

Senate Bill No. 94,

A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for the purposes relative thereto,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Sorley asked unanimous consent to return to the eleventh order of business for the purpose of introducing Senate Bills Nos. 95 and 96,

Which was granted.

Mr. Sorley introduced—

Senate Bill No. 95,

A bill for an act fixing the salaries of the judges of the district courts,

Which was read the first and second times and referred to the Committee on State Affairs.

Also,

Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax paid by fire insurance companies upon premiums received in any such city, town or village,

Which was read the first and second times and referred to the Committee on Judiciary.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

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

Mr. Little moved

That in the eighth line the word "shall" be struck out and the word "may" be inserted in lieu thereof,

Which motion prevailed.

Mr. McCormack moved

That in the third line the words "one year" be stricken out and "ninety days" inserted in lieu thereof.

The roll being called there were ayes 8, nays 16.

Those voting in the affirmative were:

Messrs—

Brynjolfson,  
Burke,  
Cashel,

Messrs—

Engle,  
McCormack,  
Sorley,

Messrs—

Stevens.  
White.

Those who voted in the negative were:

Messrs—

Arnold,  
Day,  
Enger,  
Gregory,  
Ink,  
Johnson,

Messrs—

Kinter,  
Little,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs—

Bidlake,  
Fuller,  
Haggart,

Messrs—

Hillier,  
Lamb,

Messrs—

LaMoure,  
McCarten.

Mr. Hillier being excused.

So the amendment was lost.

Mr. Ink moved

That in the third line the words "one year" be stricken out and the words "six months" be inserted in lieu thereof,

Which motion prevailed.

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

The roll being called there were ayes 23, nays 2.

Those voting in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Stevens.  
Svensrud,  
Worst,  
White,  
Young.

Mr. Pinkham voted in the negative.

Absent and not voting:

Messrs--

Bidlake,  
Fuller,

Messrs--

Haggart,  
Hillier,

Messrs--

LaMoure,  
McCarten.

Messrs. Pinkham and Sorley voting in the negative.

Mr. Hillier being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the Senate do now adjourn till to-morrow at 10 o'clock A. M.

Mr. Little moved

As an amendment that when the Senate adjourns it be until to-morrow at 11:45 o'clock A. M.,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

TWENTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 25, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier, who was excused.

The Journal of the previous day was read and approved.

PETITIONS AND COMMUNICATIONS.

*To the Hon. E. D. Wallace, President of North Dakota Senate:*

DEAR SIR—According to the instructions of the Congregational Association of North Dakota, representing the 1,630 communicants of that church in this State, I send you the following resolutions, passed at the annual meeting in Grand Forks, September 15, 1892. When the matter comes before the Senate, will you please hand them to the proper committee?

Very respectfully yours,

C. H. PHILLIPS,  
Secretary.

Cummings, N. D., January 24, 1893.

WHEREAS, Our prohibition law, even though not perfectly enforced, has been of immense benefit to the State; and,

WHEREAS, The question of re-submission is being raised in certain quarters; therefore,

*Resolved*, First, that such agitation hinders the execution of the law.

*Resolved*, Second, that our State needs not repeal, but better enforcement of this good law.

*Resolved*, Third, that this better enforcement can be secured by electing to office men who are in sympathy with this law and who will feel obliged by their official oaths to aid in its enforcement.

*Resolved*, Fourth, that if any changes are made in the law, they should strengthen its grip, enlarge its range, and make heavier its penalties.

*Resolved*, Fifth, that a copy of these resolutions be sent by the State Secretary to the President of the Senate and Speaker of the House, on the assembling of the Legislature.

The communication was referred to the Committee on Temperance.

## MOTIONS AND RESOLUTIONS.

Mr. McCormack offered the following resolution:

WHEREAS, This Senate has learned with deep regret of a death in Senator Hillier's family; therefore, be it

*Resolved*, That we extend our sympathy and condolence to Mr. Hillier.

Mr. McCormack moved

To adopt the resolution,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Cashel moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Malcom Sinclair and R. P. McAllan were sworn in as clerks.

Mr. Little moved

That the Senate do now adjourn till 11:45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.



## TWENTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 26, 1893.

The Senate met pursuant to adjournment.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier, who was excused.

The Journal of the previous day was read and approved.

## PETITIONS AND COMMUNICATIONS.

Mr. McGillivray presented the following petition:

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State, owning cattle and farming, from the encroachment of cattle imported from Texas to this State; which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges and in other ways interfere with the following of their said calling.

Signed by

FRANK MEYER,  
And Seventy-five Others.

Mr. President in the chair.

## REPORTS OF STANDING COMMITTEES.

The Committee on Federal Relations made the following report:

MR. PRESIDENT:

Your Committee on Federal Relations, to whom was referred Senate Bill No. 71, Memorial and Concurrent Resolution of the Senate, the House

THURSDAY, JANUARY 26, 1893.

---

of Representatives concurring, relating to the university and school lands granted by the United States to the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

M. L. McCORMACK,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

Mr. Johnson moved  
That all Senate Bills on the table be read the first and second times and referred to their appropriate committees,  
Which motion prevailed.

Mr. Johnson introduced—  
Senate Bill No. 97,  
A bill for an act to amend section 1 of chapter 62 of the Laws of 1891,

Which was read the first and second times and referred to the Committee on Education.

THIRD READING OF SENATE BILLS.

Senate Bill No. 39,

A bill for an act to amend section 3401 of chapter 3 of the Compiled Laws of 1887, relating to the succession of real and personal property,

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

Mr. Sorley moved

To amend by inserting after the word "probate," in the sixth line of the printed bill, the word "code," making it read "probate code,"

Which motion prevailed.

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

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—  
Haggart,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—  
Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst.

Messrs. White and Young voting in the negative.

Absent and not voting:

Messrs—

Fuller,  
Hillier,

Messrs—

Ink,  
Lamb,

Messrs—

McGillivray,  
Svensrud.

Mr. Hillier being excused.

So the bill passed and the title was agreed to.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Little moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

#### COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }  
January 26, 1893. }

*To the President of the Senate:*

I have the honor to transmit herewith a copy of communication from the Governor of California, and earnestly solicit the consideration of your honorable body for the same, as it refers to a subject I deem of general interest.

Respectfully,

E. C. D. SHORTRIDGE,  
Governor.

EXECUTIVE DEPARTMENT,  
Sacramento, Cal., January 12, 1893.

SIR—In accordance with the resolution of the legislature of the state of California, I hereby inform you that at the general election in this state, held on the 8th day of November, A. D. 1893, an act to ascertain an expression of the good will of the people of the state of California upon the subject of the election of United States senators was submitted to the qualified voters of the state of California, and that the vote thereon was 187,987 in favor of the election of United States senators by the direct vote of the people, and 13,342 against the election of such senators by the direct vote of the people.

In witness whereof I have hereunto set my hand and caused the great seal of the state to be affixed at Sacramento this 10th day of January, A. D. 1893.  
[Great Seal.]

H. H. MARKHAM,  
Governor.

Attest:

E. G. WAITE,  
Secretary of State.

EXECUTIVE OFFICE, }  
 January 26, 1893. }

*To the President of the Senate:*

I have the honor to transmit herewith for your consideration a copy of Joint Resolution from the Legislative Assembly of Vermont, forwarded to me with the request that the same be brought to the notice of your honorable body.

In connection with the above I desire to call your attention to the fact that being a border State we are placed in more than ordinary danger of infectious diseases being brought into our midst, especially should there occur during the ensuing year an epidemic which, from all medical and scientific reports, I am led to believe may occur; and in view of the fact that we have no funds available for emergencies of this kind, I would deem it a wise precaution to appropriate a sum you may deem sufficient for use in case it is needed.

Respectfully,

E. C. D. SHORTRIDGE,  
 Governor.

JOINT RESOLUTION RELATING TO THE IMMIGRATION OF  
 PAUPERS AND DEPENDENT PERSONS.

*Resolved, by the Senate and House of Representatives:* That the Senate and House of Representative of the State of Vermont, respectfully request the Congress of the United States and the legislative departments of the several states to enact laws establishing a uniform policy of immigration from foreign nations and of migration from state to state of persons who are dependent upon charity and are of idle or vicious habits.

*Resolved,* That the Secretary of State be requested to transmit copies of the foregoing resolution to the presiding officers of both Houses of the Congress of the United States, to each of the Senators and Representatives therein from this State, and to the Governors of the several states of the United States.

WILLIAM W. STICKNEY,  
 Speaker of the House of Representative.

[Great Seal of Vermont.]

F. STEWART STRANAHAN,  
 President of the Senate.

A true copy. Attest:

CHAUNCEY W. BROWNELL,  
 Secretary of State.

Mr. Little moved

That the communications be referred to appropriate committees,  
 Which motion prevailed.

The communication referring to immigration was referred to Committee on Judiciary, and one from governor of California to Federal Relations.

The Senate returned to the sixth order of business.

REPORTS OF STANDING COMMITTEES.

The Committee on Public Health made the following report:

MR. PRESIDENT:

Your Committee on Public Health, to whom was referred  
Senate Bill No. 6,

A bill for an act entitled "An act to regulate the practice of  
veterinary medicine, surgery and dentistry in the State, of North  
Dakota,"

Have had the same under consideration and recommend that  
the same do not pass.

S. B. BRYNJOLFSON,  
Chairman.

Mr. Brynjolfson moved  
That the report be adopted,  
Which motion prevailed.

The Senate returned to the seventh order of business.

Mr. Gregory moved  
That Senate Bills No. 26 and No. 42 be taken out of special  
orders for Saturday at 3:30 p. m. and put in regular order,  
Which motion prevailed.

Mr. Kinter moved  
That the Concurrent Resolution relating to the opening of the  
World's Fair on Sundays be made a special order for February 2,  
Which motion prevailed.

Mr. McGillivray moved  
That the Senate do now adjourn till 11:45 a. m. to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

## TWENTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 27, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

Petitions heretofore received relating to resubmission were referred to the Committee on Temperance.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Miller presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned citizens and voters of Morton county, most respectfully pray that the prohibition question be resubmitted to the vote of the people.

D. R. TAYLOR  
And One Hundred Others.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 26,

A bill for an act to amend sections 3, 4, 5 and 6 of chapter 81, Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein,

Was read the third time.

Mr. Cashel moved

That in the sixth line of section 2 of the printed bill the word "third" be stricken out and the word "first" substituted therefor; also in the same section the word "December" be substituted for the word "January,"

Which motion prevailed.

Mr. LaMoure moved that

Senate Bill No. 26,  
Lay over till to-morrow,  
Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

The Senate returned to the ninth order of business.

Mr. Sorley introduced—

Senate Bill No. 98,

A bill for an act to amend chapter 5 of the Civil Code, relating to unlawful transfer of real estate, by repealing section 681, relating to unlawful transfers.

Mr. Gregory introduced—

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof.

Mr. Svensrud introduced—

Senate Bill No. 100,

A bill for an act to amend section 1 of chapter 50 of the Laws of 1890, entitled "An act to fix the compensation of the judges of the county courts and to provide a fund to reimburse the county for the same."

Mr. Burke introduced (by request)—

Senate Bill No. 101,

A bill for an act to regulate the manner in which individual and private corporations shall be authorized to contract, maintain and operate public warehouses and elevators on railway rights of way in the State of North Dakota.

Mr. Burke introduced—

Senate Bill No. 102,

A bill for an act to promote the improvement and growth of the Volunteer Firemen's Association of the State of North Dakota, to increase its usefulness and efficiency, and making an appropriation therefor.

Mr. Little moved

That the Senate do now adjourn until 11:45 a. m. to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

## TWENTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 28, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

## UNFINISHED BUSINESS.

Senate Bill No. 42.

A bill for an act defining the boundaries of the Second Judicial District, subdividing the same and fixing the terms of court to be held therein,

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

Mr. Gregory moved

To amend Senate Bill No. 42 so that in the third line of section 4 of the printed bill the word "St. John" be stricken out and the word "Rolla" be inserted therein,

Which motion prevailed.

The question being on the final passage of the bill as amended,

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,  
Hillier,

Messrs—

Ink,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.



Absent and not voting:

Messrs—  
Engle,

Messrs—  
Fuller,

Messrs—  
Lamb.

So the bill passed and the title was agreed to.

PETITIONS AND COMMUNICATIONS.

Mr. McGillivray presented the following petition:

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State, owning cattle and farming, from the encroachment of cattle imported from Texas to this State; which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges and in other ways interfere with the following of their said calling.

Signed by

F. ROBY

And Three Hundred Others.

MOTIONS AND RESOLUTIONS.

Mr. Haggart presented the following resolution:

*Resolved*, That we have heard with deep sorrow that death has again, for the fourth time since this body met, claimed from the American nation the tribute of one of its greatest men and summoned into the great hereafter one beloved of the people. The stroke penetrates the heart of the people and the nation mourns. The greatest statesman of the age—a man pre-eminent for his true and pure Americanism, the typical fruitage of our free institutions is gone—his voice is silent.

James G. Blaine stood pre-eminent in the annals of American history; a man true to his country, his principles and his party—serving his party only as he served his country and with a devotion which no disappointment, no opposition, no criticism could dim or diminish. Believing as he did that the political principles upon which the government should be conducted could only be worked out by party fealty, and through party organization; he was ever found true to those principles and to the party founded upon them, and although called upon to bear the keenest disappointments and sorrows which ever fell to the lot of any American, he met them with true heroism and courageously remained ever true to his party and to his friends. Fearlessly he took and held the leadership, not only of his party, but of the American people, whose love and admiration he held, and in whose hearts his memory will find an abiding place alongside that greatest of Americans, the martyred president, Abraham Lincoln. Recognizing the true greatness and loyalty of the great American commoner, and deeming it meet that the State of North Dakota should pay tribute to his greatness,

*Resolved, further*, That this Joint Assembly do dissolve immediately after the first ballot for United States Senator, and that both Houses of the Legislature do immediately adjourn until Monday next, and that the flag upon the Capitol be caused to float at half-mast until after the funeral of Mr. Blaine.

Mr. Haggart moved

That the resolution be adopted,

Which motion prevailed.

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FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 98,

A bill for an act to amend chapter 5 of the Civil Code, relating to unlawful transfer of real estate, by repealing section 681, relating to unlawful transfers,

Was read the second time and referred to the Judiciary Committee.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Little moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:40 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. McGillivray moved

That the Senate do now adjourn until Monday at 11:45 a. m.,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

The President announced his signature to  
Senate Bill No. 5,

Joint Resolution and Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that a part of the abandoned Fort A. Lincoln Military Reservation be donated to the State of North Dakota for the use of the State Reform School,

## MOTIONS AND RESOLUTIONS.

Mr. Cashel presented the following resolution:

WHEREAS, We have just learned, with deep regret, of the second visitation of death in the family of our associate, Senator Hillier; therefore be it

*Resolved*, That this Senate do extend its deepest sympathy to Senator Hillier and family in this, their double affliction.

Mr. Cashel moved

The adoption of the resolution by a rising vote,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Hillier introduced—

Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West

Superior, Wisconsin, for public storage and the shipment of wheat and the regulation thereof, and to appropriate money for that purpose.

Also,

Senate Bill No. 104,

A bill for an act to invest attorneys and courts of North Dakota with discretionary power to require security for costs in all criminal prosecutions that they may deem unmeritorious before they shall be instituted.

Mr. McCarten introduced—

Senate Bill No. 105,

A bill for an act to amend chapter 87 of the Session Laws of 1891, entitled "An act to provide for the maintenance of the military department, as provided in the Military Code of the State of North Dakota, so as to reduce the standing appropriation of \$11,000 per annum for said purpose to \$2,000 per annum.

Mr. Gregory introduced—

Senate Bill No. 106,

A bill for an act to amend sections 288 and 289 of the Penal Code, being sections 6488 and 6489 of the Compiled Laws, providing the punishment for robbery in the first and second degrees.

Mr. Svensrud introduced—

Senate Bill No. 107,

A bill for an act to amend chapter 62 of the Laws of 1891, entitled "An act to amend section 33 of chapter 62 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the school law.

#### FIRST AND SECOND READING OF SENATE BILLS.

Mr. McCormack moved

That all Senate bills on the table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof.

Was read the first and second times and referred to the Joint Committee on Library.

Senate Bill No. 100,

A bill for an act to amend section 1 of chapter 50 of the Laws of 1890, entitled "An act to fix the compensation of the judges of the county courts and to provide a fund to reimburse the county for the same,"

Was read the first and second times and referred to the Judiciary Committee.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1:45 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. McGillivray moved

That the Senate do now adjourn till 11:45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

TWENTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 31, 1893.

The Senate met pursuant to adjournment.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier.

The Journal of the previous day was read and approved.

Mr. McCormack moved

That Messrs. George B. Clifford and George Auld be granted the courtesies of the floor,  
Which motion prevailed.

Mr. Haggart moved

That Rev. B. F. Nash and Dr. I. N. Wier be granted the courtesies of the floor,  
Which motion prevailed.

Mr. Worst introduced the following resolution:

*Resolved*, That the Secretary of State be requested to furnish each Senate member with a copy of the Legislative Manual for 1893.

Mr. Johnson moved

To adopt the resolution,  
Which motion prevailed.

Mr. Worst moved

That the janitor of the Senate Chamber receive a salary of \$4 per day.

Mr. Little raised the point of order that his salary is fixed by law,

Which point was decided well taken.

## UNFINISHED BUSINESS.

Senate Bill No. 101,

A bill for an act to regulate the manner in which individual and private corporations shall be authorized to contract, maintain and operate public warehouses and elevators on railway rights of way in the State of North Dakota,

Was read the first and second times and referred to the Committee on Warehouses, Grain and Grain Grading.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 44,

A bill for an act forbidding the use of telegraph or telephone lines for certain purposes, and providing a penalty therefor,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 80,

A bill for an act to amend section 26 of chapter 39 of the Political Code, being section 1427 of the Compiled Laws, as to collection and taxation of a jury fee in civil cases,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved

The adoption of the report,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax paid by fire insurance companies upon premiums received in any such city, town or village,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
The adoption of the report,  
Which motion prevailed.

INTRODUCTION OF BILLS.

Mr. McGillivray introduced—  
Senate Bill No. 108,  
A bill for an act to regulate the sale and redemption of transportation tickets of common carriers.

FIRST READING OF SENATE BILLS.

Senate Bill No. 102,  
A bill for an act to promote the improvement and growth of the Volunteer Firemen's Association of the State of North Dakota, to increase its usefulness and efficiency, and making an appropriation therefor,

Was read the first and second times and referred to the Committee on Appropriations.

Senate Bill No. 103,  
A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat, and the regulation thereof, and to appropriate money for that purpose,

Was read the first and second times and referred to the Committee on Agriculture.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved  
That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and  
Mr. President pro tem. announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Haggart moved  
That the Senate do now adjourn till 11:45 o'clock to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.



## THIRTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 1, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier.

The Journal of the previous day was read and approved.

## UNFINISHED BUSINESS.

Mr. Svensrud moved that

Senate Bill No. 7 be made a special order for Thursday, February 9, at 3:30 p. m.

## PETITIONS AND COMMUNICATIONS.

Mr. Ink presented the following petition:

*To the Honorable Members of the Senate and the House of Representatives of the Third Legislative Assembly of the State of North Dakota:*

We, the undersigned, residents of the State of North Dakota, pray your honorable body not to take any steps at this session to reopen the question of resubmission of our constitutional prohibition law against the liquor traffic, nor to weaken or repeal the penalty clause in our statutory prohibition law, as we sincerely believe that the law has not as yet had a fair trial, the time of three years being too limited, while in some localities the authorities have failed to do their duty and enforce it.

Signed by

VIVIAN MORGAN,  
And Twenty Others.

The petition was referred to the Committee on Temperance.

## FIRST READING OF SENATE BILLS.

Mr. Gregory moved

That the bills on the Secretary's table be given their first and second readings and referred to their appropriate committees.

Senate Bill No. 104,

A bill for an act to invest State's attorneys and courts of North Dakota with discretionary powers to require security for costs in all criminal prosecutions that they may deem unmeritorious before they shall be instituted,

Was read the first and second times and referred to the Judiciary Committee.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Cashel moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Haggart moved

That the Senate do now adjourn till 11.45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## THIRTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 2, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier.

The Journal of the previous day was read and approved.

Mr. Cashel moved

That the rules be suspended and that the Senate proceed to the thirteenth order of business,

Which motion prevailed.

Mr. Cashel moved

That Senate Bill No. 26 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 26,

A bill for an act to amend sections 2, 3, 4, 5 and 6 of chapter 81, Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein,

Was read the third time.

Mr. Cashel moved

To amend the bill as follows:

SECTION 2, sixth line and following, of printed bill, so as to read "Commencing on the first Tuesday in December and the first Tuesday in June in each year."

Sec. 4, commencing with the last word in the fifth line and following, of printed bill, to read as follows: "Third Monday in March and the third Monday of November in each year."

Sec. 5, fifth line of printed bill, change last word from "first" to "third," and in sixth line of printed bill change "March" to "May."

Sec. 6, following the word "Nelson," in fifth line of printed bill, be amended to read as follows: "On the fourth Monday in May and the second Monday in November in each year."

Which motion prevailed.

Mr. Little moved

To amend section 5 in the fifth line of printed bill by striking out the word "village" and inserting the word "city,"

Which motion prevailed.

The question being upon the final passage of the bill as amended, The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Haggart,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Fuller,  
Hillier,

Messrs—

Ink,  
Johnson,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

Mr. McGillivray presented the following petition:

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants, respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State, owning cattle and farming, from the encroachment of cattle imported from Texas to this State; which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges and in other ways interfere with the following of their said calling.

Signed by

H. A. DAVIS,  
And Ten Others.

Also,

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Alred, Mercer and Morton, being farmers, ranchmen and merchants, respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State, owning cattle and farming, from the encroachment of cattle imported from Texas to this State; which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges, and in other ways interfere with the following of their said calling.

Signed by

E. GARTSIDE,  
And Thirty Others.

The petitions were referred to the Committee on Stock.

Mr. Lamb presented the following petition:

*To the Honorable the Senate and the House of Representatives of the State of North Dakota:*

The undersigned residents of the State of North Dakota, believing that

three years is not a sufficient length of time in which to test the working of the prohibitory system of dealing with the liquor traffic, pray your honorable body to take no steps at this session looking towards a resubmission of the question to the people.

A. J. GROOMA,

And One Hundred and Twenty-Eight Others.

Which petition was referred to the Committee on Temperance.

#### INTRODUCTION OF BILLS.

Mr. McCormack introduced—

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890.

Mr. Cashel moved to suspend the rules, and that the bills on the Secretary's table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Senate Bill No. 105,

A bill for an act to amend chapter 87 of the Session Laws of 1891, entitled "An act to provide for the maintenance of the military department, as provided in the Military Code of the State of North Dakota, so as to reduce the standing appropriation of \$11,000 per annum for said purpose to \$2,000 per annum,"

Was read the first and second times and referred to the Committee on Military Affairs.

Senate Bill No. 106,

A bill for an act to amend sections 288 and 289 of the Penal Code, being sections 6488 and 6489 of the Compiled Laws, providing for the punishment for robbery in the first and second degrees,

Was read the first and second times and referred to the Judiciary Committee.

Senate Bill No. 107,

A bill for an act to amend chapter 62 of the Session Laws of 1891, entitled "An act to amend section 33 of chapter 62 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Laws,"

Was read the first and second times and referred to the Committee on Education.

Senate Bill No. 108,

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers,

Was read the first and second times and referred to the Committee on Railroads.

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890,

Was read the first and second times and referred to the Committee on Education.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Little moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

The Senate returned to the 8th order of business, and

Mr. McGillivray moved

That Senate Bill No. 105 be withdrawn from the Committee on Appropriations and be referred to the Committee on Military Affairs,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 80,

A bill for an act to amend section 20 of chapter 39 of the Political Code, being section 1427 of the Compiled Laws, as to collection and taxation of a jury fee in civil cases,

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

The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McCormack,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens.  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Engle,  
Haggart,

Messrs—

Hillier,  
Ink,

Messrs—

LaMoure.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That Senate Bill No. 30 be made a special order for Friday, February 10, at 3 o'clock,

Which motion prevailed.

## Senate Bill No. 44,

A bill for an act forbidding the use of telegraph or telephone lines for certain purposes, and providing a penalty therefor,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Patch,
Brynjolfson,	Lamb,	Pinkham,
Burke,	Little,	Sorley,
Cashel,	McCarten,	Stevens,
Day,	McCormack,	Svensrud,
Enger,	McGillivray,	Worst,
Gregory,	Miller,	White,
Johnson,	Palmer,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Ink,
Engle,	Hillier,	LaMoure.
Fuller,		

So the bill passed and the title was agreed to.

## Senate Bill No. 57,

A bill for an act defining the duties of the Attorney General as to escheats,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	McCarten,	Svensrud,
Enger,	McCormack,	Worst,
Engle,	McGillivray,	White,
Gregory,	Miller,	Young.
Haggart,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	LaMoure.
Fuller,	Ink,	

So the bill passed and the title was agreed to.

## Senate Bill No. 64,

A bill for an act providing for the appointment of notaries public and providing a penalty for violation of the provisions thereof,

Was read the third time.

Mr. Gregory moved

To amend said bill by striking out the word "to" in line 18, of

section 4, of printed bill, and inserting the word "by" in lieu thereof,

Which motion prevailed.

Mr. Little moved

To amend by striking out in section 9, line 6, of printed bill, all after the word "all," to the end of the section,

Which motion prevailed.

The question being on the final passage of the bill as amended.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McCormack,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Fuller,  
Haggart,

Messrs—

Hillier,  
Ink,

Messrs—

LaMoure.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the Senate adjourn till 11:45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.



## THIRTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 3, 1893.

The Senate met pursuant to adjournment.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier.

The Journal of the previous day was read and approved.

## INTRODUCTION AND FIRST AND SECOND READING OF SENATE BILLS.

Mr. Svensrud moved

That all bills on the Secretary's table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Sorley introduced—

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 111,

A bill for an act to amend section 1374 of the Compiled Laws, relating to the bonds of State officers,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Burke introduced—

Senate Bill No. 112,

A bill for an act to amend section 2012 of the Civil Code, being section 4645 of the Compiled Laws of 1887,

Which was read the first and second times and referred to the Judiciary Committee.

THIRD READING OF SENATE BILLS.

Senate Bill No. 71,

Memorial and Concurrent Resolution of the Senate, the House of Representatives concurring, relating to the university and school lands granted by the United States to the State of North Dakota,

Was read the third time.

Mr. Cashel moved to amend as follows:

In the 16th line of page 2 of printed bill strike out the word "all;" also in same line strike out the word "educational purposes" and insert in lieu thereof the words "to the State of North Dakota."

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Miller moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

The Lieutenant Governor presiding.

Mr. LaMoure moved

That the Senate return to the ninth order of business,

Which motion prevailed.

Mr. LaMoure introduced—

Senate Bill No. 113,

A bill for an act to reimburse the county of Pembina for expenses incurred in the small pox quarantine of August, 1892,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Little moved

That the Senate do now adjourn to 11:45 o'clock to-morrow.

Roll call demanded.

The roll being called there were ayes 17, nays 11.

Those voting in the affirmative were:

Messrs—

Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,  
Johnson,

Messrs--

Little,  
LaMoure,  
McGillivray,  
Miller,  
Palmer,  
Pinkham,

Messrs—

Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,

Messrs -

Engle,  
Fuller,  
Kinter,  
McCarten,

Messrs--

McCormack,  
Patch,  
Stevens.

Absent and not voting:

Messrs--

Hillier,

Messrs--

Lamb,

Messrs--

Ink.

So the motion to adjourn prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

THIRTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Hillier.

The Journal of the previous day was read and approved.

UNFINISHED BUSINESS.

Senate Bill No. 71,

Memorial and Concurrent Resolution of the Senate, the House of Representatives concurring, relating to the university and school lands granted by the United States to the State of North Dakota.

Mr. Cashel moved

That Senate Bill No. 71 be recommitted to the Judiciary Committee for amendment,

Which motion prevailed.

Mr. Miller presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned, citizens and voters of the Thirtieth Legislative District, most respectfully pray that the "Prohibition" question be resubmitted to a vote of the people.

Signed by

WILLIAM MERNITZ,  
And Fifty Others.

Mr. Arnold presented the following petition:

*To the Honorable the Senate and the House of Representatives of the State of North Dakota:*

The undersigned residents of the State of North Dakota, Larimore and vicinity, believing that three years is not a sufficient length of time in which to test the working of the prohibitory system of dealing with the liquor traffic, pray your honorable body to take no steps at this session looking towards a resubmission of the question to the people.

Signed by

NELSON A. FULLER,  
And Sixty-nine Others.

Also,

*To the Honorable the Senate and the House of Representatives of the State of North Dakota:*

The undersigned residents of the State of North Dakota, believing that three years is not a sufficient length of time in which to test the working of the prohibitory system of dealing with the liquor traffic, pray your honorable body to take no steps at this session looking towards a resubmission of the question to the people.

Signed by

W. U. MALLARY,  
And Twenty-five Others.

The petitions were referred to the Committee on Temperance.

#### INTRODUCTION OF BILLS.

Mr. Kinter moved

That the rules be suspended, and that all Senate bills on the Secretary's table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Kinter introduced—

Senate Bill No. 114,

A Bill for an act regulating the procedure to compel husbands and wives to support their needy companions and minor children,

Which was read the first and second times and referred to the Judiciary Committee.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Palmer,
Bidlake,	Kinter,	Patch,
Brynjolfson,	Lamb,	Pinkham,
Burke,	Little,	Sorley,
Cashel,	LaMoure,	Stevens,
Day,	McCarten,	Svensrud,
Enger,	McCormack,	Worst,
Engle,	McGillivray,	White,
Fuller,	Miller,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	Ink,	Johnson.

So the bill passed and the title was agreed to.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Cashel moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, February 4, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

WHEREAS, Experience has demonstrated that the interests of the people would be best served by the election of United States Senator by the vote of the people of the various States, therefore, be it

*Resolved, By the House of Representatives of the State of North Dakota, the Senate concurring:* That our Representatives in Congress are hereby requested to use all honorable means to secure the submission of an amendment to the Constitution of the United States providing for the election of United States Senators by the direct vote of the people,

Which the House has adopted and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure moved

To suspend the rules and to consider the message from the House.

Which motion prevailed.

Mr. LaMoure moved

That the Senate do concur in the resolution,  
Which motion prevailed, and

The Senate concurred in the resolution.

Mr. McCormack moved

That the Hon. Burke Corbett be accorded the courtesies of the floor.

Which motion prevailed.

Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax

paid by fire insurance companies upon premiums received in any such city, town or village,

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

Mr. McCormack moved

That Senate Bill No. 96 be made a special order for Monday at 2:30 o'clock,

Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Gregory moved

That the rules be suspended, and all House bills be read the first and second times and be referred to their appropriate committees,

Which motion prevailed.

House Bill No. 15,

A bill for an act amending sections 6490 and 7429 and subdivision 2 of section 6772 of the Compiled Laws of 1887, relating to the Penal Code,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 13,

A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax,"

Was read the first and second times and referred to the Committee on Cities and Municipal Corporations.

House Bill No. 31,

A bill for an act to amend chapter 81 of the Laws of 1891,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof and to regulate the exercise of such powers,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 59,

A bill for an act to amend section 1 of chapter 22 of the Political Code of 1877, as amended by section 1 of chapter 137 of the Laws of 1881, being section 1386 of the Compiled Laws,

---

Was read the first and second times and referred to the Judiciary Committee.

Mr. White moved

That the Senate do now adjourn till 11:45 o'clock Monday,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.



## THIRTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Fuller, Haggart, Hillier and Pinkham.

The Journal of the previous day was read and approved.

## MOTIONS AND RESOLUTIONS.

Mr. McCormack moved

That Senate Bill No. 96 be taken out of the special orders, and be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax paid by fire insurance companies upon premiums received in any such city, town or village,"

Was read the third time.

Mr. Sorley moved

That in the title the word "general" be stricken out and the word "session" be inserted in lieu thereof,

Which motion prevailed.

Also,

That in the first line of section 1 the word "session" be inserted before the words "Laws of 1887,"

Which motion prevailed.

Also,

That a new section, to be designated section 2, be added to the bill, reading as follows:

“Whereas, there is no sufficient law covering this subject, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval,”

Which motion prevailed.

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Ink,	Palmer,
Brynjolfson,	Kinter,	Patch,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	LaMoure,	Svensrud,
Enger,	McCormack,	Worst,
Engle,	McGillivray,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Johnson,	Pinkham,
Haggart,	McCarten,	Young.
Hillier,		

So the bill passed and the title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Day introduced—

Senate Bill No. 115,

A bill for an act to provide for the payment of the salaries of county officers monthly.

Mr. Little moved

That the rules be suspended and all Senate Bills on the table be read the first and second times,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate Bill No. 115,

A bill for an act to provide for the payment of salaries of county officers monthly,

Was read the first and second times and referred to the Judiciary Committee.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Sorley moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Little moved

That the Senate do now adjourn till 11:45 o'clock a. m. tomorrow.

Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

THIRTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 7, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

Mr. Haggart moved

That the courtesies of the floor be extended to L. Starnheim,  
John Quam and F. Bowman,  
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

• That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 111,

A bill for an act to amend section 1374 of the Compiled Laws, as to bonds of officers,

Have had the same under consideration and recommend that the same be amended as follows:

That the title to said bill be amended so as to read as follows, viz.: "A bill for an act to amend section 101 of chapter 6 of the Laws of 1879, as amended by section 38 of sub-chapter 1 of chapter 112 of the Laws of 1883, and by section 1 of chapter 161 of the Laws of 1887, being section 1374 of the Compiled Laws, relating to the amounts of the bonds of various officers."

And that section 1 be amended by striking out all of the same, contained in the following words, viz.: "That section 1374 of the Compiled Laws be amended so as to read as follows," and that the following be inserted in lieu thereof, viz.: "That section 1 of chapter 6 of the Laws of 1879, as amended by section 38 of sub-chapter 1 of chapter 112 of the Laws of 1883, and by section 1 of chapter 161 of the Laws of 1887, being section 1374 of the Compiled Laws, relating to the amounts of the bonds of various officers, be amended so as to read as follows."

And that the said bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred

Senate Bill No. 97,

A bill for an act to amend section 1 of chapter 62 of the Laws of 1891,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Cashel moved

That the report be adopted,

Which motion prevailed.

Mr. Sorley moved

That Senate Bill No. 95 be recalled from the Committee on State Affairs and be referred to the Judiciary Committee.

Mr. Little moved

That the rules be suspended and Senate bills which have been reported by committees without amendment be placed upon their third reading and final passage,

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

• Was read the third time.

Mr. Gregory moved

That further consideration of Senate Bill No. 62 be postponed until Thursday, February 9, when it shall be taken up under the head of unfinished business,

Which motion prevailed.

Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892,

Was read the first time.

Mr. Gregory moved

That further consideration of Senate Bill No. 85 be postponed until Thursday, February 9, when it be taken up under the head of unfinished business,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:30 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Cashel moved

That the Senate do now adjourn till 11.45 a. m. to-morrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Young.

UNFINISHED BUSINESS.

Senate Bill No. 97,

A bill for an act to amend section 1 of chapter 62 of the Laws of 1891,

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

Mr. Sorley moved

To amend the title of the bill by adding after the figures 1891 the words "Relating to the salary of the Superintendent of Schools,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended,

The roll being called there were ayes 28, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White.

Absent and not voting:

Messrs—

Ink,

Messrs—

Lamb,

Messrs—

Young

So the bill passed and the title was agreed to.



## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
BISMARCK, February 8, 1893. )

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 72,

A bill for an act to amend subdivision 5 of section 24 of chapter 120 of the Laws of 1891, regulating appeals from the district court to the Supreme Court,

Also,  
House Bill No. 76,

A bill for an act allowing persons convicted of crime to testify in civil or criminal actions,

Also,  
House Bill No. 86,

A bill for an act to amend section 201 of the Code of Civil Procedure, in relation to attachment,

Also,  
The following Concurrent Resolution:

The Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets,

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

J. G. HAMILTON,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 41,

A bill for an act fixing the fees to be charged for filing, renewing and releasing chattel mortgages,

Have had the same under consideration and recommend that the same be amended as follows:

SECTION 1. Registers of deeds shall receive a fee of twenty-five cents, and no more, for filing and releasing a chattel mortgage, such fee to be paid at the time of the filing of the same; and registers of deeds shall receive a fee of ten cents, and no more, for renewing a chattel mortgage.

And that said bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 91,

A bill for an act to amend section 4 of chapter 79 of the Laws of 1891, being an act entitled "An act defining the boundaries of the Fifth Judicial District, subdividing the same, and fixing the time for holding the terms of the district court therein,

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "second" in the last line thereof and inserting in lieu thereof the word "first,"

And that when so amended the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

Mr. Little moved  
That the rules be suspended and Senate bills which have been reported by committees without amendment be placed upon their third reading and final passage,  
Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890,

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

The roll being called there were ayes 27, nays 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Bidlake,	Haggart,	Miller,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Pinkham.
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White.

Mr. Palmer voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	Ink,	Young.

So the bill passed and the title was agreed to.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Svensrud moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:40 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Little moved

That the rules be suspended and all House bills on the table be given their first and second readings and referred to their appropriate committees,

Which motion prevailed.

House Bill No. 72,

A bill for an act to amend subdivision 5 of section 24 of chapter 120 of the Laws of 1891, regulating appeals from the district court to the supreme court,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 76,

A bill for an act allowing persons convicted of crime to testify in civil or criminal actions,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 86,

A bill for an act to amend section 201 of the Code of Civil Procedure, in relation to attachment,

Was read the first and second times and referred to the Judiciary Committee.

Mr. Haggart moved

To return to the thirteenth order of business, for the purpose of considering Senate Bill No. 41.

Which motion prevailed.

Mr. Little moved that Senate Bill No. 41 be recommitted to the Judiciary Committee,

Which motion prevailed.

Mr. Gregory moved

That a committee of two be appointed to read and correct the Journal,

Which motion prevailed.

The President appointed as such committee Messrs. Gregory and Arnold.

Mr. Worst moved

That the Senate do now adjourn till 11.45 a. m. tomorrow.

Mr. Kinter moved

That when the Senate adjourns it be to meet at 10 o'clock a. m. tomorrow,

Which motion was lost.

The question being on the motion to adjourn as made by Mr. Worst,

The motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## THIRTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

## UNFINISHED BUSINESS.

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

Was read the third time.

Mr. Sorley moved

That Senate Bill No. 62 be laid over until to-morrow,

Which motion prevailed.

Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892,

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

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Kinter,	Palmer,
Burke,	Lamb,	Patch,
Cashel,	Little,	Pinkham,
Day,	LaMoure,	Sorley,
Fuller,	McCarten,	Stevens,
Gregory,	McCormack,	Svensrud,
Haggart,	McGillivray,	Worst,
Ink,	Miller,	Young.
Johnson,		

Messrs. Enger and Hillier voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	White.
Bidlake,		

So the bill passed and the title was agreed to.

PETITIONS AND COMMUNICATIONS.

Mr. Miller presented the following petition:

We, the undersigned, citizens and voters of the Thirtieth Legislative District, most respectfully pray that the "Prohibition" question be resubmitted to a vote of the people.

Signed by

GEORGE SULLIVAN;  
And One Hundred Others.

The petition was referred to the Committee on Temperance.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 12:40 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Arnold presented the following petition:

We, the undersigned, residents of the State of North Dakota, pray your honorable body not to take any steps at this session to reopen the question of resubmission of our constitutional prohibition law against the liquor traffic, nor to weaken or repeal the penalty clause in our statutory prohibition law, as we sincerely believe that the law has not as yet had a fair trial, the time of three years being too limited, while in some localities the authorities have failed to do their duty and enforce it.

Signed by

A. J. CROSBY,  
And Two Hundred Others.

The petition was referred to the Committee on Temperance.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 51,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

Have had the same under consideration and recommend that the same be amended as follows:

Add to section 2 the words "such notice and copy of the summons may be served in the manner provided by law for the service of a summons in ordinary cases."

Amend section 3, lines 6 and 7 of printed bill, by striking out the words "or the court commissioner."

Amend section 7 by striking out subdivision 3 of section 7.

Amend section 16, line 1, by striking out the words "court commissioner."

Amend section 17, line 1, by striking out the words "court commissioner."

Amend section 31, line 10, by striking out the words "\$25" and insert "\$50."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns,

Have had the same under consideration and recommend that the same be amended as follows:

Amend by striking out the words "and places" in line 26 of printed bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report be adopted

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate bill No. 94,

A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act pre-

scribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

Have had the same under consideration and recommend that the same be amended as follows:

Amend section 2, line 4, of printed bill, and strike out first word, "as."  
Amend section 1, line 23; at end of line insert the word "act."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 95,

A bill for an act fixing the salaries of the judges of the district courts,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 69,

A bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from \$2,000 per year to \$100 per year from and after December 31, 1894,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Lamb moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 83,

A bill for an act to amend section 5 of chapter 58 of the Laws of 1887, being section 2369 of the Compiled Laws, relating to the protection of birds,



Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 61,

A bill for an act fixing the time for commencement and ending of the fiscal year for the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 88,

A bill for an act to provide protection from fire within the Capitol Building,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat, and the regulation thereof, and to appropriate money for that purpose,

Have had the same under consideration and recommend that the same be amended as follows:

By inserting in the title of the bill between the words "Minnesota" and "or" the words "Superior, Wisconsin."

By inserting in line 4, section 1, of printed bill, between the words "Minnesota" and "or" the words "Superior, Wisconsin."

By inserting in line 5, section 2, between the words "Duluth" and "or" the words "Minnesota, Superior, Wisconsin."

By inserting after the word "Duluth" at the end of line 3, section 5, the words "Minnesota, Superior."

By inserting after the word "Superior" in line 4, section 5, the word "Wisconsin."

By inserting after the word "bids" in line 4, section 5, the words "reserving the right to reject and readvertise."

By inserting after the word "bidder" in line 5, section 6, the words "providing the board shall deem this for the best interest of the State."

By striking out of line 7, section 12, the words "as hereinafter provided."

By striking out all of section 13 and renumbering following sections.

By striking out of line 11, section 19, the word "invested" and inserting in lieu thereof the word "made."

By striking out of line 13, section 19, the words "West Superior or Duluth" and inserting the words "Duluth, Minnesota, Superior or West Superior, Wisconsin."

And when so amended recommend that the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Pinkham moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 52,

A bill for an act to amend section 8 of chapter 93 of Session Laws of 1891, entitled "An act for the prevention of prairie fires, and to provide against damage done by them; also prescribing duties of county commissioners in relation thereto," and approved March 9, 1891,

Have had the same under consideration and recommend that the same do pass.

ANTON SVENSRUD,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish,

in suitable location, public scales and regulating the appointment and duties of public weighmaster,

Have had the same under consideration and recommend that the same do pass.

ANTON SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 49,

A bill for an act prescribing the compensation of the lieutenant-governor while acting as governor,

Have had the same under consideration and recommend that the same do pass.

ANTON SVENSRUD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs to whom was referred  
Senate Bill No. 82,

A bill for an act to amend chapter 25 of the Penal Code of North Dakota, entitled "Libel," being sections 6511 to 6520, inclusive, of the Compiled Laws of 1887,

Have had the same under consideration and return the bill without recommendation.

A. SVENSRUD,  
Chairman.

Mr. McCormack moved

That the report of the committee and Senate Bill No. 82 be referred to a Committee of the Whole at some future time,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved

That the rules be suspended, and all Senate Bills on the table be given their first and second readings,

Which motion prevailed.

Mr. Kinter introduced—

Senate Bill No. 116,

A bill for an act to provide for the better enforcement of the laws pertaining to cruelty to animals,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Miller introduced—

Senate Bill No. 117,

A bill for an act regulating the purchase of blank books, blanks and stationery by county and other public officers,

Which was read the first and second times and referred to the Committee on Public Printing.

Senate returned to the eighth order of business.

Mr. Worst moved

That the vote by which Senate Bill No. 97 was passed be reconsidered,

Which motion prevailed.

Mr. Worst moved the following amendment to Senate Bill No. 97:

*Provided*, That in computing the salary of the county superintendent, no school shall be included unless the same shall have been taught at least three months during the preceding year.

Which motion prevailed.

Mr. Worst moved

To amend further by inserting in line 13 of the printed bill after the word "provided" the word "further."

Which motion prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Bidlake,	Johnson,	Patch,
Brynjolfson,	Kinter,	Pinkham,

Messrs—

Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs --

Lamb,  
Little,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs--

Sorley,  
Stevens;  
Svensrud,  
Worst;  
White,  
Young.

Mr. Ink voting in the negative.

Messrs. Haggart and LaMoure being absent and not voting.

So the bill passed and the title was agreed to.

### THIRD READING OF SENATE BILLS.

Senate Bill No. 91,

A bill for an act to amend section 4 of chapter 70 of the Laws of 1891, being an act entitled "An act defining the boundaries of the Fifth Judicial District, subdividing the same, and fixing the time for holding the terms of district court therein,"

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

The roll being called there were ayes 27, nays none.

Those voting in the affirmative were:

Messrs--

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs--

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McCormack,  
McGillivray,

Messrs--

Miller,  
Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs--

Fuller,  
Pinkham,

Messrs --

Haggart,

Messrs --

LaMoure.

So the bill passed and the title was agreed to.

Senate Bill No. 111,

A bill for an act to amend section 1374 of the Compiled Laws, relating to the bonds of State officers,

Was read the third time.

Mr. Gregory moved

That in line 7 of the printed bill the letter "s" be added to the word "clerks"; in line 8 of the printed bill the letter "s" be added to the word "register", and in lines 9 and 10 the words "whether" and "or of any township therein", be stricken out.

Which motion prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Palmer,
Brynolfson,	Johnson.	Patch,
Burke,	Kinter,	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White,
Gregory,	McGillivray,	Young.

Mr. Haggart being absent and not voting.

So the bill passed and the title was agreed to.

The Senate returned to the fifth order of business.

Mr. LaMoure presented the following communication:

*To the Honorable Committee on Appropriations of the Senate, Third Legislative Assembly:*

GENTLEMEN: In accordance with a request from your committee for a statement showing the probable resources of the State revenue for the next two years, and the amount required to meet all State expenses outside that usually appropriated by the Legislature for the same period, I have the honor to submit the following:

RESOURCES.

Balance in general fund January 1, 1893.....	\$ 104,080 49
Estimated revenue from State taxes.....	510,000 00
Estimated collection State office fees.....	25,000 00
Estimated collection gross earnings tax.....	90,000 00
Estimated collection insurance companies' tax.....	28,000 00
<b>Total.....</b>	<b>\$ 757,080 49</b>

EXPENDITURES.\*

Third Legislative Assembly.....	\$ 53,000 00
State officers' salaries.....	57,000 00
State officers' clerk hire and office expenses.....	64,000 00
Supreme Court.....	31,000 00
District Courts.....	36,000 00
Maintenance of Capitol.....	14,000 00
Arrest and return of fugitives from justice.....	1,500 00
Transportation of convicts to penitentiary.....	5,000 00
Transportation of patients, hospital.....	10,000 00
Insurance public buildings.....	2,500 00
State Library.....	3,500 00
State Militia.....	22,000 00
World's Columbian Exposition (appropriation, estimated).....	12,500 00
Bounties.....	6,000 00
Teachers' institutes.....	3,500 00
Mileage and expenses State Boards (other than institutions)....	4,000 00
Public printing.....	25,000 00
Public printing, Compiled Laws, 2,000 copies.....	7,000 00
Selecting State lands, U. S. filing fees.....	6,000 00
Other expenses.....	5,000 00
<b>Total.....</b>	<b>\$ 368,500 00</b>

The only change liable to be made in the foregoing list of expenditures is in that of the State Militia, which, in my opinion, is unnecessarily large for the present state of our finances. The expenses of the University and School Lands board are not provided for by statute; nor for the expenses of the appraisal, sale or leasing of school and State lands; nor of the selection of State lands. Your attention is called to this fact, and unless provisions are made for these expenses, work in that line cannot be continued. Appropriation bills have been, or will be, introduced within the next few days concerning this matter.

Very truly yours,  
ARTHUR W. PORTER,  
State Auditor.

Mr. Miller moved  
That the Senate do now adjourn till 11.45 a. m. to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

## THIRTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 10, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The courtesies of the floor were extended to Major McLaughlin of Standing Rock.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Little and Gregory.

## UNFINISHED BUSINESS.

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

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

The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,

Messrs—

Hillier,  
Ink,  
Kinter,  
Lamb,  
Little,  
LaMoure,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,



Messrs—	Messrs—	Messrs—
Engle,	McCarten,	Svensrud,
Fuller,	McCormack,	Worst.
Gregory,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Johnson,	Young.
Haggart,	White,	

So the bill passed and the title was agreed to.

Mr. McGillivray presented the following petition:

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

We, the undersigned, residents of Stark, Billings, Hettinger, Dunn, McKenzie, Allred, Mercer and Morton, being farmers, ranchmen and merchants, respectively, hereby petition your honorable body for the enactment, at this session, of such a law or laws as will protect the citizens of this State, owning cattle and farming, from the encroachment of cattle imported from Texas to this State; which said Texas cattle spread and communicate disease among the native cattle of our own ranchmen, run them from off their ranges and in other ways interfere with the following of their said calling.

Signed by

JOSEPH FISHER,

And Three Others.

Mr. Worst moved

That further consideration of  
Senate Bill No. 107,

A bill for an act to amend chapter 62 of the Session Laws of 1891, entitled "An act to amend section 33 of chapter 62 of an act passed at the First Legislative Assembly of the State of North Dakota, known as the School Laws,"

Be indefinitely postponed,  
Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890,

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "fifteen" in line 12, section 1, of printed bill and inserting in lieu thereof the word "twelve."

Also by inserting the enacting clause in full, namely: "Be it enacted by the Legislative Assembly of the State of North Dakota."

Also by adding after section 1: "Sec. 2. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed."

Renumber section 2 to read "section 3."

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Cities and Municipalities made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipalities, to whom was referred

Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "election," in section 1: "Provided, that nothing in this act shall prevent the city council of any city from selling or disposing of any machinery, material or other property belonging to any such system that may have become inadequate or insufficient for the purpose for which the same was intended to be used."

And when so amended recommend that the same do pass.

E. YOUNG,  
Chairman pro tem.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred

Senate Bill No. 81,

A bill for an act to encourage the live stock industry, to provide for the purchase or importation of thoroughbred stock for breeding purposes, to protect breeders and importers from unjust and exorbitant charges, and appointing a commission for the purpose of carrying the provisions of this act into effect, and appropriating funds for the furtherance thereof,

Have had the same under consideration and recommend that the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1:05 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

The courtesies of the floor were extended to A. J. Grower.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended and all Senate bills on the table be given their first and second reading and reference,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, February 10, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 23,

A bill for an act to amend sections 2, 3, 4, 5 and 6 of chapter 81 of the Session Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein.

Also,

House Bill No. 92,

A bill for an act to regulate the terms of district court to be held in the several counties constituting the Fourth Judicial District.

Also,

House Bill No. 101,

A bill for an act entitled "An act fixing the manner of transferring interest in real estate by corporations."

Also,

House Bill No. 115,

A bill for an act to amend section 56 of the Code of Civil Procedure, being section 4852 of the Compiled Laws of 1887, providing for the limitation of time in which to commence certain civil actions.

Also,

House Bill No. 123,

A bill for an act to legalize and confirm town site proceedings

and to limit the time within which the validity thereof may be questioned,

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

J. G. HAMILTON,  
Chief Clerk.

The Committee on Firebreaks introduced—  
Senate Bill No. 118,

A bill for an act to amend sections 3 and 8 of chapter 93 of the Session Laws of 1891, entitled "An act for the prevention of prairie fires and to provide against damage done by them, also prescribing duties of county commissioners in relation thereto," approved March 9, 1891,

Which was read the first and second times and referred to the Committee on Firebreaks.

Mr. Kinter introduced—  
Senate Bill No. 119,

A bill for an act appropriating money to insure a proper exhibit of North Dakota's resources at the Columbian Exposition, to be held at Chicago in 1893,

Which was read the first and second times and referred to the Committee on State Affairs.

Also,  
Senate Bill No. 120,

A bill for an act providing clerk hire for the various State officers and making appropriations therefor,

Which was read the first and second times and referred to the Committee on Appropriations.

Also,  
Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds and for the appraisement and sale,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Engle introduced—  
Senate Bill No. 122,

A bill for an act to provide for the funding of the outstanding indebtedness of the State soldiers' home at Lisbon,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. McCormack introduced—  
Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of Grand Forks and to provide for its support and management and creating the office of State Geologist,

Which was read the first and second times and referred to the Committee on Mines and Mining.

Mr. Brynjolfson introduced—  
Senate Bill No. 124,

A bill for an act to provide for the changing and relocating of county seats,

Which was read the first and second times and referred to the Committee on State Affairs.

The Senate returned to the eighth order of business.

Mr. Worst moved

That Senate Bill No. 60 be recommitted to the Committee on State Affairs for correction,

Which motion prevailed.

Mr. Kinter presented the following resolution:

#### CONCURRENT RESOLUTION.

WHEREAS, The Board of Equalization did, for the years 1890, 1891 and 1892, assess the Northern Pacific Railroad on its roadway, roadbed, rails and rolling stock in the aggregate \$2,500 per mile on its main line, and \$3,500 per mile on its branches: and,

WHEREAS, Chapter 135 of the Session Laws of 1890 directs that railroads shall be assessed at their actual value; therefore,

*Resolved*, That it is the opinion of the Senate, the House concurring, that the Equalization Board of 1893 and 1894 should raise the valuation of said railroad to an aggregate of not less than \$5,000 per mile on its main line and branches.

Mr. Patch moved

To adopt the Concurrent Resolution,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, February 10, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 37,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of grasshopper pests in Walsh and Grand Forks counties in the summer of 1891,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Mr. President announced his signature to a Concurrent Resolu-

tion to Congress praying for the submission of an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.

THIRD READING OF SENATE BILLS.

Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns,

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

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	LaMoure,	Svensrud,
Enger,	McCarten,	Worst,
Engle,	McCormack,	White.

Mr. Young voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Ink,	McGillivray,
Haggart,	Johnson,	Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 61,

A bill for an act fixing the time for commencement and ending of the fiscal year for the State of North Dakota,

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

The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Haggart,	Patch,
Brynjolfson,	Hillier,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	Young.
Fuller,	McCormack,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McGillivray,	White.
Johnson,	Palmer.	

So the bill passed and the title was agreed to.

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

MR. PRESIDENT:

Your committee appointed to read and correct the Journal of the thirty-seventh day would report that we find the Journal correct, and would recommend its approval.

C. E. GREGORY,  
Chairman.

There being no objections, the Journal of the thirty-seventh day was approved.

Mr. Miller moved

That the Senate do now adjourn till 11:45 o'clock a. m. tomorrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## FORTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read and approved.

The President announced his signature to  
Senate Bill No. 37,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of the grass-hopper pests in Walsh and Grand Forks counties in the summer of 1891.

Mr. Young moved

That the Sergeant-at-Arms be excused,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

## COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:



EXECUTIVE OFFICE, }  
February 11, 1893. }

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have this day approved  
Senate Bill No. 37,

An act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of grasshopper pests in Walsh and Grand Forks counties in the summer of 1891.

Very respectfully,

E. C. D. SHORTRIDGE,  
Governor.

PETITIONS AND COMMUNICATIONS.

Mr. Pinkham presented the following petition:

*To the Honorable the Senate and the House of Representatives of the State of North Dakota:*

The undersigned residents of the State of North Dakota, believing that three years is not a sufficient length of time in which to test the working of the prohibitory system of dealing with the liquor traffic, pray your honorable body to take no steps at this session looking towards a resubmission of the question to the people.

Signed by

O. SCOTT,  
And Seven Hundred and Fifty Others.

The petition was referred to the Committee on Temperance.

The committee appointed by the Governor to investigate the facts relating to the investment of all moneys received from the State or rental of school lands within the State made the following report:

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

GENTLEMEN: The committee appointed by his Excellency Governor Shortridge, in accordance with concurrent resolution of your honorable body, "to investigate the facts relating to the investment of all moneys received from the sale or rental of school lands within the State," beg leave to submit the following report, viz.: This committee finds that the total amount of money received from the sale of school lands is \$371,389.75. That the funds were first available for investment on or about July 1, 1891. That on the 10th day of June the minutes of the Board of University and School Lands show the following entry:

"That the State Treasurer be, and is hereby, requested to purchase for the use of the permanent school fund bonds of school corporations, in amount not exceeding \$78,000, within this State, that will net not less than 4 per cent. per annum, and to report his purchases from time to time to this Board; and the Auditor is hereby directed to draw his warrant in payment of such purchases. This resolution subject to repeal with thirty days' notice to the State Treasurer."

That the minutes of August 18, 1891, show the approval of the purchases of school bonds of the face value of \$66,850 from F. R. Fulton & Co., on a

basis of 4 per cent. net, with guaranty of legality of issue. Minutes of same meeting show the following motion: "That we instruct the State Treasurer to invest the balance of the permanent school fund in school district bonds on the same condition and terms as heretofore, with the same guaranty as to the legality of issue." Also, on May 31, 1892, we find the following:

"*Be it Resolved by the Board of University and School Lands,* That the State Treasurer be and he is hereby directed to invest the funds of this board, available for investment, in State bonds or in bonds of school corporations of this State, and to make purchases as soon as possible, to the end that the funds be drawing interest, and that he make such investments so that the net rate of interest shall be not less than 4 per cent. per annum, payable semi-annually, and that he report his purchases from time to time to this board for approval, and that the auditor is hereby directed to issue his warrants or orders in payment of such purchases on the proper funds on the presentation of vouchers properly approved by said Treasurer." At the same meeting it was resolved "that all communications filed with this board in reference to the sale of School District bonds be referred to the State Treasurer." Acting under these several resolutions this committee finds that the State Treasurer has purchased bonds of the school districts of this State of face value to the amount of \$328,784.10, of which bonds so purchased there has been redeemed bonds in the sum of \$3,800, leaving a net face value of \$325,984.10, upon which there has been paid a premium of \$71,854.55.

We find that every purchase of bonds made by the State Treasurer has been ratified by the Board of University and School Lands. This committee has carefully examined all the bonds in the hands of the State Treasurer belonging to the permanent school fund, has computed the premiums thereon, and found the correct amount had in all cases been paid. Of the \$71,854.55 paid as premiums there has been \$55,729.36 paid out of the interest and income fund, and the balance, \$16,125.19, has been paid out of the permanent school fund. This committee has also carefully examined the coupons and find but a very small percentage overdue and these are in process of collection.

After a careful examination of the correspondence on file, this committee is of the opinion that the Board of University and School Lands has purchased all bonds offered with the exception of the Normal School bonds, amounting to \$40,000, a question having arisen as to the legality of their issue, although there is an opinion on file from the Assistant Attorney General asserting their legality. Charges have been made to this committee that certain school districts, desiring to dispose of their bonds to the Board of University and School Lands, were referred by said board to Messrs. F. R. Fulton & Co., instead of purchasing bonds direct. This committee has been unable to find any reference of this nature, but on the contrary, this committee finds that all correspondence of this nature was referred to the State Treasurer, as agent of the Board of University and School Lands, and said districts were by him furnished with information as to the proper mode of procedure. The attention of this committee has been called to an editorial appearing in the North Dakota Independent, under date of January 18th, 1893, headed "School Fund Despoilers." Presuming that this committee had been created on account of said editorial, it has carefully investigated the various charges made therein. The first charge in said editorial has been construed that the Board of University and School Lands, after collecting the interest upon the bonds purchased from F. R. Fulton & Co., said board pays over to said F. R. Fulton & Co. all interest collected on said bonds over and above 4 per cent. per annum. This is not so, as the State retains the entire amount of interest so received, the bonds having been purchased by said Board of University and School Lands so as to net the State 4 per cent. per annum on the entire amount invested; that is to say, the date and issued soon after. Bonds dated after June 12, 1891, were by them bought direct from districts at premiums ranging up to 15 per cent. In reference to that part of the editorial in regard to Col. J. B. Power, selecting

agent for the Board of University and School Lands, after consultation with Colonel Power and an investigation of the records of his office, this committee is of the opinion that the amount paid Colonel Power is not excessive. This committee also finds that Mr. Gregg did not receive double pay, as implied in said editorial; that the records show that while at work for the Board of University and School Lands he did not receive compensation as a clerk in the auditor's office. This committee finds that while Fred W. Cathro was acting in the capacity of Deputy State Superintendent of Public Instruction at a salary of \$1,500 per annum, did receive, by resolution of the Board, \$600 for two years' services as clerk of the Board of University and School Lands. Mr. Cathro came before this committee and claimed that he was entitled to this extra compensation on account of the great amount of work devolving upon him in connection with school land matters. Mr. Cathro claimed that he was frequently compelled to continue his work outside of office hours. In response to a request, ex-Governor Burke appeared before this committee and his attention was called to the charge in said editorial as to \$700 received for his services. Mr. Burke claimed that he had paid out of his own pocket about \$1,200 for clerk hire and stenographer over and above the amount allowed by law for the executive office; that his position as President of the Board of face value of the bonds with the premiums paid added thereto. The entire amount of bonds purchased from said Fulton & Co. is \$204,700, premiums thereon paid to said Fulton & Co. is \$51,336.46. In regard to charges in said editorial that the principal part of these bonds were bought under a contract with F. R. Fulton & Co., this committee finds that the only contract entered into with said Fulton & Co. was of date June, 1891, and in which they contracted to furnish the Board of University and School Lands bonds of the face value of \$60,000 to net the State 4 per cent. interest. And no exclusive contract with F. R. Fulton & Co. or any other firm or person exists.

Another charge in said editorial is that the Board of University and School Lands did not go upon the open market to purchase bonds; on the contrary, we find that said board has purchased from school districts within the State and other holders of school bonds exclusive of said Fulton & Co. bonds to the amount of \$124,084 10, upon which a premium of \$20,518.09 has been paid, several of the districts selling bonds to said board at 4 per cent. flat, that is, no premium being paid thereon. A member of this committee visited the city of Grand Forks and made an examination of the records of F. R. Fulton & Co., wherein it appears that of the entire amount of bonds purchased from said Fulton & Co., \$116,900 were obtained by them from eastern holders at heavy premiums based on eastern rates of interest. This applies to all bonds dated prior to June 12, 1891, and several large issues contracted prior to that University and School Lands necessitated much correspondence, and that he had figured that the proper proportion of the work done for the Board of University and School Lands by the clerical force in the executive office would amount to \$350 per annum; that he had so stated to said Board of University and School Lands, and said board by resolution duly authorized the payment of "necessary clerk hire."

In regard to the other matters of clerk hire mentioned in said editorial, we find the amounts therein to be substantially correct. While this committee recognizes the fact that a very large amount of clerical work has been done for the Board of University and School Lands, it is not prepared to state whether the work could not have been performed with a lesser clerical force.

In regard to the charge in said editorial that there has been improperly used a portion of the interest and income fund to defray the expense of selecting lands, advertising, etc., we believe this to be a fact, but that no appropriation having been made to cover these expenses no other fund seemed available. The authority of the auditor, however, to issue warrants on this fund is contained in section 11 of chapter 65 of the Laws of 1891. The Legislature should, in the opinion of this committee, make an appropriation suffi-

cient to reimburse this fund and an amount sufficient to meet like expenses in the future. This committee finds that a large proportion of the amount of premiums paid has been drawn from the interest and income fund.

It is the opinion of this committee that under section 154 of the Constitution of the State of North Dakota the premiums upon the bonds purchased should not have been paid from the interest and income fund, and that the amounts so paid should be charged as part of the investment to the permanent school fund and credited to the interest and income fund, and, as the interest falls due and is paid, a proportionate amount, sufficient to liquidate the premiums paid, should be credited to the permanent school fund, so that when the bonds become due the amounts so credited will equal the premiums paid at dates of purchase.

In reference to the advisability of the investments made by the Board of University and School Lands, this committee had before it prominent financiers from different portions of the State; the general impression was that owing to the limit placed upon the Board of University and School Lands by the law as to the investment of school funds, and the fact that four-fifths of the proceeds of the sales of lands are secured by contracts of sale, it is not deemed advisable to invest the remaining one-fifth in land securities, and from the fact that these bonds were largely held by eastern investors, and unless so purchased the money must have remained idle in the hands of the State Treasurer, and the further fact that the bonds of the State have been sold at a premium that nets the investor  $3\frac{1}{2}$  per cent. per annum, the Board of University and School Lands were justified in the investments they made.

In regard to the charges of collusion between the members of the Board of University and School Lands or their agent, the State Treasurer, and Messrs. Fulton & Co., this committee is, after a thorough investigation, entirely satisfied that said charges are without foundation. This committee has a communication from F. R. Fulton & Co., in which they state: "The State has our contract guaranteeing the legality of every bond bought through this office, and we stand ready not only to make that guaranty good, but are ready to repurchase the entire amount."

This committee has endeavored in an impartial manner to thoroughly investigate charges of every nature brought to its attention and the findings herein set forth are respectfully submitted to your honorable body.

W. E. PARSONS,  
ANDREW BLEWETT,  
R. E. WALLACE.

Dated at Bismarck, N. D., this 10th day of February, A. D. 1893.

Mr. Kinter moved

That the report be made a special order under the head of unfinished business Friday, February 17,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer,

Have had the same under consideration and recommend that said bill be amended as follows:

Strike out the words "of a member" in line 1 of printed bill, subdivision 12, of section 1.

And when so amended recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Firebreaks made the following report:

MR. PRESIDENT:

Your Committee on Firebreaks, to whom was referred  
Senate Bill No. 118,

A bill for an act to amend sections 3 and 8 of chapter 93 of the  
Session Laws of 1891, entitled "An act for the prevention of  
prairie fires and to provide against damage done by them, also  
prescribing duties of county commissioners in relation thereto,"  
and approved March 9, 1891,

Have had the same under consideration and recommend that  
the same do pass.

JOSEPH MILLER,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Corporations other than Municipal made  
the following report:

MR. PRESIDENT:

Your Committee on Corporations other than Municipal, to  
whom was referred

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen  
from jury duty and from paying poll tax,"

Have had the same under consideration and recommend that  
the same do pass.

J. M. PATCH,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
BISMARCK, February 11, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 44,

A bill for an act forbidding the use of telegraph or telephone

lines for certain purposes and providing a penalty therefor, which the House has passed with the following amendment:

Amend the title of the bill to read as follows:

A bill for an act forbidding the use of telegraph and telephone lines by unauthorized persons or for unauthorized purposes and providing penalty therefor.

J. G. HAMILTON,  
Chief Clerk.

Mr. Kinter moved

That the Senate concur in the House amendment to Senate Bill No. 44,

A bill for an act forbidding the use of telegraph or telephone lines for certain purposes, and providing a penalty therefor,

Which motion prevailed.

The question being upon the motion of Mr. Kinter.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Brynjolfson,  
Fuller,

Messrs—

Johnson,

Messrs—

Pinkham.

So the House amendment was concurred in.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Sorley introduced—

Senate Bill No. 125,

A bill for an act entitled "An act repealing chapter 20 of the Special Laws of Dakota Territory for the year 1885."

Mr. Burke introduced—

Senate Bill No. 126,

A bill for an act to amend section 77 of the Justice Code, being section 6117 of the Compiled Laws of 1887, relating to the sale of personal property on execution from justice court.

Mr. McCarten introduced—

Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of

freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each.

Mr. Lamb introduced—  
Senate Bill No. 128,

A bill for an act to amend section 4 of chapter 65 of the Session Laws of 1891, being an act entitled "An act to amend sections 2, 5, 6 and 11 of chapter 146 of the General Laws of 1890, entitled 'An act to provide for the leasing and sale of the common school lands of North Dakota,'" for the purpose of making specific appropriation by the Legislature to meet expenses that were therefor taken out of the interest and income of the permanent school fund, because the section so amended is in violation of the constitution.

The Senate returned to eighth order of business.

Mr. Svensrud moved

That Senate Bill No. 7 be made a special order for Monday, February 13,

Which motion prevailed.

Mr. Kinter moved that

The vote by which the Concurrent Resolution relating to the assessment of Northern Pacific Railroad property in the State was adopted be reconsidered,

Which motion prevailed.

Mr. Kinter moved

That Concurrent Resolution regarding assessment of Northern Pacific Railroad Lands be referred to Committee on Railroads,

Which motion prevailed.

Mr. McGillivray moved

That the Senate do now adjourn until 11:45 a. m. Monday,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FORTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 13, 1893.

The Senate met pursuant to adjournment.  
The Lieutenant Governor presiding.  
Prayer by the Chaplain.  
Roll called.  
All members present.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 13, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 18,

A bill for an act to amend chapter 26 of the General Laws of 1889, entitled "An act to give publicity to chattel mortgage sales, as amended by chapter 40 of the General Laws of 1890, by adding after section 9 of said chapter 26 the following sections as sections 10, 11 and 12 of said chapter 26."

Also,

House Bill No. 40,

A bill for an act to reimburse Lieut. Leon S. Roudiez for room rent.

Also,

House Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the Governor of the State.

Also,

House Bill No. 46,

A bill for an act to amend section 1 of chapter 25 of the Laws of 1887, being section 5066 of the Compiled Laws.



Also,

House Bill No. 122,

A bill for an act to amend section 3 of an act passed by the First Legislative Assembly of the State of North Dakota, approved March 7, 1890, and entitled "An act providing for the retention and disposal of estrays," in relation to notice.

Also,

House Bill No. 84,

A bill for an act entitled "An act to amend section 9 of chapter 40 of the Special Laws of 1883, as amended by section 3 of chapter 168 of the Laws of 1887, and section 1 of chapter 180 of the Laws of 1890, relating to the University of North Dakota.

Also,

House Bill No. 36,

A bill for an act to amend an act entitled "An act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires, being chapter 117 of the Laws of 1884."

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

J. G. HAMILTON,  
Chief Clerk.

#### PETITIONS AND RESOLUTIONS.

The Lieutenant Governor presented the following petitions:

STEELE COUNTY, N. D., January, 1893.

*To the Honorable Members of the Senate and House of the Third Legislative Assembly of the State of North Dakota:*

The undersigned, residents of the State of North Dakota, believing that three years is not sufficient length of time in which to test the workings of the prohibitory plan of dealing with the liquor traffic, pray your honorable body, that you do not take any steps at this session looking towards the re-submission of the question to the people or repeal of the penalty clauses.

Signed by

C. L. PRATT,  
And Forty Others.

Referred to Committee on Temperance.

THE TRANS-MISSISSIPPI CONGRESS,  
LOS ANGELES, CAL., February 4, 1893.

*Lieutenant Governor Wallace, President of the Senate, and Senators of the State of North Dakota.*

GENTLEMEN: A congress of the Western states and territories will meet at Ogden, Utah, on Monday, April 24, of the present year. It is known as the Trans-Mississippi Congress, and has heretofore met at Galveston, Kansas City, Denver, Omaha and New Orleans.

The territory embraced in the representation of this congress is all that part of the United States west of the Mississippi river. The basis of representation authorizes the Governor of each State and Territory to appoint ten delegates; the county judge, board of supervisors or county commissioners, as the case may be, to appoint one delegate from each county. The mayor of all towns and cities, one delegate for each 5,000 inhabitants or

fractional part thereof. All commercial bodies in all towns and cities may appoint the same number as the mayor. This last includes chambers of commerce, real estate exchanges, and all similar commercial bodies. All transportation companies, whether rail or steamship, one delegate each.

The object of this congress is to discuss all questions affecting the West that may be the subject of legislation at Washington, and to speak through its resolutions to the National Congress.

Hence irrigation, arid land, silver, public lands, the policy of the Secretary of the Interior, Pacific and Gulf coast defenses and harbor improvements, and other important questions vitally affecting the interest of your State come up in a body composed entirely of Western men.

You are respectfully invited to be present at the next session of the congress, and as delegates, if selected in the manner above indicated, to take part in its proceedings.

Your attention is called to the importance of united action on the part of the West concerning many features essential to its prosperity and advancement, and to the advantage of subsequently expressing these same wishes through your legislative bodies.

Respectfully,  
L. BRADFORD PRINCE,  
President.

W. H. HARVEY.  
Chairman Executive Committee.

#### REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 106,

A bill for an act to amend sections 288 and 289 of the Penal Code, being sections 6488 and 6489 of the Compiled Laws, providing for the punishment for robbery in the first and second degrees,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 79,

A bill for an act to amend section 6 of chapter 33 of the Laws of 1889, relative to the General Incorporation Act,

Have had the same under consideration and recommend that the same do not pass, and do recommend that the substitute bill submitted, the same being submitted to the committee by Senator Haggart, who introduced said bill, No. 79, do pass as a substitute in the place and stead of said bill No. 79.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRÉSIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 112,

A bill for an act to amend section 4645 of the Compiled Laws of 1887, being section 2012 of the Civil Code, in relation to cancellation of instruments,

Have had the same under consideration and recommend that the same be amended as follows:

That the title to said bill be amended so as to read as follows, viz:

A bill for an act to amend section 2012 of the Civil Code, being section 4645 of the Compiled Laws of 1887, relating to the cancellation of instruments.

That section 1 be amended as follows, viz:

That all of said section 1 down to and including the figures "4645" in line four of the printed bill be stricken out and the following inserted in lieu thereof, viz:

SECTION 1. That section 2012 of the Civil Code, being section 4645 of the Compiled Laws of 1887, in relation to cancellation of instruments, be and the same is hereby amended so as to read as follows: Section 2012.

And that the said bill when so amended do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRÉSIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds, and for the appraisalment and sale of the lands granted the State for the purpose of erecting public buildings at the Capital,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 29,

A bill for an act to amend section 290 of the Penal Code, being section 6490 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 71,

Memorial and Concurrent Resolution of the Senate, the House of Representatives concurring, relating to the university and school lands granted by the United States to the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out lines 4, 5, 6 and 7 of printed bill.

Amend line 8 so as to read as follows: "Whereas, A reduction in the price of said lands will have a tendency to stimulate purchasers and the income from early sales on a lower "

Amend line 10 by striking out the words "be for" and insert the word "promote."

Strike out lines 16 and 17 and insert the following: "Of such lands to the minimum of five (\$5) dollars per acre; and, be it."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking, to whom was referred  
Senate Bill No. 35,

A bill for an act to amend chapter 23, Laws of 1890, entitled "Organization and Government of State Banks,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend section 6, line 1 of printed bill, by inserting the word "hereafter" preceding the first word in said line.

Amend section 14, lines 13 and 14 of printed bill, by striking out the following, viz.: "And that the same is not hypothecated or in any way pledged as security for any loan or debt."

Amend section 29 by striking out all following the words "as follows" in sixth line of printed bill and inserting in lieu thereof the following: "Banks of \$10,000 capital or less, a fee of \$10; banks of from \$10,000 to \$20,000 capital, \$15; banks of from \$20,000 to \$40,000 capital, \$20, and banks with a capital of over \$40,000, \$25."

Amend section 33, line 17 of printed bill, by inserting the words "a final" between the words "before distribution;" also, add to section 33 the following: "When approved of by the Public Examiner."

Strike out section 36.

And when so amended recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections, to whom was referred  
Senate Bill No. 17,

A bill for an act to amend Sections 17 and 24 of Chapter 66 of Laws of 1891, known as the "Australian election law,"

Have had the same under consideration and recommend that the same be amended as follows:

That section 1 be amended by inserting after the word "ballot" and before the word "every" in the sixth line of first page the following: "In thirty point old style antique," and by striking out the following words in lines three and four on second page, to-wit: "Margin on each side at least half an inch in width" and insert in lieu thereof the following: "Ruled space on the left hand side of each column, and opposite the name of each candidate, groups of candidates and party designation." By striking out the word "against" in section 2 of line 27, second page, and insert in lieu thereof the words following: "In the ruled space opposite." By inserting after the word "ballot" in section 1, line 8, on page 2, the following: "There shall be a blank space at least an inch wide between such columns,"

And when so amended recommend that the same do pass.

J. A. SORLEY,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
February 13, 1893. }

*To the Senate:*

GENTLEMEN: I have the honor to inform you that I have this day approved and filed with the Secretary of State, satisfactory

deeds and abstracts to the eighty acres of land in the county of Grand Forks, donated to the State of North Dakota by the citizens of Grand Forks, to be used for an annual exhibit of agricultural products, stock, etc., pursuant to chapter 24, Laws of 1890.

Very respectfully,  
 E. C. D. SHORTRIDGE,  
 Governor.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 Bismarck, February 13, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith the following concurrent resolution: That a joint committee of seven be appointed, three from the Senate and four from the House, for the purpose of reviewing and proposing amendments, if thought necessary, to the Australian system of voting, which the House has passed unchanged, and the Speaker has appointed the following gentlemen as members of said committee: Messrs. Strom, Benedict, McCanna and Logan.

J. G. HAMILTON,  
 Chief Clerk.

The President appointed as the Senate members of the joint committee to consider amendments to the Australian system of voting: Messrs. Ink, Kinter and Stevens.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Sorley moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 2:15 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Ink moved

That the Senate do now adjourn till 10:30 a. m. tomorrow.

Roll call demanded.

The roll being called there were ayes 11, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Haggart,	Lamb,	Palmer,
Hillier,	Little,	Patch,
Ink,	LaMoure,	Worst.
Kinter,	McGillivray,	

Those who voted in the negative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,

Messrs—

Engle,  
Fuller,  
Gregory,  
McCarten,  
McCormack,

Messrs—

Miller,  
Sorley,  
Stevens,  
White,  
Young.

Absent and not voting:

Messrs—

Enger,  
Johnson,

Messrs—

Pinkham,

Messrs—

Svensrud.

So the motion to adjourn was lost.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 5,

Joint Resolution and Memorial of the Senate and House of Representatives of the State of North Dakota to the Senate and House of Representatives of the United States, asking that a part of the abandoned Fort A. Lincoln Military Reservation be donated to the State of North Dakota for the use of the State Reform School.

Also,

Senate Bill No. 37,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse Hon. Andrew H. Burke, ex-Governor of the State of North Dakota, for money advanced by him to defray expenses incident to the extermination of the grasshopper pests in Walsh and Grand Forks counties in the summer of 1891,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. McCormack moved

That the report be adopted,

Which motion prevailed.

Mr. Bidlake moved,

That the Senate do now adjourn till 10:30 a. m. to-morrow.

Roll call demanded.

The roll being called there were ayes 8, nays 20.

Those who voted in the affirmative were:

Messrs—  
 Bidlake,  
 Brynjolfson,  
 Cashel,

Messrs—  
 Day,  
 Engle,  
 Kinter,

Messrs—  
 Lamb,  
 Little.

Those who voted in the negative were:

Messrs—  
 Arnold,  
 Burke,  
 Gregory,  
 Haggart,  
 Hillier,  
 Ink,  
 Johnson,

Messrs—  
 LaMoure,  
 McCarten,  
 McCormack,  
 McGillivray,  
 Miller,  
 Palmer,  
 Patch,

Messrs—  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Absent and not voting:

Messrs—  
 Enger,

Messrs—  
 Fuller,

Messrs—  
 Pinkham,

So the motion to adjourn was lost.

MOTIONS AND RESOLUTIONS.

Mr. Kinter moved

That all bills referring to election laws be referred to Joint Committee on Elections,

Which motion prevailed.

Mr Cashel moved

That when the Senate adjourns it adjourn till 10:30 a. m. to-morrow,

Which motion prevailed.

Mr. Kinter offered the following resolution:

*Resolved*, That the State Auditor be requested to communicate to the Senate whether or not any licenses have been paid, as provided for in chapters 136 and 137 of the Session Laws of 1890; if not to state the reason why such taxes have not been paid.

Mr. Ink moved

That the resolution be adopted,

Which motion prevailed.

Mr. Svensrud moved

That Senate Bill No. 7 be taken up tomorrow under the head of unfinished business,

Which motion prevailed.

Mr. McCormack moved

That the rules be suspended and that House Bill No. 22 be taken up and placed upon its final passage,

Which motion prevailed, and

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax,"

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



Mr. Worst moved

That House Bill No. 22 be recommitted to the Committee on Municipal Corporations,  
Which motion prevailed.

Mr. McCormack moved

That the congratulations of the Senate be extended to Senator Johnson on the arrival of a young senator at his home,  
Which motion was adopted by a rising vote.

FIRST AND SECOND READING OF SENATE BILLS.

Mr. Sorley moved

That the rules be suspended and all Senate bills on the table be given their first and second readings,  
Which motion prevailed.

Mr. Little introduced—

Senate Bill No. 129,

A bill for an act to amend sections 48, 59, 61, 72 and 76 of chapter 62 of the Laws of 1890, being an act entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Which was read the first and second times and referred to the Committee on Education.

Mr. Sorley introduced—

Senate Bill No. 125,

A bill for an act entitled "An Act repealing chapter 20 of the Special Laws of Dakota Territory for the year 1885,"

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Burke introduced—

Senate Bill No. 126,

A bill for an act to amend section 77 of the Justice Code, being section 6117 of the Compiled Laws of 1887, relating to the sale of personal property on execution from justice court,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. McCarten introduced—

Senate Bill No. 127,

A bill for an act to provide for a transfer of freight at railroad crossings and the maintenance of depots at the same; the purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at a dollar per car and to equally apportion the

freight rate between the different railways of the State when such connections are made on the basis of the rules of transit of each,

Which was read the first and second times and referred to the Committee on Railroads.

Mr. Lamb introduced—  
Senate Bill No. 128,

A bill for an act to amend section 4 of chapter 65 of the Session Laws of 1891, being an act entitled "An act to amend sections 2, 5, 6 and 11 of chapter 146 of the General Laws of 1890, entitled 'An act to provide for the leasing and sale of the school lands of North Dakota for the purpose of making specific appropriations by the Legislature to meet expenses that were therefor taken out of the interest and income of the permanent school fund, because the section so amended is in violation of the Constitution,'"

Was read the first and second times and referred to the Committee on Education.

Mr. McCormack introduced—  
Senate Bill No. 130,

A bill for an act appropriating money out of the State Treasury to be used by the Governor in cases of emergency,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Cashel introduced—  
Senate Bill No. 131,

Memorial and Concurrent Resolution,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Cashel moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## FORTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 14, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Cashel moved

That the Journal of Saturday and Monday be referred to a committee of two,

Which motion prevailed.

The President appointed as such committee Senators Cashel and Worst.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 95,

A bill for an act fixing the salaries of the judges of the district courts,

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

Mr. Stevens moved

To amend by fixing the salaries of judges at \$3,000 instead of \$4,000,

Which motion was lost.

Mr. LaMoure moved

To amend by striking out the words \$4,000 and inserting the words \$3,500,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 25, nays 1.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Cashel,  
 Day,  
 Enger,  
 Engle,  
 Hillier,  
 Johnson,

Messrs—  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McCormack,  
 McGillivray,  
 Miller,

Messrs—  
 Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 White.

Mr. Young voting in the negative.

Absent and not voting:

Messrs—  
 Burke,  
 Fuller,

Messrs—  
 Gregory,  
 Haggart,

Messrs—  
 Ink.

So the bill passed and the title was agreed to.

Senate bill No. 94,

A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto,

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

The roll being called there were ayes 29, nays none.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Engle,  
 Gregory,  
 Haggart,

Messrs—  
 Hillier,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McCormack,  
 McGillivray,  
 Miller,

Messrs—  
 Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Messrs. Fuller and Ink being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds and for the appraisalment and sale of the lands granted the State for the purpose of erecting public buildings at the Capital,

Was read the third time.

Mr. Sorley moved

That Senate Bill No. 121 be made a special order for Thursday, February 16, at 3 o'clock p. m.,

Which motion prevailed.

Mr. LaMoure asked unanimous consent to introduce a bill. Consent was granted, and

Mr. LaMoure introduced—

Senate Bill No. 123,

A bill for an act authorizing the acquisition by the State of North Dakota of the parcel of land situate in the county of Pembina known as the burial ground of the Selkirk settlement, and making an appropriation therefor.

Mr. LaMoure moved

To suspend the rules and give Senate Bill No. 132 its first and second reading,

Which motion prevailed, and

Senate Bill No. 132,

A bill for an act authorizing and empowering the acquisition by the State of North Dakota of the parcel of land situate in the county of Pembina known as the burial ground of the Selkirk settlement, and making an appropriation therefor,

Was read the first and second times and referred to the Committee on Appropriations.

Senate Bill No. 69,

A bill for an act to reduce the salaries of Railroad Commissioners of the State of North Dakota from \$2,000 per year to \$100 per year from and after December 31, 1894,

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

Mr. Burke moved

To amend Senate Bill No. 69 by striking out in line 3 of printed bill the word "hundred" and the letter "s" from the word "dollars," and making it read "one dollar,"

Which motion prevailed.

Mr. Cashel moved

That Attorney General Standish be invited to give his views of Senate Bill No. 69,

Which motion prevailed, and

Attorney General Standish addressed the Senate.

Mr. McCormack moved

That the title be amended by striking out the word "hundred" and the letter "s" after dollars,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 25, nays 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,

Messrs—

Haggart,  
Ink,  
Lamb,

Messrs—

Palmer,  
Patch,  
Pinkham,

Messrs—  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Fuller,  
 Gregory,

Messrs—  
 Little,  
 McCarten,  
 McCormack,  
 McGillivray,  
 Miller,

Messrs—  
 Sorley,  
 Stevens,  
 Svensrud,  
 White,  
 Young.

Those who voted in the negative were:

Messrs—  
 Engle,  
 Hillier,

Messrs—  
 Johnson,  
 Kinter.

Messrs—  
 LaMoire.

Mr. Worst being absent and not voting.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 Bismarck, February 14, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 House Bill No. 58,

A bill for an act repealing chapter 40 of the Political Code of 1877, relating to public education; chapter 14 of the Session Laws of 1879, being an act to establish a public school law for Dakota Territory; chapter 24 of the Laws of 1881, being an act to empower school districts to issue bonds for building school houses; chapter 64 of the Laws of 1881, being an act to amend an act entitled "An act to establish a public school law for Dakota Territory," approved February 22, 1879; chapter 65 of the Laws of 1881, being an act to amend sections 8 and 29 of an act to establish a public school law for Dakota Territory, approved February 22, 1879; chapter 66 of the Laws of 1881, being an act to amend section 17 and section 18 of chapter 14 of the Laws of 1879; chapter 67 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 68 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 69 of the Laws of 1881, being an act making provisions for the schooling of children living in any organized district; chapter 44 of the Laws of 1883, being an act to establish and provide for the maintenance of a general and uniform system of common schools, and improve their usefulness; chapter 46 of the Laws of 1883, being an act to create the office of Assistant Superintendent of Public Instruction, and to provide for his salary and proper expenses; chapter 49 of the Laws of 1885, being an act to amend chapter 44 of the Session Laws of 1883, entitled "Education;" chapter 50 of the Laws of 1885, being an act to amend chapter 45 of the Laws of 1885, empowering school townships to

issue their bonds for building and furnishing school houses; chapter 51 of the Laws of 1885, being an act to amend section 9 of chapter 45 of the Laws of Dakota for 1883; chapter 44 of the Laws of 1887, being an act entitled "An act to require teachers of public schools to keep a record of the visits of county superintendents;" chapter 45 of the Laws of 1887, being an act to provide for the registration and payment of warrants drawn by the secretary and treasurer of boards of education in this territory and to prescribe the rate of interest thereon; chapter 46 of the Laws of 1887, being an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883; chapter 47 of the Laws of 1887, being an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Also,  
House Bill No. 71,

A bill for an act to provide for the preservation of official bonds of township and school officers and facilitate the safe transmission of funds of civil townships and school districts from the county treasury.

Also,  
House Bill No. 77,

A bill for an act admitting books as evidence.

Also,  
House Bill No. 80,

A bill for an act defining the powers and duties of the State Auditor.

Also,  
House Bill No. 118,

A bill for an act to amend section 5416 of the Compiled Laws of 1887, being section 602 of the Code of Civil Procedure.

Also,  
House Bill No. 131,

A bill for an act to amend and re-enact chapter 140 of the Laws of 1890,

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

J. G. HAMILTON,  
Chief Clerk.

Mr. Cashel moved  
That Senate Bill No. 35 be re-committed to the Committee on Banks and Banking,  
Which motion prevailed.

The Senate returned to eighth order of business.

Mr. LaMoure offered the following resolution:

*Resolved*, That "there shall be appointed by the President" the following

named persons as Assistant Enrolling and Engrossing Clerks, to-wit: Edith D. Skeels, Jacob Lyndal, A. E. Bestic, Sherdon Albright.

Mr. Kinter moved to lay the resolution on the table,  
Which motion was lost.

Mr. Johnson moved that the resolution be made a special order for tomorrow at 10 o'clock,  
Which motion was lost.

Mr. Sorley moved that the resolution be made a special order for to-morrow at 3 o'clock,  
Which motion prevailed.

Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish, in suitable location, public scales and regulating the appointment and duties of public weighmaster,

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

Mr. Svensrud moved to strike out the word "ten" in line 2, section 1, and insert in lieu thereof the word "twenty-five."

Mr. Worst moved to amend the amendment by substituting the word "fifteen" instead of the word "twenty-five,"

Which motion prevailed.

The question recurring on the amendment as amended.

The motion to adopt prevailed.

Mr. Burke moved

To amend section 6, line two, by adding after the word "commissioners" the words "for cause,"

Which motion prevailed.

Mr. Sorley moved

That the following be added to section 5: Provided, where two or more articles are weighed at the same time they shall be considered as one load,

Mr. Worst moved as a substitute

To strike out all of section 5 after the word "receive" in line 1 of printed bill and insert in lieu thereof the following: "Such compensation and shall act under such rules and regulations as may be adopted by the board of county commissioners,

Which motion prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 29, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,

Messrs—

Miller,  
Palmer,  
Patch,  
Pinkham,



Messrs—

Cashel,  
Day,  
Enger,  
Engle,  
Gregory,  
Haggart,

Messrs—

Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,

Messrs—

Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Mr. White voting in the negative.

Mr. Fuller being absent and not voting.

So the bill passed and the title was agreed to.

The committee on the Journal made the following report:

MR. PRESIDENT:

Your committee appointed to examine the Journal of the 40th and 42d days have examined the Journal and find the same to be correct as printed.

J. L. CASHEL,  
Chairman.

Mr. Little moved

To adopt the report of the committee,  
Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Sorley moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1:10 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Little moved

That the Senate do now adjourn until 10:30 a. m. to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

FORTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

The Journal of the previous day was read.

Mr. Kinter moved

That a committee of two be appointed to correct the Journal,  
Which motion prevailed.

The President appointed as such committee Senators Kinter  
and Worst.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, February 15, 1893. )

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 57,

A bill for an act defining the duties of the Attorney General as  
to escheats,

Also.

Senate Bill No. 80,

A bill for an act to amend section 26 of chapter 39 of the Polit-  
ical Code, being section 1427 of the Compiled Laws, as to collec-  
tion and taxation of a jury fee in civil cases.

The further consideration of which the House has indefinitely  
postponed.

J. G. HAMILTON,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 41,

A bill for an act fixing the fees for filing, renewing and releasing  
chattel mortgages,

Have had the same under consideration and recommend that  
the same be amended as follows:

Section 1 shall be amended so as to read as follows:

Section 1. Registers of deeds shall be entitled to a fee of twenty-five  
cents, and no more, for filing a chattel mortgage; a fee of twenty-five cents,  
and no more, for renewing a chattel mortgage, and shall be entitled to re-  
ceive no fee for releasing a chattel mortgage.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 98,

A bill for an act to amend chapter 5 of the Civil Code, relating  
to unlawful transfers of real estate, by repealing section 681, re-  
lating to unlawful transfers,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 70,

A bill for an act to amend section 330 of the Penal Code of  
1877, being section 6531 of the Compiled Laws of 1887, relating to  
abduction,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 72,

A bill for an act to amend subdivision 5 of section 24 of chapter 120 of the Laws of 1891, regulating appeals from the district court to the Supreme Court,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking, to whom was referred  
Senate Bill No. 35,

A bill for an act to amend chapter 23, Laws of 1890, entitled "Organization and Government of State Banks,"

Have had the same under consideration and recommend that the same be amended as follows:

Amend section 6, line 1 of printed bill, by inserting the word "hereafter" preceding the first word in said line.

Amend section 14, lines 13 and 14 of printed bill, by striking out the following, viz.: "And that the same is not hypothecated or in any way pledged as security for any loan or debt."

Amend section 29 by striking out all following the words "as follows" in sixth line of printed bill; also strike out all lines 7, 8 and 9 of said section 29 and insert in lieu thereof the following: "Banks of \$10,000 capital or less, a fee of \$10; banks of from \$10,000 to \$20,000 capital, \$15; banks of from \$20,000 to \$40,000 capital, \$20, and banks with a capital of over \$40,000, \$25."

Amend section 33, line 17 of printed bill, by inserting the words "a final" between the words "before distribution;" also, add to section 33 the following: "When approved of by the Public Examiner."

Strike out section 36.

And when so amended recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred

Senate Bill No. 86,

A bill for an act to amend section 7 of article 5 of chapter 13 of the Laws of 1887, entitled "Fees of Registers of Deeds,"

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred House Bill No. 50,

Concurrent Resolution, providing that the Legislative Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred Senate Bill No. 108,

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers,

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

#### REPORTS OF SPECIAL COMMITTEES.

The committee on correction of the Journal made the following report:

MR. PRESIDENT:

Your committee to whom was referred the Journal of the forty-third day for correction:

Correct on page 7, after the words "Mr. Sorley moved" "as a

substitute for the second amendment by Mr. Burke and the amendment of Mr. Sorley the following."

F. M. KINTER,  
Chairman.

Mr. Sorley moved

That the Journal be corrected by striking out the two motions under discussion,

Which motion prevailed.

The courtesies of the floor were extended to Mr. Rossow, A. E. Gardner, A. E. Franke, Charles Brown and Judge McKenzie.

Mr. Sorley offered the following resolution:

MEMORIAL AND CONCURRENT RESOLUTION.

*To the Honorable the Congress of the United States:*

WHEREAS, The people of our State, and in fact the entire northwest and west, are largely engaged in the raising of grain, and use an unlimited amount of binding twine, and

WHEREAS, We believe that a duty on twine and the fibers out of which same is manufactured is detrimental to the best interest of the people; therefore be it

*Resolved by the Senate, the House concurring,* That we request and urge Congress to remove as soon as possible the duty on binding twine and on all fibers out of which same is manufactured.

*Resolved,* That the Secretary of State, upon the passage of this resolution, be instructed to furnish forthwith one copy hereof to each of our senators and representative in Congress.

Mr. McCormack moved

That the resolution be adopted,

Which motion prevailed.

Mr. Sorley offered the following resolution:

MEMORIAL AND CONCURRENT RESOLUTION.

*To the Honorable the Congress of the United States:*

WHEREAS, A burdensome monopoly has grown up in the transmission of news by wire under the name of the Western Union Telegraph Co.; and,

WHEREAS, This mode of communication is as much the medium of communication in our day as the old post system was in the early days of the Republic; and,

WHEREAS, It is reasonably certain that a monopoly is being formed, and in fact now exists, in the transmission of news by wire; and,

WHEREAS, We believe that this medium for the transmission of news should belong to the people, so that all could share equally in this privilege at the lowest possible charge; therefore, be it

*Resolved by the Senate, the House concurring:*

That Congress be requested and urged to secure governmental control of telegraph lines and to secure the establishment by the government of lines of telegraph to the various centers of trade in the nation.

*Resolved,* That upon the passage of this resolution the Secretary of State be instructed to furnish forthwith one copy to each of our Senators and Representative in Congress.

Mr. McCormack moved

That the resolution be adopted,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cashel moved

That the rules be suspended and all Senate bills on the tab given their first and second reading,

Which motion prevailed.

Mr. Haggart introduced—

As a substitute for Senate Bill No. 79,

A bill for an act to amend section 17 of article 5 of chapter 73 of the Laws of 1887, being section 90 of the Compiled Laws, as to compensation of certain city officers,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Burke introduced—

Senate Bill No. 133,

A bill for an act to amend section 163 of article 17 of an act entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof, chapter 62, Session Laws of 1890,

Which was read the first and second times and referred to the Committee on Education.

Mr. Cashel introduced—

Senate Bill No. 134,

A bill for an act prescribing the form of certificate to be attached to school bonds and defining the duties of county auditors in relation thereto,

Which was read the first and second times and referred to the Committee on Education.

Mr. McGillivray introduced—

Senate Bill No. 135,

A bill for an act to amend sections 2 and 10 of chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,

Which was read the first and second times and referred to the Committee on State Affairs.

Senate returned to eighth order of business.

Mr. Sorley moved

That the vote by which Senate Bill No. 95 was passed be reconsidered,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 95 be made a special order for Friday, February 17th, at 11 o'clock,

Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 98,

A bill for an act to amend chapter 5 of the Civil Code, relating to unlawful transfer of real estate, by repealing section 681, relative to unlawful transfers,

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

The roll being called there were ayes 24, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	Palmer,
Brynjolfson,	Kinter,	Patch,
Burke,	Lamb,	Pinkham,
Cashel,	Little,	Sorley,
Day,	McCarten,	Stevens,
Gregory,	McCormack,	Worst,
Hillier,	McGillivray,	White,
Ink,	Miller,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	LaMoure,
Enger,	Haggart,	Svensrud.
Engle,		

So the bill passed and the title was agreed to.

Senate Bill No. 112,

A bill for an act to amend section 2012 of the Civil Code, being section 4645 of the Compiled Laws of 1887,

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

The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	McCarten,	Svensrud,
Enger,	McCormack,	Worst,
Gregory,	McGillivray,	White,
Hillier,	Fuller,	Young.
Ink,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	LaMoure.
Engle,	Haggart,	

So the bill passed and the title was agreed to.

Senate Bill No. 118,

A bill for an act to amend sections 3 and 8 of chapter 93 of the Session Laws of 1891, entitled "An act for the prevention of prairie fires and to provide against damage done by them, also



prescribing duties of county commissioners in relation thereto," approved March 9, 1891,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Biglake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,  
Hillier,  
Ink,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Arnold,

Messrs—

Engle,

Messrs—

Haggart.

So the bill passed and the title was agreed to.

Senate returned to eighth order of business.

Mr. Gregory moved

That Senate Bill No. 33 be recalled from the Committee on Counties and referred to the Committee on Judiciary,  
Which motion prevailed.

Senate Bill No. 81,

A bill for an act to encourage the live stock industry, to provide for the purchase or importation of thoroughbred stock for breeding purposes, to protect breeders and importers from unjust and exorbitant charges, and appointing a commission for the purpose of carrying the provisions of this act into effect, and appropriating funds for the furtherance thereof,

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

Mr. Worst moved

To amend section 7, line 5 of printed bill, by striking out the words "for the conduction of" and insert in lieu thereof the words "to conduct,"

Which motion prevailed.

Mr. Young moved

To amend by striking out section 7,  
Which motion was lost.

The question recurring upon the final passage of the bill, as amended.

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs— Brynjolfson, Burke, Cashel, Day, Enger, Engle, Haggart, Hillier,	Messrs— Ink, Kinter, Lamb, Little, LaMoure, McCarten, McCormack,	Messrs— McGillivray, Miller, Palmer, Pinkham, Stevens, Svensrud, Worst.
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Those who voted in the negative were:

Messrs— Sorley,	Messrs— White,	Messrs— Young.
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Absent and not voting:

Messrs— Arnold, Bidlake,	Messrs— Fuller, Gregory,	Messrs— Johnson, Patch.
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So the bill passed and the title was agreed to.

Senate Bill No. 88,

A bill for an act to provide protection from fire within the Capitol building,

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

The roll being called there were ayes 28, nays none.

Those voting in the affirmative were:

Messrs— Bidlake, Brynjolfson, Burke, Cashel, Day, Enger, Engel, Gregory, Haggart, Hillier,	Messrs— Ink, Johnson, Kinter, Lamb, Little, LaMoure, McCarten, McCormack, McGillivray, Miller,	Messrs. Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young.
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Absent and not voting:

Messrs— Arnold,	Messrs— Fuller,	Messrs— Johnston.
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So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, February 15, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 56,

A bill for an act to amend section 1 of chapter 88, Laws of 1883, relating to reprieves, commutations and pardons,

The further consideration of which the House has indefinitely postponed.

Also, the House has by vote requested the recall of Senate Bill No. 80,

A bill for an act to amend section 26 of chapter 39 of the Political Code, being section 1427 of the Compiled Laws, as to collection and taxation of a jury fee in civil cases,

For the purposes of amendment.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 29,

A bill for an act to amend section 290 of the Penal Code, being section 6490 of the Compiled Laws,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Johnson,	Palmer,
Burke,	Kinter,	Patch,
Cashel,	Lamb,	Pinkham,
Day,	Little,	Sorley,
Enger,	LaMoure,	Stevens,
Engle,	McCarten,	Svensrud,
Gregory,	McCormack,	Worst,
Haggart,	McGillivray,	White,
Hillier,	Miller,	Young.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Bidlake,	Fuller.

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to L. M. Thorson, Andrew Mouck and R. C. Lester.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Worst moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1:10 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Senate Bill No. 83,

A bill for an act to amend section 5 of chapter 58 of the Laws

of 1887, being section 2369 of the Compiled Laws, relating to the protection of birds,

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

The roll being called there were ayes 23, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Ink,	Miller,
Burke,	Johnson,	Palmer,
Cashel,	Kinter,	Patch,
Day,	Lamb,	Pinkham,
Enger,	Little,	Sorley,
Gregory,	LaMoure,	Svensrud,
Haggart,	McCarten,	Worst.
Hillier,	McCormack,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	White,	Young.
Stevens,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	McGillivray.
Bidlake,		

So the bill passed and the title was agreed to.

Mr. Miller moved

That the further consideration of Senate Bill No. 52 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 49,

A bill for an act prescribing the compensation of the lieutenant-governor while acting as governor,

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

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Gregory,	McCarten,	Worst,
Haggart,	McCormack,	White,
Hillier,	Miller,	Young.

Mr. Fuller voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	McGillivray.

So the bill passed and the title was agreed to.

Mr. LaMoure offered the following resolution:

*Resolved*, That the President appoint the following named persons as assistant engrossing and enrolling clerks: Edith D. Skeels, Jacob Lindal, A. E. Bestic, Theodore Albright, D. S. Dodds, R. W. Davidson, Leif Sevenomson, T. J. Lamb.

Mr. LaMoure moved  
To adopt the resolution,  
Which motion prevailed.

Mr. Gregory moved  
That Senate Bill No. 51 be made a special order for next Friday at 2 p. m.,  
Which motion prevailed.

The following named persons were sworn in by the Lieutenant Governor as enrolling and engrossing clerks: Edith Skeels, Leif Sevenomson, Jacob Lindal, D. S. Dodds, T. J. Lamb.

Mr. Palmer moved  
That the Senate do now adjourn until 10:30 to-morrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

FORTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Worst moved

That a committee of two be appointed to read and correct the Journal,

Which motion prevailed.

The President appointed as such committee Messrs. Worst and Gregory.

REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 76,

A bill for an act allowing persons convicted of crime to testify in civil or criminal actions,

Have had the same under consideration and recommend that the same do pass.

Mr. Sorley moved

That the report be adopted,

Which motion prevailed.

Also,

House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof and to regulate the exercise of such powers,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Senate Joint Committee on State Library made the following report:

MR. PRESIDENT:

Your Senate Joint Committee on State Library, to whom was referred

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands, to whom was referred

Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,

Recommend that the said bill be amended as follows, to-wit:

In line 24 of section 6 of the printed bill after the word "of" strike out all the remainder of said section and insert in lieu thereof the phrase "the public."

In line 5 of section 9 of the printed bill strike out the words "annual fund" and insert in lieu thereof the words "current funds," as hereinafter provided for in section 49 of this act.

In line 3 of section 11 of the printed bill after the word payment, strike out the words "of accrued interest"

In line 3 of section 13, after the word "dollars," strike out all of lines 3, 4, 5 and 6 and the letter "s" in the word "sums," in the seventh line of the printed bill.

In line 3 of section 14, after the letter "A" strike out the words "deputy who shall be the," after the word "office" in line 3, strike out all of line 3, all of line 4 and line 5 up to and including the word "deputy," and insert in lieu thereof the word "who."

In line 15 of section 15 of the printed bill after the word "contracts" strike out the word "for" and insert the word "of" in lieu thereof.

In line 16 section 15, after the word "lands," strike out all of lines 16, 17 and the word "board" in line 18, and insert in lieu thereof "subject to approval by the board."

In line 22, section 15, strike out the words "by him."

That section 16 be stricken out for the reason that the original records of the office are admissible in evidence and are prima facie evidence of the facts therein contained, and to allow transcripts of such records to be admitted as evidence would be changing the general rule of evidence.

In lines 5 and 6 of section 17 of the printed bill strike out the word "commissioner" and insert in lieu thereof "the Board of University, School and Public Lands."

In line 16 of section 17 of the printed bill after the word "describing," strike out the word "such" and insert in lieu thereof the word "each."

After the word "perjury" in line 34, section 17, of the printed bill insert "for all services performed under the requirements of this act the appraisers shall be paid at the rate of \$3.00 per day and actual traveling expenses upon vouchers approved by the Secretary of the Board of University, School and Public Lands. The same to be paid by the State Treasurer upon warrants issued by the State Auditor."

In line 3 of section 19 of the printed bill after word "the" strike out the words "Board of University, School and Public Lands" and insert in lieu thereof "county board of appraisal."

In line 4 of section 20 of the printed bill after the word "held" strike out the word "in" and insert the words "which place of sale shall be the county seat of."

In line 9 of section 22 of the printed bill add to the word "paper" the letter "s."

In line 5 of section 23 of the printed bill after the word "such" strike out the word "action" and insert the words "notice of withdrawal."

In line 7 of section 27 of the printed bill after the word "the" strike out the words "land office" and insert in lieu thereof "Board of University, School and Public Lands."

In line 1 of section 28 of printed bill, after the word "into," insert the words "small tracts or into."

In line 4 of said section, after the word "into," insert "a tract or tracts," and after the word "or" in said line and section insert the word "into."

In line 15 of section 33 of printed bill insert after the word "certificate" "which fee shall be paid into the State Treasury and become a part of the expense fund of the Board of University, School and Public Lands."

After the word "not" in line 2 of section 51 of printed bill strike out the words "in demand for cultivation and are not," and after the word "provided" in line 7 of same section insert "provided further, that all of said school and public lands now under cultivation may be leased at the discretion and under the control of the Board of University, School and Public Lands for other than pasturage and meadow purposes until sold. All rents shall be paid annually in advance."

After the word "price" in line 19 of section 52 of the printed bill insert "of lands leased for pasturage" and after the word "county," in line 20 of same section, insert the words "and for any cultivated lands in the county the lowest price cannot be below 5 per cent. of the appraised value of each cultivated tract."

After the word "the" in line 12 of section 39 of printed bill insert the words "Secretary of the."

That section 47 be stricken out.

In line 10 of section 52 of printed bill strike out after the word "the" the words "general or current funds," designated in section 49 of this act, and insert in lieu thereof the phrase "funds appropriated for the current expenses of said board."

In section 52, line 1, of printed bill, after the word "of" strike out the



words "township and district assessors" and insert the words "the county board of appraisal."

In line 8 of section 55 of printed bill after the word "held" strike out the word "in" and insert in lieu thereof "which place of leasing shall be the county seat of."

In line 11 of section 63 of printed bill after the word "of" strike out the words "public lands" and insert in lieu thereof "the Board of University, School and Public Lands." In line 28 of same section after the word "of" insert "the Board of University, School and."

In line 3 of section 67 of printed bill after the word "the" strike out "Commissioner of the Land Office" and insert in lieu thereof "Attorney General or the State's Attorney in and for the county in which the land is situated."

That section 69 be stricken out.

That section 70 be amended by striking out the words "county attorneys" wherever the same may appear in said section and inserting in lieu thereof the words "State's Attorneys," for the reason that there is no such office under the Constitution as "county attorney."

That section 74 be amended by striking out after the word "the" in the third line and all of lines 3, 4, 5, 6 and up to and including the word "further" in the seventh line.

That wherever the said board or commissioner is defined in said bill, or in this report as the Board of University, School and Public Lands, or the Commissioner of University, School and Public Lands, be amended to read "Board of University and School Lands" and "Commissioner of University and School Lands," respectively, for the reason that said board is so defined in the Constitution,

And that when so amended the bill do pass.

Also,

Senate Bills Nos. 28 and 32,

Back to the Senate, with the recommendation that the same do not pass for the reason that the provisions of said bill are already covered by Senate Bill No. 73.

JOHN BURKE,  
Chairman.

Mr. Kinter moved

That the report be adopted,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gregory moved

That the rules be suspended and all Senate Bills on the table be given their first and second readings and referred to their appropriate committees,

Which motion prevailed.

The request of the House asking for the return of Senate Bill No. 8 was granted and the bill returned.

Mr. Miller introduced—

Senate Bill No. 136,

Concurrent Resolution,

Which was read the first and second times and referred to the Committee on State Affairs.

The committee on reading and correction of the Journal made the following report:

MR. PRESIDENT:

Your committee appointed to correct the Journal of the forty-fourth day make the following report: On page 8 add after the second line "Mr. Miller moved to amend by adding at the close of section 2, in line 6, after the word 'guards,' the following: Provided, that said board of county commissioners may advertise for the making and burning of such fireguards and let it to the lowest responsible bidder."

J. H. WORST,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed, and  
The Journal was approved.

Mr. Hillier introduced—  
Senate Bill No. 137,

A bill for an act to declare certain mills in this State public custom mills and to regulate the rates of toll and exchange therefor,

Which was read the first and second times and referred to the Committee on Agriculture.

Mr. Gregory introduced—  
Senate Bill No. 138,

A bill for an act to amend section 44 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for the purposes relative thereto,

Which was read the first and second times and referred to the Judiciary Committee.

#### THIRD READING OF SENATE BILLS.

Mr. McGillivray moved  
That the report of the committee on Senate Bill No. 108 be adopted,

Which motion prevailed.

Senate Bill No. 108,

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers,

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

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—

Ridlake,  
Burke,  
Cashel,  
Day,  
Gregory,  
Haggart,  
Hilher,  
Ink,  
Johnson,

Messrs—

Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Mr. Enger voting in the negative.

Absent and not voting:

Messrs—

Arnold,  
Brynjolfson,

Messrs—

Engle,  
Fuller,

Messrs—

White.

So the bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 16, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 121,

A bill for an act to provide for the formation of school districts comprising less than a civil or congressional township,

Also,

House Bill No. 119,

A bill for an act to amend section 1 of chapter 42 of the Session Laws of 1889, being an act authorizing and empowering organized counties of North Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of the principal and interest of such bonds,

Also,

House Bill No. 180,

A bill for an act to repeal chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors for steam vessels and steam boilers and to provide for licensing engineers of steam engines,"

Also,

A concurrent resolution to the Congress of the United States praying for the passage of the "good roads bill,"

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

J. G. HAMILTON,  
Chief Clerk.

MR. PRESIDENT:

I have the honor to inform your honorable body that the House by vote requests the recall of

Senate Bill No. 56,

A bill for an act to amend section 1 of chapter 88 of the Session Laws of 1883, being section 7599 of the Compiled Laws, relating to reprieves, commutations and pardons.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 41,

A bill for an act fixing the fees to be charged for filing, renewing and releasing chattel mortgages,

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

Mr. Patch moved

To strike out the words 25 cents wherever they occur in the bill and 15 cents be inserted in lieu thereof,

Which motion was lost.

Mr. Cashel moved

That in line 1, section 1, the words "be entitled to" be stricken out and the word "charge" be inserted in lieu thereof,

Which motion prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Pinkham,
Day,	Lamb,	Sorley,
Enger,	LaMoure,	Stevens,
Fuller,	McCarten,	Svensrud,
Gregory,	McCormack,	Worst,
Haggart,	McGillivray,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Little,	White.
Engle,		

So the bill passed and the title was agreed to.

The Senate returned to ninth order of business.

Mr. Haggart introduced

Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota Reform School,

Which was read the first and second times and referred to the Committee on Appropriations.

Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works,

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

The roll being called there were ayes 25, nays none.

Messrs—

Arnold,  
Bidlake,  
Burke,  
Cashel,  
Day,  
Enger,  
Haggart,  
Hillier,  
Ink,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs—

Brynjolfson,  
Engle,

Messrs—

Fuller,  
Gregory,

Messrs—

McGillivray,  
White.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That Senate Bill No. 121 be taken out of its special order and placed on its final passage,

Which motion prevailed.

The following opinion of the Attorney General upon Senate Bill No. 121 was read:

*To the Senate of the North Dakota Legislative Assembly:*

It is my opinion that the Legislature of this State is authorized to provide for the mortgaging of the Capitol building lands of this State, or rather, mortgage the fund to be derived from their sale, to provide a fund for making an addition to the Capitol building proposed by the Kinter bill, now pending before you.

I am advised by Mr. Power that there are now 20,000 acres of the lands already selected, which in his opinion during this and next year can be sold to realize \$100,000 under this bill of Mr. Kinter's, No. 121.

WM. H. STANDISH,  
Attorney General of North Dakota.

Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds and for the appraisalment and sale of the lands granted the State for the purpose of erecting public buildings at the Capitol,

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

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Pinkham,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Gregory,	McCarten,	Worst,
Haggart,	McGillivray,	White,
Hillier,	Miller,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Sorley.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	Lamb.
Brynjolfson,		

So the bill passed and the title was agreed to.

Senate Bill No. 106,

A bill for an act to amend sections 288 and 289 of the Penal Code, being sections 6488 and 6489 of the Compiled Laws, providing for the punishment for robbery in the first and second degrees,

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Palmer,
Bidlake,	Kinter,	Patch,
Burke,	Lamb,	Pinkham,
Cashel,	Little,	Sorley,
Day,	McCarten,	Stevens,
Enger,	McCormack,	Svensrud,
Fuller,	McGillivray,	Worst,
Hillier,	Miller,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Haggart,	LaMoure,
Engle,	Ink,	White.
Gregory,		

So the bill passed and the title was agreed to.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Little moved

That the rules be suspended and all House bills on the table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

House Bill No. 36,

A bill for an act to amend an act entitled "An act to protect

stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires, being chapter 117 of the Laws of 1884,"

Was read the first and second times and referred to the Agricultural Committee.

House Bill No. 84,

A bill for an act entitled "An act to amend section 9 of chapter 40 of the Special Laws of 1883, as amended by section 3 of chapter 168 of the Laws of 1887, and section 1 of chapter 180 of the Laws of 1890, relating to the University of North Dakota."

Was read the first and second times and referred to the Committee on Education.

House Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the Governor of the State,

Was read the first and second times and referred to the Committee on Education.

House Bill No. 46,

A bill for an act to amend section 1 of chapter 25 of the Laws of 1887, being section 5066 of the Compiled Laws,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 18,

A bill for an act to amend chapter 26 of the General Laws of 1869, entitled "An act to give publicity to chattel mortgage sales, as amended by chapter 40 of the General Laws of 1890, by adding after section 9 of said chapter 26 the following sections as sections 10, 11 and 12 of said chapter 26,"

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 40,

A bill for an act to reimburse Lieut. Leon S. Roudiez for room rent,

Was read the first and second times and referred to the Appropriation Committee.

Mr. Sorley moved

That the Senate do concur in House concurrent resolution relating to the "bill for good roads,"

Which motion prevailed.

House Bill No. 58,

A bill for an act repealing chapter 40 of the Political Code of 1877, relating to public education; chapter 14 of the Session Laws of 1879, being an act to establish a public school law for Dakota Territory; chapter 24 of the Laws of 1881, being an act to empower school districts to issue bonds for building school houses; chapter 64 of the Laws of 1881, being an act to amend an act en-

titled "An act to establish a public school law for Dakota Territory," approved February 22, 1879; chapter 65 of the Laws of 1881, being an act to amend sections 8 and 29 of an act to establish a public school law for Dakota Territory, approved February 22, 1879; chapter 66 of the Laws of 1881, being an act to amend section 17 and section 18 of chapter 14 of the Laws of 1879; chapter 67 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 68 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 69 of the Laws of 1881, being an act making provisions for the schooling of children living in any organized district; chapter 44 of the Laws of 1883, being an act to establish and provide for the maintenance of a general and uniform system of common schools and improve their usefulness; chapter 46 of the Laws of 1883, being an act to create the office of Assistant Superintendent of Public Instruction, and to provide for his salary and proper expenses; chapter 49 of the Laws of 1885, being an act to amend chapter 44 of the Session Laws of 1883, entitled "Education;" chapter 50 of the Laws of 1885, being an act to amend chapter 45 of the Laws of 1885, empowering school townships to issue their bonds for building and furnishing school houses; chapter 51 of the Laws of 1885, being an act to amend section 9 of chapter 45 of the Laws of Dakota for 1883; chapter 44 of the Laws of 1887, being an act entitled "An act to require teachers of public schools to keep a record of the visits of county superintendents;" chapter 45 of the Laws of 1887, being an act to provide for the registration and payment of warrants drawn by the secretary and treasurer of boards of education in this territory and to prescribe the rate of interest thereon; chapter 46 of the Laws of 1887, being an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883; chapter 47 of the Laws of 1887, being an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Was read the first and second times and referred to the Committee on Education.

House Bill No. 118,

A bill for an act to amend section 5416 of the Compiled Laws of 1887, being section 602 of the Code of Civil Procedure,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 80,

A bill for an act defining the powers and duties of the State Auditor,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 180,



A bill for an act to repeal chapter 27 of the Laws of 1890, entitled "An act to establish a board of inspectors for steam vessels and steam boilers and to provide for licensing engineers of steam engines,"

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 77,

A bill for an act admitting books as evidence,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 71,

A bill for an act to provide for the preservation of official bonds of township and school officers and facilitate the safe transmission of funds of civil townships and school districts from the county treasury,

Was read the first and second times and referred to the Committee on Corporations other than Municipal.

House Bill No. 131,

A bill for an act to amend and re-enact chapter 140 of the Laws of 1890,

Was read the first and second times and referred to the Committee on State Affairs.

House Bill No. 92,

A bill for an act to regulate the terms of district court to be held in the several counties constituting the Fourth Judicial District,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 101,

A bill for an act entitled "An act fixing the manner of transferring interest in real estate by corporations,"

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 115,

A bill for an act to amend section 56 of the Code of Civil Procedure, being section 4352 of the Compiled Laws of 1887, providing for the limitations of time in which to commence certain civil actions,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 121,

A bill for an act to provide for the formation of school districts comprising less than a civil or congressional township,

Was read the first and second times and referred to the Committee on Education.

## House Bill No. 119,

A bill for an act to amend section 1 of chapter 42 of the Session Laws of 1889, being an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes and to issue and dispose of bonds to provide funds to pay therefor and to provide for the payment of principal and interest of such bonds,

Was read the first and second times and referred to the Committee on Counties.

## House Bill No. 123,

A bill for an act to legalize and confirm town site proceedings and to limit the time within which the validity thereof may be questioned,

Was read the first and second times and referred to the Judiciary Committee.

## House Bill No. 23,

A bill for an act to amend sections 2, 3, 4, 5 and 6 of chapter 81 of the Session Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein.

Mr. Cashel moved

That House Bill No. 23 be laid on the table for the present,  
Which motion prevailed.

The Senate returned to the thirteenth order of business.

## Senate Bill No. 71,

Memorial and Concurrent Resolution of the Senate, the House of Representatives concurring, relating to the university and school lands granted by the United States to the State of North Dakota,

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

Mr. Burke offered the following amendment:

Insert after line 11 of printed bill, "And whereas, there is no provision for defraying the expenses of the selection and sale of said land." Following line 17 of printed bill, after the word "acre," insert, "And to make necessary provisions to defray all expenses for selecting, appraising, selling and collecting proceeds of such sales."

Mr. Cashel moved to adopt the amendment,

Which motion prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—

Burke,  
Cashel,  
Day,

Messrs—

Ink,  
Kinter,  
Little,

Messrs—

Palmer,  
Patch,  
Pinkham,

Messrs—

Enger,  
Gregory,  
Haggart,  
Hillier,

Messrs—

LaMoure,  
McCarten,  
McCormack,  
Miller.

Messrs—

Sorley,  
Svensrud,  
White,  
Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,

Messrs—

Engle,  
Fuller,  
Johnson,

Messrs—

Lamb,  
McGillivray,  
Worst.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 16, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 99,A bill for an act to amend sections 2, 5, and 13 of chapter 165  
of the Laws of 1890, entitled "An act to establish government  
and maintenance of a soldiers' home,"Which the House has passed and your favorable consideration  
thereof is respectfully requested.J. G. HAMILTON,  
Chief Clerk.A committee from the House appeared and informed the Senate  
that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate do now proceed to the House to meet in Joint  
Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate  
had received a majority of all votes cast for United States  
Senator.

Mr. Little moved

That the rules be suspended and House Bill No. 99 be given its  
first and second reading,

Which motion prevailed.

House Bill No. 99.

A bill for an act to amend sections 2, 5 and 13 of chapter 165  
of the Laws of 1890, entitled "An act to establish government  
and maintenance of a soldiers' home,"Was read the first and second times and referred to the Judi-  
ciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
 Bismarck, February 16, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 Substitute for House Bill No. 30.

A bill for an act to fix the terms of the district court in the  
 Third Judicial district.

Also,  
 Substitute for House Bill No. 14,

A bill for an act to amend and re-enact sections 248 and 249 of  
 the Code of Civil Procedure, being sections 5048 and 5049 of the  
 Compiled Laws,

Which the House has passed and your favorable consideration  
 thereof is respectfully requested

J. G. HAMILTON,  
 Chief Clerk.

The Senate returned to sixth order of business.

REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

Your Committee on Appropriations, to whom was referred  
 Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State  
 University,

Have had the same under consideration and recommend that  
 the same be amended as follows:

For salaries of president and instructional force.....	\$ 49,800 00
For museums.....	1,000 00
For department of biology.....	1,000 00
For department of mathematics, physics and astronomy.....	1,000 00
For department of chemistry and geology.....	1,000 00
For repairs to buildings and grounds.....	2,500 00
For fuel and lights.....	8,000 00
For engineer and assistants.....	2,600 00
For incidentals fund.....	4,000 00
For water supply.....	500 00
For salary of secretary.....	1,200 00
For commutations of quarters for military instructor.....	720 00

And that the item for janitor and assistants be stricken out.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
 Chairman.

Mr. Cashel moved  
 That the report be adopted,  
 Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 21,

A bill for an act providing for an appropriation for the erection  
of additional buildings and for the payment of the contingent  
expenses of the North Dakota Agricultural College at Fargo.

Have had the same under consideration and recommend that the  
same be amended as follows:

That section 1 be amended so as to read as follows:

That for the erection of additional buildings for the North Dakota college  
at Fargo and for other purposes connected therewith there is hereby appropri-  
ated out of any moneys in the Treasury not otherwise appropriated the fol-  
lowing sums of money, to-wit:

For erection of dormitory.....	\$ 17,000
For furnishing the same .....	3,000
For erection of farm house and barn .....	13,000
For erection of shop for mechanical department.....	9,000
For erection of laboratory.....	5,000
For completion of main building.....	3,000
For necessary incidentals.....	15,000

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report

MR. PRESIDENT.

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 34,

A bill for an act providing for an appropriation for the current  
and contingent expenses of the penitentiary at Bismarck, and for  
making needed permanent improvements thereat.

Have had the same under consideration and recommend that the  
same be amended as follows:

Doorkeeper and assistant gatekeeper.....	\$ 1,200
Teacher and librarian.....	840
Matron.....	600
Repairs, improvements, etc.....	1,000
Incidentals, etc.....	1,000
Physician and medicines.....	1,000
Repairing roof.....	800
Building cow barn and purchase of 12 cows.....	750
Finishing cells.....	200

And that the items for purchase of farm implements and operation of  
same and for purchase of engine, boiler, dynamo, etc., be stricken out.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 36,

A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon,

Have had the same under consideration and recommend that the same be amended as follows:

For beds and bedding.....	\$ 850
For furniture.....	1,500
For maintenance.....	5,000
For permanent improvements.....	2,450
For fuel and light.....	1,500
For farm machinery.....	400
For officers' and employes' wages.....	3,000
For repair fund.....	200
For clothing.....	1,500

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Palmer moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.,

Have had the same under consideration and recommend that the same be amended as follows:

After the words "for salaries of teachers" strike out the figures "\$18,000" and insert in lieu thereof "\$14,000." After the words "water supply" add the words "and improvement of grounds." After the word "janitor" strike out the words "and incidentals." After the word "furniture" add the words "and incidentals." Strike out the words and figures "for completion of main building and for heating apparatus \$15,000" and insert in lieu thereof the words and figures "for deficiency on main building \$8,300." For "heating apparatus \$1,700" strike out the words and figures "for addition to main building \$15,000." Strike out emergency clause.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 54,

A bill for an act providing for an appropriation of money for the completion of the building for the school for the deaf and dumb and for contingent expenses thereto,

Have had the same under consideration and recommend that the same be amended as follows:

That the last word in section 1, line 10, be stricken out and that the words "sixty-five hundred (6,500) dollars" be substituted therefor.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.,

Have had the same under consideration and recommend that the same be amended as follows:

Salaries of faculty .....	\$ 14,000
Furniture .....	1,000
Library, physical and chemical apparatus .....	1,000
Incidentals .....	1,000
Grading and improvement of grounds and water supply .....	500

And that the items of twenty-four hundred (2,400) dollars for deficiency in salaries, eight hundred (800) dollars for deficiency in fuel and twelve thousand dollars for dormitory buildings be stricken therefrom.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 55,

A bill for an act providing for an appropriation for the maintenance and for current and contingent expenses of the School for the Deaf and Dumb,

Have had the same under consideration and recommend that the same be amended as follows:

For maintenance .....	\$ 7,000
For salaries and wages of employes.....	7,500
For fuel and lights.....	1,500
Household goods and school supplies and for incidentals.....	3,000

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 63,

A bill for an act appropriating money from the State Treasury, not otherwise appropriated, to reimburse the county of Ward for money paid by said county in the holding of coroners' inquests, in the expense of criminal trials, and in assessing and collecting the State tax, in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Palmer moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 72,

A bill for an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and for amending its title.

Have had the same under consideration and recommend that the same be amended as follows:

That in section 6, line 9 of the original bill the word "ten (10)" be stricken out and the word "five (5)" be inserted, and in line 10 of same section "ten thousand (10,000) dollars" be stricken out and the words "five thousand (5,000) dollars" be substituted therefor,

And in all other respects do pass as introduced.

JOHN E. HAGGART,  
Chairman.



Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 77,

A bill for an act for an appropriation for new buildings for the  
Asylum for the Insane at Jamestown,

Have had the same under consideration and recommend that  
the same be amended as follows:

For repairs.....	\$ 2,000
For beds and bedding.....	2,000
For furniture.....	1,200
For paints and painting.....	1,500
For carriages.....	500

And that the item for six thousand (6,000) dollars for fuel and light deficiency be stricken out.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred  
Senate Bill No. 38,

A bill for an act fixing the measure of liability and recovery on  
insurance policies,

Have had the same under consideration and recommend that the  
same do not pass.

FRANK WHITE,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 113,

A bill for an act to reimburse the county of Pembina for ex-  
penses incurred in the small pox quarantine of August, 1892,

Have had the same under consideration and recommend that the  
same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Cashel moved

That the motion be adopted,

Which motion prevailed.

Theodore Albrecht was sworn in as clerk on the enrolling and engrossing force on the 15th.

Mr. Palmer moved

That the Senate do now adjourn till 10:30 a. m. tomorrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## FORTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 17, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Cashel moved

That the reading of the Journal be dispensed with and referred to a committee of two for reading and correction,  
Which motion prevailed.

Mr. President appointed as such committee Senators Cashel and Burke.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 14,

A bill for an act to regulate the appointment and prescribe the qualification of special deputy sheriffs, constables, marshals, policemen and other peace officers within the Commonwealth and for the punishment of any person who may exercise the functions of any such officer without authority of law,

Have had the same under consideration and recommend that the same be amended as follows:

That the word "commonwealth" be stricken out of the title to said bill and wherever it appears in the bill and the word "State" be inserted in lieu thereof.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 115,

A bill for an act to amend section 56 of the Code of Civil Procedure, being section 4852 of the Compiled Laws of 1887, providing for limitation of time in which to commence certain civil actions,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 13,

A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 101,

A bill for an act entitled "An act fixing the manner of transferring interests in real estate by corporations,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 129,

A bill for an act to amend sections 48, 59, 62, 72 and 76 of chapter 62 of the Laws of 1890, being an act entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for the violation of the provisions thereof,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 46,

A bill for an act for the encouragement of higher education and appropriating money therefor,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 58,

A bill for an act repealing chapter 40 of the Political Code of 1877, relating to public education; chapter 14 of the Session Laws of 1879, being an act to establish a public school law for Dakota Territory; chapter 24 of the Laws of 1881, being an act to empower school districts to issue bonds for building school houses; chapter 64 of the Laws of 1881, being an act to amend an act entitled "An act to establish a public school law for Dakota Territory," approved February 22, 1879; chapter 65 of the Laws of 1881, being an act to amend sections 8 and 29 of an act to establish a public school law for Dakota Territory, approved February 22, 1879; chapter 66 of the Laws of 1881, being an act to amend section 17 and section 18 of chapter 14 of the Laws of 1879; chapter 67 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 68 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 69 of the Laws of 1881, being an act making provisions for the schooling of children living in any organized district;

chapter 44 of the Laws of 1883, being an act to establish and provide for the maintenance of a general and uniform system of common schools, and improve their usefulness; chapter 46 of the Laws of 1883, being an act to create the office of Assistant Superintendent of Public Instruction, and to provide for his salary and proper expenses; chapter 49 of the Laws of 1885, being an act to amend chapter 44 of the Session Laws of 1883, entitled "Education;" chapter 50 of the Laws of 1885, being an act to amend chapter 45 of the Laws of 1885, empowering school townships to issue their bonds for building and furnishing school houses; chapter 51 of the Laws of 1885, being an act to amend section 9 of chapter 45 of the Laws of Dakota for 1883; chapter 44 of the Laws of 1887, being an act entitled "An act to require teachers of public schools to keep a record of the visits of county superintendents;" chapter 45 of the Laws of 1887, being an act to provide for the registration and payment of warrants drawn by the secretary and treasurer of boards of education in this territory and to prescribe the rate of interest thereon; chapter 46 of the Laws of 1887, being an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883; chapter 47 of the Laws of 1887, being an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 99,

A bill for an act to amend sections 2, 5 and 13 of chapter 165, Laws of 1890, entitled an act to establish government and maintenance of a soldiers' home,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

Mr. Little moved

That the rules be suspended and all House bills now on the table be given their third reading and put upon their final passage,

Which motion prevailed.

## THIRD READING OF HOUSE BILLS.

House Bill No. 99,

A bill for an act to amend sections 2, 5 and 13 of chapter 165 of the Laws of 1890, entitled "An act to establish government and maintenance of a soldiers' home,"

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCormack,
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Svensrud,
Enger,	Little,	Worst,
Gregory,	LaMoure,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	McGillivray,	Stevens,
Fuller,	Pinkham,	White.
McCarten,		

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the rules be suspended and Senate Bill No. 95 be considered,

Which motion prevailed.

Senate Bill No. 95,

A bill for an act fixing the salaries of the judges of the district courts,

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

Mr. Sorley moved

To amend line 2, section 1, by striking out the figures \$3,500 and inserting the figures \$4,000 in lieu thereof.

Mr. LaMoure moved

To amend the amendment by striking out the figures \$4,000 and inserting the figures \$3,500 in lieu thereof.

Roll call demanded.

The roll being called there were ayes 15, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Palmer,
Bidlake,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	LaMoure,	White,
Hillier,	McCarten,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Ink,	Patch,
Burke,	Little,	Sorley,
Cashel,	McCormack,	Worst.
Gregory,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Haggart,	Pinkham.
Fuller,	McGillivray,	

So the amendment to the amendment prevailed.

The question recurring on the amendment as amended,  
The motion was lost.

The question being upon the final passage of the bill.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Palmer,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Fuller,	McCarten,	White,
Gregory,	McCormack,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	McGillivray,	Pinkham.

So the bill passed and the title was agreed to.

#### MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, February 17, 1893. )

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted a motion providing for a special committee of three members of the House and two of the Senate, to whom shall be referred all matters pertaining to the regulation of oil inspection, and your concurrence is respectfully requested.

The Speaker has appointed as members of such committee from the House Messrs. Towers, Oliver and Hallum.

J. G. HAMILTON,  
Chief Clerk.



HOUSE OF REPRESENTATIVES, }  
 Bismarck, February 17, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 Substitute for House Bills Nos. 35 and 63,

A bill for an act amending sections 15 and 16, chapter 67 of the  
 Laws of 1887, being sections 3097 and 3098 of the Compiled Laws,  
 relating to county mutual insurance companies and changing the  
 time for the annual meeting thereof,

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

J. G. HAMILTON,  
 Chief Clerk.

The courtesies of the floor were extended to W. J. Brown, R.  
 M. Pollock, J. R. Banks, W. S. Parker and Christopher Jordan.

Mr. Little moved

That the rules be suspended and the Senate concur in the  
 House motion providing for joint committee on the inspection of  
 illuminating oils,

Which motion prevailed.

House Bill No. 15,

A bill for an act amending sections 6490 and 7429 and sub-  
 division 2 of section 6772 of the Compiled Laws of 1887, relating  
 to the Penal Code,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs--

Arnold,  
 Bidlake,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Engle,  
 Gregory,  
 Haggart.

Messrs--

Hillier,  
 Ink,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McCormack,  
 Miller,

Messrs--

Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Messrs. Fuller and McGillivray being absent and not voting.

So the bill passed and the title was agreed to.

House Bill No. 101,

A bill for an act entitled "An act fixing the manner of trans-  
 ferring interest in real estate by corporations,"

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

Mr. Cashel moved

As an amendment that in line 4, section 2, after the word "in-

struments," the words "when authorized by resolution of the board of directors," be inserted,

Which motion prevailed.

The question recurring upon the final passage of the bill, as amended.

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Patch,
Ridlake,	Gregory,	Pinkham,
Brynjolfson,	Haggart,	Sorley,
Burke,	Hillier,	Stevens,
Cashel,	Kinter,	Svensrud,
Day,	McCarten,	Worst,
Enger,	McCormack,	Young.
Engle,	Miller,	

Mr. White voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	Little,	McGillivray,
Johnson,	LaMoure,	Palmer.
Lamb,		

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 17, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 66,

A bill for an act to amend sections 49 and 53 of chapter 132 of the Laws of 1890, entitled "Revenue and Taxation."

Also,

House bill No. 56,

A bill for an act to amend section 1 of chapter 20 of the Political Code of 1887, being chapter 487 of the Compiled Laws.

Also,

House Bill No. 145,

A bill for an act authorizing the adjournment of terms of court by order entered in vacation,

Also,

House Bill No. 109,

A bill for an act to define the boundaries of the counties of North Dakota.

Also.

House Bill No. 133,

A bill for an act to amend and re-enact sections 2, 6 and 7 of article 9 of chapter 73 of the Laws of 1887, being sections 917, 921 and 922 of the Compiled Laws.

Also,

House Bill No. 134,

A bill for an act to amend section 3 of chapter 58 of the Laws of 1887, the same being section 2367 of the Compiled Laws of 1887.

Also,

House Bill No. 177,

A bill for an act making an appropriation to pay certain expenses incurred by the Third Legislative Assembly of the State of North Dakota,

Which the House has passed and your favorable consideration thereof is respectfully requested

J. G. HAMILTON,  
Chief Clerk.

Mr. Bidlake moved

That the Senate do now take a recess of fifteen minutes,  
Which motion prevailed.

The Senate reassembled.

The Senate returned to the ninth order.

Mr. Little moved

That the rules be suspended and all Senate bills on the table be given their first and second reading,

Which motion prevailed.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Kinter moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 1 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Sorley introduced—

Senate Bill No. 140,

A bill for an act to amend sections 17, 18 and 19 of article 2 and sections 52, 55 and 56 of article 4 and to repeal section 51 of article 4, all of chapter 62 of the Laws of 1890, as to the election and qualification of county superintendent of schools,

Which was read the first and second times and referred to the Committee on Education.

Mr. Arnold introduced—

Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of the General Laws of 1885 and section 10 of chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

Which was read the first and second times and referred to the Committee on Insurance.

Mr. Burke introduced—

Senate Bill No. 142,

A bill for an act defining the general duties of railways in the State of North Dakota,

Which was read the first and second times and referred to the Committee on Railroads.

Mr. White introduced (by request)—

Senate Bill No. 143,

A bill for an act to amend chapter 76 of the Laws of 1890, entitled "An act to regulate the writing of insurance of whatsoever kind in this State,

Which was read the first and second times and referred to the Committee on Insurance.

Mr. Kinter introduced—

Senate Bill No. 144,

A bill for an act to provide for the furnishing of free text books and school supplies to the pupils of the public schools,

Which was read the first and second times and referred to the Committee on Education.

Mr. Kinter introduced (by request)—

Senate Bill No. 145,

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of construction,

Which was read the first and second times and referred to the Committee on Railroads.

Mr. Young introduced (by request)—

Senate Bill No. 146,

A bill for an act to amend section 95 of the Code of Criminal Procedure, being section 7120 of the Compiled Laws,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Gregory introduced—

Senate Bill No. 147,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Session Laws of 1890, being an act describing the mode of

making assessment and the levy and collection of taxes and for other purposes relative thereto so as to lessen the expenses of obtaining judgment when the delinquent fails to pay,

Which was read the first and second times and referred to the Judiciary Committee.

The Senate returned to the eighth order of business.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred Senate Bill No. 45,

A bill for an act to encourage the manufacture of butter and cheese in the State of North Dakota,

Have had the same under consideration and have prepared a substitute and the committee recommend that the substitute do pass.

N. B. PINKHAM,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

#### A BILL

(Substitute for Senate Bill No. 45)

For an act to encourage the manufacture of butter and cheese in the State of North Dakota.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. Any person or persons in the State of North Dakota who shall engage in the manufacture of butter and cheese from the milk of cows owned and fed within said State, in any community having within a radius of five miles not less than one hundred (100) cows, the milk from which shall be manufactured by said person or persons into butter and cheese of standard grade in quantities not less than one thousand pounds per annum, shall be considered, upon complying with its provisions, within the meaning and intention of this act and entitled to the bounties herein provided.

SEC. 2. The Commissioner of Agriculture and Labor shall prescribe the standard for the articles manufactured and prepare the necessary designs and stamps, supplying the same at cost to the manufacturer. He shall receive the county auditor's reports and certificates, and shall issue his certificate to the manufacturer, which shall be the voucher upon which the State Auditor shall issue his warrant on the State Treasury for the bounty prescribed in this act; and the said Commissioner of Agriculture and Labor shall embody the said county auditor's reports in his reports to the Governor.

SEC. 3. The county auditor of the county in which the manufactory is located shall, on the request of the manufacturer, inspect, weigh and stamp said butter and cheese, issue his certificate of the amount of said articles upon the first day of each alternate month, keep a complete and accurate account, and report the same to the State Commissioner of Agriculture and Labor. If, however, the manufacturer shall object to the said

county auditor's inspection as to the grade, he may, upon application to the board of county commissioners of said county, have an inspector appointed, who shall have no interest in the profits of said manufactory. The expense of said inspection shall not exceed three dollars (\$3) per day and 5 cents per mile mileage for said auditor or inspector, which expense shall be borne by said manufacturer, and the State shall be at no expense on account of the provisions of this act except the bounty herein provided.

SEC. 4. There shall be paid from the State Treasury, upon the proper certificates issued in compliance with the provisions of this act, the sum of two (2) cents for each pound of cheese manufactured that shall be of the grade established under the provisions of this act and two and one-half (2½) cents for each pound of butter of this standard. The provisions of this act shall apply only to butter and cheese manufactured in conformity therewith for the period of three years, commencing July 1, 1893, and ending July 1, 1896.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed.

The Committee on Printing made the following report:

MR. PRESIDENT:

Your Committee on Printing, to whom was referred  
Senate Bill No. 117,

A bill for an act regulating the purchase of blank books,  
blanks and stationery by county and other public officers,

Have had the same under consideration and report the same  
back without recommendation.

E. YOUNG,  
Chairman.

Mr. Worst moved

That the bill be referred to a committee of the whole,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 18,

A bill for an act to amend chapter 26 of the General Laws of 1889,  
entitled "An act to give publicity to chattel mortgage sales, as  
amended by chapter 40 of the General Laws of 1890, by adding  
after section 9 of said chapter 26 the following sections as sec-  
tions 10, 11 and 12 of said chapter 26,"

Have had the same under consideration and recommend that the  
same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Lamb moved

That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 36,

A bill for an act to amend an act entitled "An act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires, being chapter 117 of the Laws of 1884,"

Have had the same under consideration and recommend that the same do not pass.

N. B. PINKHAM,  
Chairman.

Mr. McCarten moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the North Dakota Reform School and for incidental and contingent expenses for the same,

Have had the same under consideration and recommend that the same be amended as follows:

Amend by striking out the figures "\$20,000" in line 6 of section 1 of original bill and inserting in lieu thereof the figures "\$8,000."

Amend by striking out the figures "\$5,000" in line 6 of section 1 of original bill and inserting in lieu thereof the figures "\$2,000,"

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT.

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 116,

A bill for an act to provide for the better enforcement of the laws pertaining to cruelty to animals,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

Senate Bill No. 132,

A bill for an act authorizing and empowering the acquisition of certain land in Pembina county,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Sorley moved

That the report be adopted,

Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred

Senate Bill No. 119,

A bill for an act appropriating money to insure a proper exhibit of North Dakota's resources at the Columbian Exposition, to be held at Chicago in 1893,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved

That the report be adopted,

Which motion prevailed.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 76,

A bill for an act allowing persons convicted of crime to testify in civil or criminal actions,

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

The roll being called there were ayes 8, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Miller,	Worst,
LaMoire,	Sorley,	Young.
McCormack,	Stevens,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	McCarten,
Brynjolfson,	Gregory,	Palmer,
Burke,	Hillier,	Patch,
Cashel,	Ink,	Svensrud,
Day,	Kinter,	White.
Enger,		



Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Lamb,	McGillivray.
Haggart,	Little,	Pinkham,
Johnson,		

So the bill was lost.

House Bill No. 13,

A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota,

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

Mr. Gregory moved

That at the end of line 5 of the printed bill, after the word "or," the word "who" shall be inserted; and in line 6 the word "male" shall be stricken out,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Patch,
Bidlake,	Johnson,	Pinkham,
Brynjolfson,	Kinter,	Sorley,
Burke,	Lamb,	Stevens,
Cashel,	LaMoure,	Svensrud,
Day,	McCarten,	Worst,
Eger,	McCormack,	White,
Engle,	Miller,	Young.
Gregory,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller.	Hillier,	McGillivray.
Haggart,	Little,	

So the bill passed and the title was agreed to.

House Bill No. 58,

A bill for an act repealing chapter 40 of the Political Code of 1877, relating to public education; chapter 14 of the Session Laws of 1879, being an act to establish a public school law for Dakota Territory; chapter 24 of the Laws of 1881, being an act to empower school districts to issue bonds for building school houses; chapter 64 of the Laws of 1881, being an act to amend an act entitled "An act to establish a public school law for Dakota Territory," approved February 22, 1879; chapter 65 of the Laws of

1881, being an act to amend sections 8 and 29 of an act to establish a public school law for Dakota Territory, approved February 22, 1879; chapter 66 of the Laws of 1881, being an act to amend section 17 and section 18 of chapter 14 of the Laws of 1879; chapter 67 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 68 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 69 of the Laws of 1881, being an act making provisions for the schooling of children living in any organized district; chapter 44 of the Laws of 1883, being an act to establish and provide for the maintenance of a general and uniform system of common schools and improve their usefulness; chapter 46 of the Laws of 1883, being an act to create the office of Assistant Superintendent of Public Instruction, and to provide for his salary and proper expenses; chapter 49 of the Laws of 1885, being an act to amend chapter 44 of the Session Laws of 1883, entitled "Education;" chapter 50 of the Laws of 1885, being an act to amend chapter 45 of the Laws of 1885, empowering school townships to issue their bonds for building and furnishing school houses; chapter 51 of the Laws of 1885, being an act to amend section 9 of chapter 45 of the Laws of Dakota for 1883; chapter 44 of the Laws of 1887, being an act entitled "An act to require teachers of public schools to keep a record of the visits of county superintendents;" chapter 45 of the Laws of 1887, being an act to provide for the registration and payment of warrants drawn by the secretary and treasurer of boards of education in this territory and to prescribe the rate of interest thereon; chapter 46 of the Laws of 1887, being an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883; chapter 47 of the Laws of 1887, being an act to amend chapter 44 of the Session Laws of 1883, relating to education,

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

The roll being called there were ayes 27, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engel,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Johnson,  
Kinter,  
Lamb,  
LaMoure,  
McCarten,  
McCormack,

Messrs.

Miller,  
Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Ink,  
Little,

Messrs—

McGillivray,

Messrs—

Svensrud.

So the bill passed and the title was agreed to.

House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof and to regulate the exercise of such powers,

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

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Sorley,
Enger,	LaMoure,	Svensrud,
Fuller,	McCarten,	Worst,
Gregory,	McCormack,	White,
Haggart,	Miller,	Young.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Brynjolfson,	Engle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McGillivray,	Patch.
Little,		

So the bill passed and the title was agreed to.

House Bill No. 72,

A bill for an act to amend subdivision 5 of section 24 of chapter 120 of the Laws of 1891, regulating appeals from the district court to the Supreme Court,

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

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Brynjolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	LaMoure,	Svensrud,
Fuller,	McCarten,	Worst,
Gregory,	McCormack,	Young.
Haggart,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Enger,	Engle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	Patch,	White.
Little,	McGillivray,	

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 17, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 4,

A bill for an act entitled "An act creating the office of State Board of Auditors and prescribing the duties thereof,

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

J. G. HAMILTON,  
Chief Clerk.

The House Concurrent Resolution,  
Providing for a Constitutional amendment prohibiting the chartering of lotteries or the sale of lottery tickets in this State,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Haggart.	Palmer,
Brynjolfson,	Hillier,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter.	Stevens,
Day,	Lamb,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White,
Fuller,	McCormack.	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McGillivray	Patch,
Little,		

So the resolution was adopted.

Mr. Worst moved

That the vote by which the Concurrent Resolution was adopted be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Gregory moved

That Senate Bill No. 51 be taken from special orders and come up under the head of unfinished business to-morrow morning,

Which motion prevailed.

Mr. LaMoure moved

That the report of the special committee appointed by the Governor which was made a special order for 3 o'clock to-day be now considered,

Which motion prevailed.

Mr. Bidlake moved

That the Senate do now adjourn till to-morrow morning at 10:30 o'clock,

Which motion was lost.

Mr. LaMoure presented the following correspondence and asked to have it printed in the Journal:

SENATE CHAMBER,  
BISMARCK, February 10, 1893.

*E. C. Clement, Esq., Inspector of United States Postoffices, Helena, Mont.:*

I desire to know if during your official career you have ever been called upon to investigate a case of infraction of the United States statutes said to have been committed by one Thomas Ayers, when editor of the Vermillion, S. D., Plain Talk. If so, will you please let me know the facts concerning the same—whether or not he was arrested, indicted, tried and convicted in the United States courts of South Dakota.

An early reply will greatly oblige.

Yours truly,  
JUDSON LAMOURE.

POSTOFFICE DEPARTMENT,  
OFFICE OF POSTOFFICE INSPECTORS,  
HELENA DIVISION,  
HELENA, MONT., Feb. 14, 1893.

*Hon. Jud. LaMoure, Bismarck, N. D.:*

DEAR SIR: Replying to your favor of the 10th inst. inquiring whether or not I have ever investigated a case against Tom Ayers, former editor of the Vermillion, S. D., Plain Talk, on a criminal charge, I will state that I was called upon by the department to make such an investigation, it having been charged that Ayers was purposely and flagrantly violating the lottery law, notwithstanding the fact that he had been cautioned to desist.

The investigation showed the facts to be true, and Ayers was arrested, indicted, tried and convicted in the United States court at Sioux Falls, S. D.

The records of the above-mentioned court will show the facts to be as stated.

Very respectfully,  
E. C. CLEMENT,  
Inspector.

SENATE CHAMBER,  
BISMARCK, February 11, 1893.

*Clerk of United States District Court, Sioux Falls, S. D.:*

Do records of your court show that one Thomas Ayers has ever been indicted, tried and convicted for violating United States statutes? If so, when and nature of crime. Wire answer.

JUDSON LAMOURE.

DEADWOOD, S. D., February 14, 1893.

*To Judson LaMoure:*

Thomas Ayers was indicted and tried, found guilty and fined in the April term, 1891, for violation of the anti-lottery laws.

C. E. MELLETTE,  
Clerk United States District Court.

SENATE CHAMBER,  
BISMARCK, February 11, 1893.

*Kittridge & Winsor, Sioux Falls, S. D.:*

Did you at any time defend Thomas Ayers, late editor of the Vermillion Plain Talk, on criminal charge? If so, was he convicted? Wire answer.

JUDSON LAMOURE.

SIoux FALLS, S. D., February 12, 1893.

*To Judson LaMoure:*

The clerk of the federal court would inform you that Ayers was convicted in that court for violating the postal laws. We defended.

KITTRIDGE & WINSOR.

Mr. Kinter moved

That the report of the investigating committee be made a special order of business for next Monday at 1 o'clock,

Which motion prevailed.

MR. PRESIDENT:

Your committee appointed to read and correct the Journal of the forty-fifth day have examined the Journal and find the same to be correct, except some typographical errors to be corrected in the permanent edition.

JOHN BURKE,  
Chairman.

Mr. Cashel moved

To adopt the report and approve the Journal,

Which motion prevailed, and

The Journal was approved.

A. E. Bestic was sworn in as Enrolling and Engrossing Clerk by the Lieutenant Governor.

Mr. Sorley moved

That the Senate do now adjourn till to-morrow at 10:30 o'clock,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FORTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 18, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. Worst moved

That the Journal be referred to a committee of two for reading and correction,

Which motion prevailed.

The President appointed Messrs. White and McCormack as said committee.

The President announced his signature to

House Bill No. 99,

A bill for an act to amend sections 2, 5 and 13 of chapter 165 of the Laws of 1890, entitled "An act to establish government and maintenance of a soldiers' home."

UNFINISHED BUSINESS.

Senate Bill No. 51,

A bill for an act providing for garnishment and regulating the proceedings in connection therewith,

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

Mr. Hillier moved

That Senate Bill No. 51 be indefinitely postponed.

Roll call demanded.

The roll being called there were ayes 17, nays 12.

Those who voted in the affirmative were:



Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Johnson,	Patch,
Day,	Kinter,	Pinkham,
Enger,	LaMoure,	Stevens,
Engle,	McCarten,	Worst.
Fuller,	McCormack,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Burke,	Ink,	Sorley,
Cashel,	Little,	White,
Gregory,	McGillivray,	Young.

Messrs Lamb and Svensrud absent and not voting.

So the motion to indefinitely postpone prevailed.

Mr. LaMoure moved

That the vote by which Senate Bill No. 51 was indefinitely postponed be reconsidered and the motion to reconsider be laid upon the table.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Kinter,	Palmer,
Enger,	LaMoure,	Pinkham,
Engle,	McCarten,	Stevens.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Anold,	Ink,	Patch,
Burke,	Johnson,	Sorley,
Cashel,	Little,	Worst,
Day,	McGillivray,	White,
Gregory,	Miller,	Young.
Haggart,		

Messrs. Lamb and Svensrud absent and not voting.

So the motion was lost.

Mr. McCormack moved

That ex-Governor Ordway be invited to a seat within the Senate,  
Which motion prevailed.

Mr. Haggart moved that the courtesies of the floor be extended to Hon. George Osgood,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, February 18, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 62,

A bill for an act providing an appropriation for the manufacture of potato starch in the State of North Dakota,

Also,

House Bill No. 24,

A bill for an act to amend section 3, chapter 50, Laws of 1890,

Also,

House Bill No. 112,

A bill for an act authorizing County Commissioners to use moneys belonging to road and bridge funds for reclaiming waste lands, etc.,

Also,

House Bill No. 90,

A bill for an act to amend article 16 of chapter 73 of the Laws of 1887, being sections 1000, 1001, 1002 to 1007, inclusive, of the Compiled Laws of the State of North Dakota and to re-enact the same as so amended,

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

J. G. HAMILTON,  
Chief Clerk.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Fuller presented the following petition:

*To the Senate and House of Representatives of the State of North Dakota:*

We, the undersigned, citizens and voters of Stutsman county, most respectfully ask that the question of Prohibition be resubmitted to a vote of the people.

Signed by

C. O. DUNN,

And Twelve Hundred Others.

Which was referred to the Committee on Temperance.

Mr. Enger presented the following petition:

STEELE COUNTY, N. D., January, 1893.

*To the Honorable Members of the Senate and House of Representatives of the Third Legislative Assembly of the State of North Dakota:*

The undersigned residents of the State of North Dakota, believing that three years is not a sufficient length of time in which to test the workings of the prohibitory plan of dealing with the liquor question, pray your honorable body that you do not take any steps at this session looking towards a resubmission of the question to the people or repeal of the penalty clauses.

Signed by

E. G. STEEN,

And Seventy-Five Others.

The petition was referred to the Committee on Temperance.

## REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 77,

A bill for an act admitting books as evidence,

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that the provisions of said bill are now the rule of evidence.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 125,

A bill for an act to legalize and confirm townsite proceedings and to limit the time within which the validity thereof may be questioned,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 92,

A bill for an act to regulate the terms of district court to be held in the several counties constituting the Fourth Judicial District,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved

That the report be adopted,

Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 76,

A bill for an act for an appropriation for new buildings for the Asylum for the Insane at Jamestown,

Have had the same under consideration and recommend that the accompanying bill, authorizing the board of directors of the hospital for insane to bond lands belonging thereto, be substituted therefor,

And recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota Reform School,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Corporations other than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations other than Municipal, to whom was referred

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax,"

Have had the same under consideration and recommend that the same be amended as follows:

Add after last line section 2. So long as he shall remain a resident of the city or town from which he receives his certificate.

And when so amended recommend that the same do pass.

J. M. PATCH,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 31,

A bill for an act to amend chapter 81 of the Laws of 1891, entitled "An act to amend section 1 of chapter 82 of the General Laws of 1887," the same being section 6158 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 128,

A bill for an act to amend section 4 of chapter 65 of the Session Laws of 1891, being an act entitled "An act to amend sections 2, 5, 6 and 11 of chapter 146 of the General Laws of 1890, entitled 'An act to provide for the leasing and sale of the common school lands of North Dakota,'" for the purpose of making specific appropriation by the Legislature to meet expenses that were therefor taken out of the interest and income of the permanent school fund, because the section so amended is in violation of the constitution,

Have had the same under consideration and recommend that the same be amended as follows:

By inserting after the figures \$5,000 in line 9 of printed bill the words, or so much thereof as may be required.

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. McCormack moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 84,

A bill for an act entitled "An act to amend section 9 of chapter 40 of the Special Laws of 1883, as amended by section 3 of chapter 168 of the Laws of 1887, and section 1 of chapter 180 of the Laws of 1890, relating to the University of North Dakota,"

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 134,

A bill for an act prescribing the form of certificate to be attached to school bonds and defining the duties of county auditors in relation thereto,

Have had the same under consideration and recommend that the same be amended as follows:

By adding the letter "s" to the word officer in line 20 of printed bill.

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 133,

A bill for an act to amend section 163 of article 17 of an act entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof, chapter 62, Session Laws of 1890,

Have had the same under consideration and recommend that the same be amended as follows:

By adding after the word district, line 18 of printed bill, the words "or deposit said funds in any State or National bank, taking therefor a good and sufficient bond for the amount so deposited; provided, that all interest arising from such investment or deposit shall accrue to the credit of such school district."

And when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 121,

A bill for an act to provide for the formation of school districts  
comprising less than a civil or congressional township,

Have had the same under consideration and recommend that  
the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Sorley moved  
That the rules be suspended and all House Bills on the table  
be given their first and second reading,  
Which motion prevailed.

House Bill No. 90,

A bill for an act to amend article 16 of chapter 73 of the Laws  
of 1887, being sections 1000, 1001, 1002 to 1007, inclusive, of the  
Compiled Laws of the State of North Dakota, and to re-enact the  
same as so amended,

Was read the first and second times and referred to the Com-  
mittee on Municipal Corporations.

House Bill No. 112,

A bill for an act authorizing county commissioners to use  
moneys belonging to road and bridge funds for reclaiming waste  
lands, etc.,

Was read the first and second times and referred to the Judici-  
ary Committee.

House Bill No. 56,

A bill for an act to amend section 1 of chapter 20 of the  
Political Code of 1887, being section 487 of the Compiled Laws,

Was read the first and second times and referred to the Judici-  
ary Committee.

House Bill No. 62,

A bill for an act appropriating money from the State Treasury  
not otherwise appropriated to recompense the county auditor of  
the county of Ward for services in making out and extending the  
tax lists and making abstracts of the same, and in doing and per-  
forming all the other acts that the law provides that he shall do  
and perform in the assessment and collection of the State  
tax in the unorganized counties of Buford, Montrailie, Flannery  
and Renville in the years 1890, 1891 and 1892,

Was read the first and second times and referred to the Com-  
mittee on Ways and Means.

**House Bill No. 107,**

A bill for an act to amend sections 3, 4, 6 and 7 of chapter 68 of the Laws of 1885, being sections 236, 237, 239 and 240 of the Compiled Laws,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 145,**

A bill for an act authorizing the adjournment of terms of court by order entered in vacation,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 109,**

A bill for an act to define the boundaries of the counties of North Dakota,

Was read the first and second times and referred to the Committee on Counties.

**Substitute for House Bill No. 30,**

A bill for an act to fix the terms of the district court in the Third Judicial District,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 133,**

A bill for an act to amend and re-enact sections 2, 6 and 7 of article 9 of chapter 73 of the Laws of 1887, being sections 917, 921 and 922 of the Compiled Laws,

Was read the first and second times and referred to the Committee on Ways and Means.

**House Bill No. 4,**

A bill for an act entitled "An act creating the office of State Board of Auditors, and prescribing the duties thereof,"

Was read the first and second times and referred to the Committee on Banks and Banking.

**House Bill No. 177,**

A bill for an act making an appropriation to pay certain expenses incurred by the Third Legislative Assembly of the State of North Dakota,

Was read the first and second times and referred to the Committee on Appropriations.

**Substitute for House Bill No. 14,**

A bill for an act amending sections 5048 and 5049, Compiled Laws of 1887, relating to trials,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 35, a substitute for Senate Bills Nos. 35 and 63,**

A bill for an act amending sections 15 and 16 chapter 76 of the



Laws of 1887, being sections 3097 and 3098 of the Compiled Laws relating to County Mutual Insurance companies and changing the time of the annual meeting thereof,

Was read the first and second times and referred to the Committee on Insurance.

House Bill No. 134,

A bill for an act to amend section 3 of chapter 58 of the Laws of 1887,

Was read the first and second times and referred to the Committee on Agriculture.

#### MOTIONS AND RESOLUTIONS.

Mr. Kinter moved

That the following concurrent resolution:

WHEREAS, The Board of Equalization did, for the years 1890, 1891 and 1892, assess the Northern Pacific Railroad on its roadway, roadbed, rails and rolling stock in the aggregate \$2,500 per mile on its main line, and \$3,500 per mile on its branches: and,

WHEREAS, Chapter 135 of the Session Laws of 1890 directs that railroads shall be assessed at their actual value; therefore,

Resolved, That it is the opinion of the Senate, the House concurring, that the Equalization Board of 1893 and 1894 should raise the valuation of said railroad to an aggregate of not less than \$5,000 per mile on its main line and branches.

Which was referred to the Committee on Railroads, be recalled from the committee,

Which motion prevailed.

Mr. Kinter moved

That the concurrent resolution be adopted.

Roll call demanded.

The roll being called there were ayes 19, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Hillier,	Miller,
Burke,	Ink,	Patch,
Cashel,	Johnson,	Sorley,
Day,	Kinter,	Stevens,
Enger,	McCarten,	Worst,
Fuller,	McCormack,	Young.
Haggart,		

Messrs. Gregory and McGillivray voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Pinkham,
Bidlake,	LaMoire,	Svensrud,
Engle,	Palmer,	White.
Lamb,		

So the resolution was adopted.

Mr. Burke moved

That the vote by which the committee report on  
House Bill No. 36,

A bill for an act entitled "An act to protect stock raisers and promote the breeding of improved live stock within the State of North Dakota, and to provide a lien for the service of sires, being chapter 117 of the Laws of 1884,"

Was adopted be reconsidered,  
Which motion prevailed.

A committee from the house appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Haggart moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,  
Which motion prevailed.

At 1:10 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session no candidate had received a majority of all votes cast for United States Senator.

Mr. Burke moved

That House Bill No. 36 be referred to general orders,  
Which motion prevailed.

Mr. Little moved

That the rules be suspended and all Senate bills on the table be given their third reading and placed upon their final passage,  
Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat, and the regulation thereof, and to appropriate money for that purpose,

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

Mr. Stevens moved

As an amendment that in section 6, line 1, the word "ten" be stricken out and the word "twenty" inserted in lieu thereof,  
Which motion prevailed.

Mr. Day moved

That section 2, line 5, after the word "warehouse," all be stricken out and the words "Grand Forks, Fargo and Wahpeton" be inserted in lieu thereof,

Which motion was lost.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 25, nays 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	McCormack,
Bidlake,	Ink,	Miller,
Brynjolfson,	Johnson,	Palmer,
Cashel,	Kinter,	Patch,
Day,	Lamb,	Pinkham,
Enger,	Little,	Sorley,
Fuller,	LaMoure,	Stevens.
Gregory,	McCarten,	Svensrud.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	White,	Young.
McGillivray,		

Messrs. Engle and Worst being absent and not voting:

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

The courtesies of the floor were extended to Hon. W. E. Patterson.

The Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The Joint Committee on Australian Election Law made the following report:

**MR. PRESIDENT:**

Your Joint Committee on Australian Election Law, to whom was referred amendments to Australian election law bills, have had the same under consideration and recommend the following majority report:

That Senate Bill No. 1 be amended as follows, by inserting after the title of such bill:

**SECTION 1.** All ballots cast at elections for public officers within this State (except county superintendent of schools, school and civil township officers and corporate cities or villages having less than 200 legal voters) shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instructions for the electors in each county, and the delivery of the same to the election officers as hereinafter provided, shall be a county or municipal charge, the payment of which shall be provided for in the same manner as other county or municipal expenses. *Provided, however,* That municipalities and corporate villages having less than two hundred legal voters shall be exempt from the provisions of this act.

**SEC. 16. (A.)** (Inspector of Elections, Duty of Election Board, How Constituted.) The chairman of the board of supervisors in organized townships shall, by virtue of his office, be inspector of elections; in the case that the township is composed of more than 300 voters the said chairman shall be inspector of elections for that precinct in which he lives, and shall have the power of appointing the inspector in the other precinct or precincts which are the component parts of the township of which he is chairman.

In all cities the senior alderman shall be inspector of election for the precinct which he represents, and in incorporated villages the president of the

village board shall so sit. The inspector shall, prior to the opening of the polls in his precinct, appoint as judges of election two qualified electors of such precinct, who shall have been resident householders therein for at least ninety days next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes at the preceding general election. *Provided.* That if at least one week prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the State at the last general election shall nominate a member of such party as judge, having the same qualifications as above prescribed, and upon presenting certificate of such nomination signed by said chairman he shall be appointed by the inspector; and such judges, together with the inspector, shall constitute a board of election. No person shall be eligible as a member of the board of election who has anything of value bet or wagered on the result of such election, or who is a candidate or is father, father-in-law, brother or brother-in-law of any candidate at such election. If, at any time before or during an election it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this act, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed, and in case such disqualified judge shall have taken the oath of office hereinafter described, the inspector shall place such oath and affidavit before the state's attorney of the county.

*Provided, further,* That in case the aforesaid chairman of the board of supervisors is a candidate for any office or otherwise disqualified to act as inspector of elections, then the other two members of the board of township supervisors, together with the township clerk, shall, at least ten days before election, hold a meeting for the purpose of filling the vacancy caused by such disqualification. Such vacancy shall be filled by appointing an inspector of elections who shall belong to the same political party as the disqualified inspector of elections, and the name of the inspector as appointed shall at once be reported to the county auditor.

(B.) (Duties of County Commissioners in Relation to Election Boards and Inspectors.) In precincts other than organized townships the board of county commissioners shall, at the June term of the said board next preceding any election, appoint in each precinct, as inspector of such election, some qualified elector of such precinct, who shall have been a resident householder for at least ninety days next preceding such election and shall be a legal voter in the State. Such board of county commissioners shall hold a special session one month before each election and shall fill all vacancies that may have occurred in the office of inspector and shall fill any vacancy occurring thereafter at any regular or called session one week before each election. Such appointed inspector shall, before the time of opening the election in his precinct, appoint two election judges, in the same manner and under the same requirements as provided for township inspectors acting as inspectors, and such judges and inspector shall constitute the board of election for that precinct. If any member of any election board shall have failed to appear at the hour appointed for the opening of the polls, the remainder of the board shall select a member of his political party to serve in his stead. *Provided.* That if the qualified electors of his party present at the polls shall nominate a qualified person for such vacancy, such nominee shall be appointed. If none of the members of the election board shall appear at the hour appointed for opening the polls, the qualified electors present shall elect a board *viva voce*, as nearly as possible in conformity with the provisions hereof.

(C.) (Poll Clerks.) Such board of election shall appoint as poll clerks two qualified electors of such precinct, one from each of the two parties that cast the largest vote in the last State general election.

Your committee further recommend that Senate Bill No. 1 be amended by striking off lines 8 and 9 in section 24 the words "crossing out therefrom

- parts of the ballot in such a manner that the remaining part" and inserting
- in lieu thereof the words "making a cross (X) before the part that."

That the title be amended by inserting after the word "sections" the words "one (1) sixteen (16)."

And when so amended recommend that the same do pass.

R. N. INK,  
Chairman.

A minority of the Joint Committee on Elections made the following report:

MR. PRESIDENT:

A minority of your Joint Committee on Elections, to whom was referred all bills relating to the Australian Ballot Law, have had the same under consideration and recommend that the following bill be substituted for the report of the majority of the Joint Committee:

#### A BILL

For an Act to Amend Sections 1, 16, 17 and 24 of Chapter 66 of the Laws of 1891, Known as the Australian Election Law.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1 That section 1 of chapter 66 of the Laws of 1891 be amended to read as follows:

Section 1. All ballots cast at elections for public officers within this State (except county superintendent of schools, school and civil township officers and corporate cities or villages having less than 20 legal voters) shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instructions for the electors in each county and the delivery of the same to the election officers, as hereinafter provided, shall be a county or municipal charge, the payment of which shall be provided for in the same manner as other county or municipal expenses. *Provided, however,* That municipalities and corporate villages having less than 200 legal voters shall be exempt from the provisions of this act.

SEC. 2. That section 16 of said chapter 66 be amended to read as follows:

Sec. 16. The chairman of the board of supervisors in organized townships shall, by virtue of his office, be inspector of elections. In the case that the township is composed of more than 300 voters, then the said chairman shall be inspector of elections for that precinct in which he lives, and shall have the power of appointing the inspector in the other precinct or precincts which are the component parts of the township of which he is chairman. In all cities the senior alderman shall be inspector of election for the precinct which he represents and in incorporated villages the president of the village board of trustees shall so sit. The inspector shall, prior to the opening of the polls in his precinct, appoint as judges of election two qualified electors of such precinct, who shall have been resident householders therein for at least ninety days next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes at the preceding general election. *Provided,* That if at least one week prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the State at the last general election shall nominate a member of such party as judge, having the same qualifications as above prescribed, and upon presenting certificate of such nomination signed by said chairman he shall be appointed by the inspector, and such judges, together with the inspector, shall constitute a board of election. No person shall be eligible as a member of the board of election

who has anything of value bet or wagered on the result of such election, or who is a candidate, or is father, father-in-law, brother, brother-in-law, uncle or nephew of any candidate at such election. If at any time before or during an election it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this act, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed, and in case such disqualified judge shall have taken the oath of office hereinafter described the inspector shall place such oath and affidavit before the state's attorney of the county.

*Provided,* That in case the aforesaid inspector is a candidate for any office or otherwise disqualified to act, then the other two members of the board of township supervisors, together with the clerk, shall at least ten days before the date of holding the election hold a meeting for the purpose of filling such vacancy. Such vacancy shall be filled by appointing an inspector who shall belong to the same political party as the disqualified inspector, and the name of the inspector so appointed shall at once be reported by said clerk to the county auditor.

Sec. 3. That the heading of subdivision B of section 16 of said chapter 66 be amended by striking out the word "superintendents" where it appears and inserting in lieu thereof the word "commissioners."

Sec. 4. That section 17 be amended to read as follows: All ballots prepared under the provisions of this act shall be white and of a good and uniform quality of paper, and the names shall be printed thereon in black ink. At the head of each ballot shall be printed the name or designation of every political party represented on such ballot. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names. The candidates of the party casting the highest number of votes for member of congress at the last general election shall be arranged in the first or left-hand column of said ballot; of the party casting the next highest number of votes for member of congress at the last general election in the second column; of the party casting the next highest vote for member of congress at the last general election in the third column, and of any other party as the Secretary of State for State officers or county auditor for county officers may direct. The names of electors of President and Vice-President of the United States presented in one certificate of nomination shall be arranged in a group and placed at the head of the column under the party designation represented in such certificate. Below the candidates for each office shall be left a blank space large enough for the name of a candidate to be written in. There shall be a margin on each side at least half an inch in width, and a reasonable space between the names to be printed thereon, so that the voter may clearly indicate, in the way hereafter provided, the candidate or candidates for whom he wishes to cast his ballot. Whenever the Secretary of State has duly certified to the Auditor any question to be submitted to a vote of the people, the Auditor shall have printed on the regular ballots the question in such form as will enable the elector to vote upon the question so presented in the manner hereinafter provided. The Auditor shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any locality and not to the State generally.

Sec. 5. That section 24 of chapter 66 be amended to read as follows:

Sec. 24. On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or compartments provided to prepare his ballot. He shall prepare his ballot by placing a cross (X) mark before each and every name or group of names for whom he may wish to vote, or the elector may write in the blank space, or paste over any other name, the names of any person for whom he may wish to vote: or in case of a ballot containing a constitutional amendment or other question to be submitted to a vote of the people by placing a cross mark before the

word or words expressing his wish and for which he desires to vote. After preparing his ballot, the elector shall fold it so the face of the ballot will be concealed and so the indorsement stamped thereon may be seen. He shall then vote forthwith and before leaving the polling place, and after voting he shall immediately leave the room.

Sec. 6. All acts or parts of acts in conflict herewith are hereby repealed.

And when so amended recommend that the same do pass.

F. M. KINTER,  
H. H. STROM,  
C. F. McCANNA,  
Minority.

Mr. Little moved

That the minority and majority reports be made a special order for next Tuesday at 2 o'clock,

Which motion prevailed.

Mr. Haggart moved

That the Senate return to the order of third reading of Senate Bills,

Which motion prevailed.

Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State University,

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

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Palmer,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White,
Gregory,	McGillivray,	Young.
Haggart,		

So the bill passed and the title was agreed to.

Senate Bill No. 21,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo.

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

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Palmer,
Brynjolfson,	Johnson,	Patch,

Messrs—	Messrs—	Messrs—
Burke,	Kinter,	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	McCormack,	White,
Gregory,	McGillivray,	Young.
Haggart,		

So the bill passed and the title was agreed to.

Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the North Dakota Reform school and for incidental and contingent expenses for the same,

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

The roll being called there were ayes 27, nays 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Bidlake,	Ink,	Patch,
Brynjolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Little,	Stevens,
Day,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Gregory,	McCormack,	White,
Haggart,	Miller,	Young.

Messrs. Enger and Lamb voting in the negative.

Messrs. Fuller and McGillivray being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat.

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

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Fuller,	McCarten,	White,
Gregory,	McCormack,	Young.

Mr. McGillivray being absent and not voting.

So the bill passed and the title was agreed to.



## Senate Bill No. 36,

A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	Little,	Worst,
Engle,	LaMoure,	White,
Fuller,	McCarten,	Young.
Gregory,	McCormack,	

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

## Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham.
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	Little,	Worst,
Engle,	LaMoure,	White,
Fuller,	McCarten,	Young.
Gregory,	McCormack.	

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 18, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 127,

A bill for an act to establish an experimental station for purposes of irrigation,

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

Also,

I have the honor to inform you that the House has by resolution referred

House Bill No. 224,

A bill for an act providing for the compilation, revision and codification of the Laws of North Dakota and the publication and distribution and sale thereof, and to repeal chapter 82 of the Laws of 1891, in relation thereto,

To a Joint Committee, consisting of four from the House and three from the Senate, and the House has appointed as such committee Messrs. Deans, Newman, McCulloch and Wineman.

The Senate is respectfully requested to concur in the resolution and appoint three members of the Senate to serve on such committee.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.,

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

The roll being called, there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoire,  
McCarten,  
McCormack,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 54,

A bill for an act providing for an appropriation of money for the completion of the building for the school for the deaf and dumb and for contingent expenses thereto,

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

The roll being called, there were ayes 29, nays none.

Those who voted in the affirmative were:

## Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

## Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

## Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

## Senate Bill No. 55,

A bill for an act providing for the maintenance and for current and contingent expenses of the School for the Deaf and Dumb,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

## Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

## Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

## Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

## Senate Bill No. 63,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to reimburse the county of Ward for money paid by said county in the holding of coroners' inquests, in the expense of criminal trials, and in assessing and collecting the State tax in the unorganized counties of Buford, Monttraille, Flannery and Renville in the years 1890, 1891 and 1892,

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

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

## Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,

## Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,

## Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,

Messrs—  
Engle,  
Fuller,  
Gregory,  
Haggart,

Messrs—  
LaMoure,  
McCarten,  
McCormack,

Messrs—  
Worst,  
White,  
Young.

Mr. Enger voting in the negative.

Messrs. McGillivray and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 72,

A bill for an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and amending its title,

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

The roll being called there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—  
Gregory,  
Haggart,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—  
Enger,  
Hillier,

Messrs—  
Ink,

Messrs—  
Stevens.

Absent and not voting:

Messrs—  
Lamb,

Messrs—  
McGillivray,

Messrs—  
Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 77,

A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown,

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

Mr. Little moved

To amend by inserting the words one hundred thirty-nine thousand and seventy dollars in the appropriation clause,

Which motion prevailed.

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Brynjolfson,

Messrs—  
Haggart,  
Hillier,  
Ink,

Messrs—  
Miller,  
Patch,  
Pinkham,

Messrs—	Messrs—	Messrs—
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White,
Fuller,	McCormack,	Young.
Gregory,	McGillivray,	

Messrs. Lamb and Palmer being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 113,

A bill for an act to reimburse the county of Pembina for expenses incurred in the small pox quarantine of August, 1892,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White,
Fuller,	McCormack,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lamb,	McGillivray,	Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 116,

A bill for an act to provide for the better enforcement of the laws pertaining to cruelty to animals,

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

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Brynjolfson,	Haggart,	Patch,
Burke,	Hillier,	Pinkham,
Cashel,	Ink,	Stevens,
Day,	Johnson,	Svensrud,
Enger,	Kinter,	White,
Engle,	McCarten,	Young.
Fuller,	McCormack,	

Absent and not voting:

Messrs—  
 Bidlake,  
 Lamb,  
 Little,

Messrs—  
 LaMoure,  
 McGillivray,  
 Palmer,

Messrs—  
 Sorley,  
 Worst.

So the bill passed and the title was agreed to.

Mr. Ink moved

To indefinitely postpone the bill,

The Senate returned to the ninth order of business.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stevens introduced (by request)—

Senate Bill No. 149,

A bill for an act requiring railroad companies to use safety couplers on freight cars.

Mr. Kinter introduced—

Senate Bill No. 150,

A bill for an act to fix all railroad rates offered for passenger travel at not over three cents per mile and to prescribe a penalty for exacting or receiving a greater rate.

Mr. McCormack introduced—

Senate Bill No. 151,

A bill for an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto."

Mr. Gregory introduced—

Senate Bill No. 152,

A bill for an act to provide for the abolishment of the provisions of chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect to provide for an election upon questions of such abolishment and to establish a fence law in such counties.

The Committee on the Journal made the following report:

MR. PRESIDENT:

Your committee appointed to read and correct the Journal of the forty-sixth day have examined the same and find Journal to be correct except the omission of the words "be inserted" at the end of the second line on page 8.

FRANK WHITE,  
 Chairman.

Mr. McCormack moved

That the report of the committee be adopted,  
 Which motion prevailed.

The President appointed Senators Cashel and Pinkham as the Senate members of the joint committee on matters relating to oil inspection bills.

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof,

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

Mr. McCormack moved

That the Senate do now adjourn until Monday at 10:30 a. m.,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FORTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present.

Mr. White moved

That the Journal of Saturday be referred to a committee for correction,

Which motion prevailed, and

The President appointed Messrs. White and McGillivray.

The courtesies of the floor were extended to George F. Clarke, M. S. Mayo, John Diebold, Fred Knowles, B. Eyford, E. W. Conroy, D. J. Saxdahl, Rev. Mr. Brown, Chas. Getchel, Harvey Pray, G. B. Taylor and J. B. Barton.

UNFINISHED BUSINESS.

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof,

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

Mr. Kinter offered the following amendment:

Amend section 2, line 1, of printed bill by inserting at the commencement of said section the following: "The clerk of the Supreme Court, acting under the direction and advice of the."

Amend line 2 of section 2 by striking out the word "trustees" and inserting the word "trustee."

Amend line 6 of section 2 by striking out the word "trustees" and inserting the word "trustee."

Amend line 1 of section 3 by striking out the word "trustees" and inserting the word "trustee."



Amend lines 4 and 5 of section 3 by striking out the word "Legislature" and inserting the words "Legislative Assembly."

Amend line 8 of section 3 by striking out the words "State Legislature" and inserting the words "Legislative Assembly."

Amend line 1 of section 4 by striking out the words "board of trustees" and inserting the word "trustee."

Amend line 3 of section 4 by striking out the words "their government and for."

Amend line 1 of section 5 by striking out the words "board of trustees" and inserting the word "trustee."

Amend line 6 of section 5 by striking out the words "board of trustees" and inserting the word "trustee."

Amend line 1 of section 6 by striking out the words "board of trustees" and inserting the word "trustee."

Amend line 9 of section 7 by striking out the words "board of trustees" and inserting the word "trustee."

Mr. Gregory moved  
That the amendment be adopted,  
Which motion prevailed.

Mr. Ink moved  
That section 6 be stricken out,  
Which motion was lost.

Mr. Cashel moved  
To amend section 3 by striking out the last words of line three, all of lines four and five and first word of line six, and insert in place thereof the words "except Sundays and legal holidays,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 21, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Miller,
Burke,	Ink,	Palmer,
Cashel,	Kinter,	Patch,
Day,	Lamb,	Sorley,
Engle,	LaMoure,	Stevens,
Gregory,	McCormack,	White,
Haggart,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	McCarten,	Svensrud,
Enger,	Pinkham,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Little.
Fuller,		

So the bill passed and the title was agreed to.

Mr. Gregory moved

That the vote by which Senate Bill No. 99 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The courtesies of the floor were extended to P. W. McGillic and William McDonald.

PETITIONS AND COMMUNICATIONS.

The State Auditor made the following report:

AUDITOR'S OFFICE,  
BISMARCK, February 20, 1893.

*To the Honorable Senate of the State of North Dakota:*

GENTLEMEN: In reply to your resolution of the 14th inquiring of me whether or not any licenses have been paid, as provided for in chapters 136 and 137 of the Session Laws of 1890, and if not why such taxes have not been paid, I beg to make the following report:

Chapter 136 relates to the licensing of express companies and chapter 137 to sleeping car companies. Chapter 120 of the Session Laws of 1889 also provides for a gross earnings tax of 3 per cent. upon such companies. No express or sleeping car company has ever paid any tax or taken out any license so far in this State. Under date of January 30 I wrote the general managers of the Northern Pacific and Great Northern Express Companies asking them to file in this office a list of their respective offices as required by the foregoing chapters, at the same time inquiring why they had not taken out licenses nor paid taxes, and if they would in the future. As the reply from Mr. Mitchell, Jr., counsel of the Northern Pacific Express Company, to my letter to the Northern Pacific Express Company distinctly states the grounds upon which these companies decline to pay taxes, I append it hereto for your consideration.

Very truly yours,  
A. W. PORTER,  
State Auditor.

NORTHERN PACIFIC RAILROAD COMPANY,  
OFFICE OF COUNSEL,  
ST. PAUL, Minn., February 10, 1893.

*Hon. A. W. Porter, State Auditor, Bismarck, N. D.:*

DEAR SIR: Your letter of January 30 addressed to the Northern Pacific Express Company by mistake went to the general manager of the Northern Pacific Railroad Company, who forwarded it to Mr. H. H. Browning, general manager of the express company at Chicago, who has, through the office of the general superintendent of that company in this city, referred same to me that you might receive a prompt answer. The circuitous route the matter has taken, owing to the mistake of delivery in the first instance, accounts for the delay.

I have to say, in response to your request for compliance, on the part of the express company, with the provisions of chapter 136 of the Session Laws of your State for 1890, that the Northern Pacific Express Company, being engaged in interstate commerce, cannot legally be subjected to the license tax imposed by the provisions of the law to which you refer. That law, as to it, being void, as an attempt to regulate interstate commerce, which the supreme court of the United States has repeatedly said was something which could only be accomplished or legally undertaken by Congress. This has so repeatedly been determined by the highest court of last resort in this country, that it is now no longer a question to be considered. This doctrine has been announced repeatedly with respect to express companies as affected by taxes similar to those which your law undertakes to impose.

The supreme court of the United States, becoming weary of having so often presented for their consideration the same question, recently expressed itself in this very certain and definite language:

"We have repeatedly held that no state has the right to lay a tax on interstate commerce in any form, whether by way of duties laid on the transportation of the subjects of that commerce or on the receipts derived from that transportation, or on the occupation or business of carrying it on, for the reason that taxation is a burden on that commerce, and amounts to a regulation of it, which belongs solely to Congress."

You can readily understand that if the law is void as to the tax or license which it seeks to impose, there remains no occasion for furnishing a list of stations, towns or cities in which the company has agents or does business, and that consequently there exists no good reason for the exaction of the penalty provided by the law for the failure to furnish the list or pay the license. The law being void the penalty cannot be collected.

Yours very truly,

J. H. MITCHELL, JR.,  
Counsel.

Mr. McCormack moved

That the report be referred to the Attorney General and his opinion asked thereon,

Which motion prevailed.

The Senate returned to the ninth order of business.

#### INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Johnson moved

That the rules be suspended and all Senate bills receive their first and second reading and be referred to their appropriate committees,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, February 20, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds, and for the appraisement and sale of the lands granted the State for the purpose of erecting public buildings at the Capital,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

The Appropriations Committee introduced—  
Substitute for Senate Bill No. 76,

A bill for an act to provide for erection of necessary additional

buildings for the Hospital for Insane at Jamestown, North Dakota,

Which was read the first and second times and referred to the Appropriation Committee.

Mr. Little introduced—

Senate Bill No. 148,

A bill for an act to provide for a uniform system of free text books throughout the State,

Which was read the first and second times and referred to the Committee on Education.

Mr. Stevens introduced (by request)—

Senate Bill No. 149,

A bill for an act requiring railroad companies to use safety couplers on freight cars,

Which was read the first and second times and referred to the Committee on Railroads.

Mr. Kinter introduced—

Senate Bill No. 150,

A bill for an act to fix all railroad rates of fare for passenger travel at not over three cents per mile and to prescribe a penalty for exacting or receiving a greater rate,

Which was read the first and second times and referred to the Committee on Railroads.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 20, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Substitute for House Bill No. 43,

A bill for an act providing for an appropriation for the payment of the salary of the secretary and the mileage and expenses of the commissioners of the Soldiers' Home for the two years ending December 31st, 1892.

Also,

House Bill No. 7,

A bill for an act providing for proposals for loaning county funds and defining the duties of the county auditor, treasurer and county commissioner, with reference thereto.

Also,

House Bill No. 117,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Laws of 1890, entitled "An act prescribing the mode of making assessment and the levy and collection of taxes, and for

other purposes relative thereto," in relation to the collection of personal taxes by judgment.

Also,

House Bill No. 153,

A bill for an act to provide for the payment of the salaries of county officers monthly.

Also,

House Bill No. 200,

A bill for an act to re-enact section 779 and subdivision 5 of section 2594 of the Civil Code.

Also,

House Bill No. 53,

A bill for an act to amend section 6 of chapter 62 of the Laws of 1890, relating to the University of North Dakota,

Also,

House Bill No. 139,

A bill for an act to amend section 62 of chapter 132 of the Laws of 1890, and to add another section thereto regulating fees of officers under said act.

Also,

House Bill No. 120,

A bill for an act to amend sections 1, 6, 8, 13 and 14 of chapter 161 of the Session Laws of 1890, creating an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management.

Also,

House Bill No. 188,

A bill for an act to amend section 1429 of the Compiled Laws, relating to fees of witnesses.

Also,

House Bill No. 208,

A bill for an act to repeal a special act of the Laws of 1885 entitled "An act establishing independent school district of Walcott, Richland county, Dakota Territory.

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

J. G. HAMILTON,  
Chief Clerk.

Mr. Sorley presented the following Concurrent Resolution:

CONCURRENT RESOLUTION.

*Be it Resolved by the Senate, the House Concurring:*

WHEREAS, There will be valuable exhibits from our State at the World's Columbian Exposition of 1893; and,

WHEREAS, Same is liable to go to waste unless placed under the care of some responsible parties; and,

WHEREAS, We believe that said exhibits would add greatly to the attrac-

tions of our State fair, and would, if transferred to the State Board of Agriculture be properly taken care of; therefore, be it

*Resolved*, That on the adjournment of the World's Columbian Exposition of 1893 all exhibits and all other matters and things of value expended by this State at said exposition, including such parts of the building as are portable and can be severed from the building and all exhibits and things donated to the State for said purpose, and the same is hereby transferred to the State Board of Agriculture, to forever remain the property of said board.

*Be it further resolved*, That upon the adjournment of the World's Columbian Exposition it shall be the duty of the board of World's Fair managers of North Dakota to transfer all exhibits and other things of value to the State Board of Agriculture, to be by said board kept at the place of the holding of our State fair.

Mr. Sorley moved

That the resolution be adopted,  
Which motion prevailed.

Mr. McCormack introduced—

Senate Bill No. 151,

A bill for an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes, and for other purposes relative thereto,"

Which was read the first and second times and referred to the Committee on Ways and Means.

Mr. Gregory introduced—

Senate Bill No. 152,

A bill for an act to provide for the abolishment of the provisions of chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect; to provide for an election upon the question of such abolishment, and to establish a fence law in such counties,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Johnson introduced—

Senate Bill No. 153,

A bill for an act to legalize county seat elections and removals where any defect may exist in the calling of the same,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Brynjolfson introduced (by request)—

Senate Bill No. 154,

A bill for an act to repeal sections 5 and 6 of chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,"

Which was read the first and second times and referred to the Committee on Railroads.

Also,

Senate Bill No. 155,

A bill for an act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 13,

14 and 15 of chapter 126 of the Session Laws of Dakota Territory for the year 1885, being approved March 6, 1885, and entitled, "An act to provide for the establishment of a Board of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory for the purpose of doing away with the Secretary of the Railroad Commission in cutting off its alleged powers, and leaving all remedies in the hands of the court,"

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Burke introduced (by request)—  
Senate Bill No. 156,

A bill for an act to repeal sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of chapter 122 of the Session Laws of 1890, being an act entitled "An act to regulate common carriers, and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota," approved March 19, 1890,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 157,

A bill for an act to repeal chapter 126 of the Session Laws of 1891, being an act entitled "An act to regulate warehouses and the weighing and handling of grain, and defining the duties of Railroad Commissioners in relation thereto," the purpose of this repeal being to take certain powers away from the Railroad Commissioners and leave the redress to be obtained through the courts,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Stevens introduced—  
Senate Bill No. 158,

A bill for an act entitled "An act granting the right of suffrage to women,"

Which was read the first and second times and referred to the Committee on Woman's Suffrage.

Mr. Stevens introduced (by request)—  
Senate Bill No. 159,

A bill for an act to amend an act to regulate the fees of the clerks of the District Courts of the State of North Dakota, being chapter 68 of the Laws of 1891,

Which was read the first and second times and referred to Judiciary Committee.

Mr. Brynjolfson introduced—  
Senate Bill No. 160,

A bill for an act to amend section 400 of the Penal Code, the

same being section 6651 of the Compiled Laws, relating to the laying out of poison,

Which was read the first and second time and referred to the Committee on Agriculture.

Mr. Sorley introduced—

Senate Bill No. 161,

A bill for an act entitled "An act to amend sections 1 and 3 of chapter 50 of the Session Laws of 1890, of an act entitled 'An act to fix compensation of judges of the county courts and provide a fund to reimburse the county for the same,' approved March 18, 1890,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Little introduced—

Senate Bill No. 162, 1

A bill for an act to amend section 1411 of the Political Code and section 7646 of the Criminal Procedure, Compiled Laws of 1887,

Which was read the first and second times and referred to the Judiciary Committee.

Also,

Senate Bill No. 163,

A bill for an act constituting the Commissioner of Irrigation and Forestry the Fish and Game Commissioner of North Dakota,

Which was read the first and second times and referred to the Committee on Stock.

Mr. Cashel introduced—

Senate Bill No. 164,

Concurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota,

Which was read the first and second times and referred to the Committee on State affairs.

Mr. Ink introduced—

Senate Bill No. 165,

A bill for an act to provide for the division of civil townships containing two or more Congressional townships by the creation of new townships therein,

Which was read the first and second times and referred to the Committee on Elections.

Mr. Haggart introduced—

Senate Bill No. 166,

A bill for an act authorizing cities to levy and collect an annual poll tax,

Which was read the first and second times and referred to Committee on Municipal Corporations.



Also,

Senate Bill No. 167,

A bill for an act constituting boards of audit for cities and to provide for the presentation and auditing of claims,

Which was read the first and second times and referred to the Committee on Municipal Corporations.

Mr. Sorley introduced—

Senate Bill No. 168,

A bill for an act to appropriate \$500 to defray the expenses in transferring exhibits from the World's Columbian Exposition to the State Board of Agriculture,

Which was read the first and second times and referred to the Committee on Appropriations.

Mr. Johnson moved

That Senate Bill No. 136 be recalled from the Committee on State Affairs and referred to Committee on Temperance.

Mr. Miller moved

As a substitute that it be referred to a committee of the whole, Which motion prevailed.

Mr. Miller moved

That Senate Bill No. 136 be recalled from the Committee on State Affairs and made a special order for tomorrow under the head of unfinished business,

Which motion prevailed.

A committee from the House appeared and informed the Senate that the House was ready to receive the Senate in Joint Session.

Mr. Worst moved

That the Senate do now proceed to the House to meet in Joint Session for the purpose of electing a United States Senator,

Which motion prevailed.

At 2 p. m. the Senate reassembled, and

Mr. President announced that in Joint Session Hon. W. N. Roach had received a majority of all the votes cast for United States Senator, and that he had been duly declared elected to that office.

Mr. Little moved

That the Senate do now adjourn till Friday, February 25, at 1 o'clock.

Roll call demanded.

The roll being called there were ayes 13, nays 15.

Those who voted in the affirmative were:

Messrs—

Day,  
Engle,  
Gregory,  
Haggart,  
Ink,

Messrs—

Little,  
McCormack,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Sorley,  
White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Pinkham,
Brynjolfson,	Johnson,	Stevens,
Cashel,	Kinter,	Svensrud,
Enger,	LaMoure,	Worst,
Fuller,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Burke,	Lamb,

So the motion to adjourn was lost.

Mr. Stevens moved

That the Senate do now adjourn till 10:30 tomorrow morning.

Mr. Sorley moved

As a substitute that the Senate do now adjourn till Thursday morning at 10 o'clock.

Roll call demanded.

The roll being called there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Cashel,	Ink,	Palmer,
Day,	Little,	Patch,
Enger,	McCormack,	Sorley,
Engle,	McGillivray,	Worst,
Gregory,	Miller,	White.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Brynjolfson,	Kinter,	Stevens,
Fuller,	LaMoure,	Svensrud,
Hillier,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Burke,	Lamb.

So the substitute motion to adjourn prevailed and the Senate adjourned.

FRED FALLEY,  
Secretary.

## FIFTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 23, 1893.

The Senate met pursuant to adjournment.

The President pro tem. presiding.

Prayer by the Chaplain.

Roll called.

All members present except Messrs. Ink, Gregory, White, Enger, Svensrud, Palmer, Patch and McGillivray.

Mr. LaMoure moved

That the Senate take a recess of twenty minutes,  
Which motion prevailed.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to read and correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Little and Miller.

## UNFINISHED BUSINESS.

Mr. Little moved

That Senate Bill No. 136 be brought up to-morrow under the head of unfinished business,

Which motion prevailed.

## REPORTS OF SPECIAL COMMITTEES.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 121,

A bill for an act to provide for the erection and construction of

the south wing of the capitol, for the issuance and sale of fifty thousand dollars of bonds, and for the appraisement and sale of the lands granted the State for the purpose of erecting public buildings at the capitol,

And find the same correctly engrossed and enrolled.

C. B. LITTLE,  
Chairman pro tem.

Mr. Kinter moved

That the report of the Committee on Australian Ballot Law be made a special order for to-morrow under the head of unfinished business,

Which motion prevailed.

The President pro tem. announced his signature to Senate Bill No. 121,

A bill for an act to provide for the erection and construction of the south wing of the capitol, for the issuance and sale of fifty thousand dollars of bonds, and for the appraisement and sale of the lands granted the State for the purpose of erecting public buildings at the capitol.

#### REPORTS OF STANDING COMMITTEES.

The Committee on Warehouse and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Warehouse and Grain Grading, to whom was referred

Senate Bill No. 101,

A bill for an act to regulate the manner in which individual and private corporations shall be authorized to contract, maintain and operate public warehouses and elevators on railway rights of way in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

That the word "contract" in the title be changed to "construct" and that section 1 in line 2, after the words "State of North Dakota," the words "there has" be inserted in the place of the word "that", and that on the same line the word "been" be inserted after the word "not" and before the word "built."

E. P. DAY,  
Chairman.

Mr. Day moved

That the report be adopted,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred

Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each.

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by striking out the words and figures "one dollar (\$1)" and inserting in lieu thereof the words and figures "two dollars (\$2)."

Amend section 1 by inserting after the word "State" in line 2 of the printed bill the words "on the same grade."

Amend section 2 by striking out in lines 6 and 7 the words "or the county or State's Attorney of the county in which such railroad crossing is."

And by inserting after the word "described" in line 24 the words "unless said railroad or railroads shall show good and sufficient reasons why said "y" or other facilities should not be built."

Amend section 3 by striking out words and figures "one dollar (\$1)" in line 4 and inserting the words and figures "two dollars (\$2)."

R. J. JOHNSON,  
Chairman.

Mr. McCarten moved

That Senate Bill No. 127 be recommitted to Committee on Railroads for further amendments,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred

Senate Bill No. 142,

A bill for an act defining the general duties of railways in the State of North Dakota,

Have had the same under consideration and recommend that the same be amended as follows:

By inserting an enacting clause.

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Johnson moved

That the report be adopted,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 145,

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of construction,

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Johnson moved  
That the report be adopted,  
Which motion prevailed.

#### MOTIONS AND RESOLUTIONS.

Mr. Haggart moved  
That Senate bills Nos. 166 and 167 be taken from the Committee on Cities and Municipal Corporations and referred to the Judiciary Committee,

Which motion prevailed.

The courtesies of the floor were extended to M. H. Kiff.

#### INTRODUCTION OF SENATE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Little moved  
That the rules be suspended and all Senate bills on the table be given their first and second readings and referred to their appropriate committees,

Which motion prevailed.

Mr. Bidlake introduced—  
Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota,

Which was read the first and second times and referred to the Committee on State Affairs.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Kinter moved  
That the rules be suspended and all House bills on the table be given their first and second reading and reference,

Which motion prevailed.

House Bill No. 127,

A bill for an act to establish an experimental station for the purposes of irrigation,

Was read the first and second times and referred to the Appropriations Committee.

**House Bill No. 120,**

A bill for an act to amend sections 1, 6, 8, 13 and 14 of chapter 161 of the Session Laws of 1890, creating an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 53,**

A bill for an act to amend section 6 of chapter 62 of the Laws of 1890, relating to the University of North Dakota,

Was read the first and second times and referred to the Committee on Education.

**House Bill No. 7,**

A bill for an act to require the county treasurers to deposit the county funds in designated depositories,

Was read the first and second times and referred to the Committee on Banks and Banking.

**Substitute for House Bill No. 43,**

A bill for an act providing for an appropriation for the payment of the secretary, and mileage and expenses of the commissioners of the Soldiers' Home for the two years ending Dec. 31, 1892.

Was read the first and second times and referred to the Committee on Appropriations.

**House Bill No. 117,**

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Laws of 1890, entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto, in relation to the collection of personal taxes by judgment,"

Was read the first and second times and referred to the Committee on Ways and Means.

**House Bill No. 139,**

A bill for an act to amend section 62 of chapter 132 of the Laws of 1890, and to add another section thereto regulating fees of officers under said act,

Was read the first and second times and referred to the Committee on Ways and Means.

**House Bill No. 153,**

A bill for an act to provide for the payment of the salaries of county officers monthly,

Was read the first and second times and referred to the Committee on State Affairs.

**House Bill No. 200,**

A bill for an act to re-enact section 779 and subdivision 6 of section 2594 of the Civil Code,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 188,

A bill for an act to amend section 1429 of the Compiled Laws, relating to fees of witnesses,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 208,

A bill for an act to repeal a special act of the Laws of 1885, entitled "An act establishing independent school districts of Walcott, Richland county, Dakota Territory,"

Was read the first and second times and referred to the Committee on Education.

Mr. Kinter moved

That the Senate return to the thirteenth order of business,  
Which motion prevailed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 132,

A bill for an act authorizing and empowering the acquisition by the State of North Dakota of the parcel of land situate in the county of Pembina known as the burial ground of the Selkirk settlement, and making an appropriation therefor,

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

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—

Haggart,  
Hillier,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,

Messrs—

McCarten,  
McCormack,  
Miller,  
Stevens,  
Worst,  
Young.

Absent and not voting:

Messrs—

Arnold,  
Enger,  
Gregory,  
Ink,

Messrs—

McGillivray,  
Palmer,  
Patch,  
Pinkham,

Messrs—

Sorley,  
Svensrud,  
White.

So the bill passed and the title was agreed to.

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890,

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

The roll being called there were ayes 18, nays none.

Those who voted in the affirmative were:



Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	McCarten,
Brynjolfson,	Hillier,	McCormack,
Burke,	Kinter,	Miller,
Cashel,	Lamb,	Stevens,
Day,	Little,	Worst,
Engle,	LaMoure,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Enger,	McGillivray,	Sorley,
Gregory,	Palmer,	Svensrud,
Haggart,	Patch,	White.
Ink,		

So the bill passed and the title was agreed to.

Mr. McCormack moved

That the vote by which Senate Bill No. 109 was passed be reconsidered and that the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 119,

A bill for an act appropriating money to insure a proper exhibit of North Dakota's resources at the Columbian Exposition, to be held at Chicago in 1893,

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

The roll being called there were ayes 18, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	McCormack,
Brynjolfson,	Haggart,	Miller,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Worst,
Engle,	LaMoure,	Young.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Hillier,	McCarten,	Pinkham.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	Svensrud,
Enger,	McGillivray,	White.
Gregory,	Palmer,	
Ink,	Patch,	

So the bill passed and the title was agreed to.

Mr. McCormack moved

That the vote by which Senate Bill No. 119 was passed be reconsidered and the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State

of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota Reform School,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	McCormack,
Brynjolfson,	Johnson,	Miller,
Burke,	Kinter.	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little.	Stevens,
Engle,	LaMoure,	Worst,
Fuller,	McCarten,	Young.
Haggart.		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Patch,
Enger,	McGillivray,	Svensrud,
Gregory,	Palmer,	White.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 139 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 133,

A bill for an act to amend section 163 of article 17 of an act entitled "An act to provide for a uniform system of free public schools throughout the State and to prescribe penalties for violation of the provisions thereof, chapter 62, Session Laws of 1890,"

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

The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	McCormack,
Brynjolfson,	Hillier,	Miller,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Engle,	Little,	Worst,
Fuller,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Patch,
Enger,	McGillivray,	Svensrud,
Gregory,	Palmer,	White.
Ink,		

So the bill passed and the title was agreed to.

Senate Bill No. 128,

A bill for an act to amend section 4 of chapter 65 of the Session

Laws of 1891, being an act entitled "An act to amend sections 2, 5, 6 and 11 of chapter 146 of the General Laws of 1890, entitled 'An act to provide for the leasing and sale of the common school lands of North Dakota,'" for the purpose of making specific appropriation by the Legislature to meet expenses that were therefor taken out of the interest and income of the permanent school fund, because the section so amended is in violation of the constitution,

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

The roll being called there were ayes 19, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs.
Bidlake,	Hillier,	Miller,
Brynjolfson,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Engel,	Little,	Worst,
Fuller,	McCarten,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Burke,	LaMoure,	Patch,
Enger,	McCormack,	Svensrud,
Gregory,	McGillivray,	White.

So the bill passed and the title was agreed to.

Senate Bill No. 129,

A bill for an act to amend sections 48, 59, 61, 72 and 76 of chapter 62 of the Laws of 1890, being an act entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

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

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCormack,
Bidlake,	Hillier,	Miller,
Brynjolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Worst,
Engle,	LaMoure,	Young.
Fuller,	McCarten,	

Mr. Kinter voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McGillivray,	Svensrud,
Gregory,	Palmer,	White.
Ink,	Patch,	

So the bill passed and the title was agreed to.

Senate Bill No. 46,

A bill for an act for the encouragement of higher education and appropriating money therefor,

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

Mr. Cashel moved

That the enacting clause of the bill be amended so as to read "Be it enacted by the Legislative Assembly of the State of North Dakota,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,

Messrs—

Fuller,  
Hillier,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—

Miller,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
Young.

Absent and not voting:

Messrs—

Enger,  
Gregory,  
Haggart,  
Ink,

Messrs—

Johnson,  
McGillivray,  
Palmer,

Messrs—

Patch,  
Svensrud,  
White.

So the bill passed and the title was agreed to.

Senate Bill No. 86,

A bill for an act to amend section 7 of article 5 of chapter 13 of the Laws of 1887, entitled "Fees of Registers of Deeds,"

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

Mr. Cashel moved

That line 6, section 1 be amended by striking out the words "and receive,"

Which motion prevailed.

Mr. Pinkham moved

That in line 6, section 1 the words "be entitled to" be stricken out,

Which motion prevailed.

Mr. Cashel moved

To amend by striking out the repealing clause,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	Miller,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Little,	Sorley,
Cashel,	LaMoure,	Stevens,
Day,	McCarten,	Worst,
Haggart,	McCormack,	Young.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Palmer,
Enger,	Ink,	Patch,
Engle,	Lamb,	Svensrud,
Fuller,	McGillivray,	White.

So the bill passed and the title was agreed to.

The Senate returned to the sixth order of business.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Senate Bill No. 166,  
A bill for an act authorizing cities to levy and collect an annual  
poll tax,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Senate Bill No. 167,  
A bill for an act constituting boards of audit for cities and to  
provide for the presentation and auditing of claims,

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

Mr. LaMoure moved  
That the Senate do now adjourn till 10:30 a. m. tomorrow,  
Which motion prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

## FIFTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Palmer.

Journal of the previous day was read and approved.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 24, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 26,

A bill for an act to amend sections 2, 3, 4, 5 and 6 of chapter 81, Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein,

Which the House has passed unchanged.

Also,

Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of Stark and Mercer,

Which the House has passed with the following amendments:

By inserting after the word "county" in first line of section 1 of said bill the following: "All that portion of the State embraced within the following boundaries shall be known as Stark county," to-wit:

Also, by inserting after the word "county" in the first line of section 2 of said bill the following: "All that portion of the State embraced within the following boundaries shall be known as Mercer," to-wit:

Also, that the following amendment be made: "Section 3, and what is now section 3, be made section 4."

Before this act shall take effect it shall be the duty of the board of county commissioners of the counties of Stark and Mercer to submit to the qualified electors of the counties of Stark and Mercer the question of change and increase of their respective township boundaries. Such question shall be submitted by them at the next general election held in this State. Each elector shall have written or printed on his ballot the words "For change and increase of county boundaries," or the words "Against change and increase of county boundaries." And the votes on the question shall be returned and canvassed in the same manner as votes for county officers are returned and canvassed.

It shall be the duty of the canvassing boards, immediately on the completion of the canvass, to file with the register of deeds of their respective counties, also with the Secretary of State, a certificate showing the result of said election, and if at said election a majority of the legal voters of any of the counties named in this section voting at said election shall have voted for a change and increase of the boundaries of their respective counties, then the boundaries of said county shall be, from and after the filing of the certificates aforesaid, as in this act described.

But if a majority of the legal voters of any of the counties named in this section, voting at said election, shall have voted against the change and increase of the boundaries of their respective counties, then the boundaries of said counties shall remain as now defined by law, the same as if this act had not been passed.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 24, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith a memorial to Congress requesting the passage of a graduated income tax law,

Which the House has adopted and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, )  
Bismarck, February 24, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.

Also,

Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State University.

Also,

Senate Bill No. 36,



A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 55,

A bill for an act providing for the maintenance and for current and contingent expenses of the School for the Deaf and Dumb.

Also,

Senate Bill No. 113,

A bill for an act to reimburse the county of Pembina for expenses incurred in the smallpox quarantine of August, 1892.

Also,

Senate Bill No. 77,

A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 72,

A bill for an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and amending its title.

Also,

Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat.

Also,

Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the North Dakota Reform School and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 54,

A bill for an act providing for an appropriation of money for the completion of the building for the school for the deaf and dumb and for contingent expenses thereto.

Also,

Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and

performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892.

Also,

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892.

All of which the House has passed unchanged.

Also,

Senate Bill No. 21,

A bill for an act providing for an appropriation for the erection of additional buildings for and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo.

Which the House has passed with the following amendment:

By striking out in the last line of the bill, for necessary incidentals \$15,000, and insert in lieu thereof for necessary incidentals \$10,000.

Also,

Senate Bill No. 12,

A bill for an act to amend section 2, chapter 133, Session Laws of 1891, entitled "An act to amend section 2, chapter 161, of Session Laws of 1890." entitled "An act to create an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management."

Which the House has passed with the following amendment:

By striking out in section 2 the words "and before the third Monday in February," and wherever it occurs in the bill.

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. McCormack moved

That the rules be suspended for the purpose of concurring in the House amendments made to Senate bills,

Which motion prevailed.

Mr. Haggart moved

That the Senate do concur in House amendments to Senate Bill No. 21.

The roll being called, there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,

Messrs—

McCormack,  
McGillivray,  
Miller,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Engle,  
Palmer,

Messrs—

Patch,

Messrs—

Svensrud.

So the amendments were concurred in.

Mr. Patch moved

That the Senate do now concur in House amendments to Senate Bill No. 12.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—

McGillivray,  
Miller,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs—

Engle,  
Fuller,

Messrs—

Palmer,  
Patch,

Messrs—

White.

So the amendments were concurred in.

Mr. McGillivray moved

That the Senate do now concur in House amendments to Senate Bill No. 19.

The roll being called there were ayes 27, nays 1.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—

McGillivray,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Miller voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Gregory,	Palmer.

So the amendments were concurred in.

UNFINISHED BUSINESS.

Mr. LaMoure moved

That Senate Bill No. 136 be laid over until next Tuesday, February 28, and be taken up under the head of unfinished business.

Roll call demanded.

The roll being called there were ayes 7, nays 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Cashel,	Gregory,
Brynjolfson,	Engle,	LaMoure.
Burke,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Pinkham,
Day,	Lamb,	Sorley,
Enger,	Little,	Stevens,
Fuller,	McCarten,	Svensrud,
Haggart,	McCormack,	Worst,
Hillier,	McGillivray,	White,
Ink,	Miller,	Young.
Johnson,	Patch,	

Mr. Palmer being absent and not voting.

So the motion was lost.

Mr. Little moved

A call of the House,

Which motion prevailed.

The roll being called all members were found to be present except Senator Palmer.

Mr. Svensrud moved

That further proceedings under the call of the House be dispensed with.

Roll call demanded.

The roll being called there were ayes 14, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Sorley,
Day,	Kinter,	Stevens,
Enger,	Lamb,	Svensrud,
Hillier,	McCarten,	Young.
Ink,	Pinkham,	

Those who voted in the negative were:

Messrs--

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Engle,  
Fuller,

Messrs--

Gregory,  
Haggart,  
Little,  
LaMoure,  
McCormack,

Messrs--

McGillivray,  
Miller,  
Patch,  
Worst,  
White.

Mr. Palmer being absent and not voting.

So the motion was lost.

Mr. LaMoure moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed.

Mr. LaMoure moved

That the Senate do now go into executive session for the purpose of considering the messages from his excellency the Governor,

Which motion prevailed, and

The Senate went into executive session.

The executive session being dissolved the Senate took up general orders, and

Mr. Cashel moved

That the Senate take a recess for twenty minutes,

Which motion prevailed.

The Senate reassembled.

The Senate concurred in the joint resolution to appoint a joint committee of four from the House and three from the Senate for the purpose of compiling and codifying the Laws of the State of North Dakota.

Mr. President appointed as such committee Messrs. Haggart, Burke and McCarten.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 87,

A bill for an act to provide a suitable residence for the Chief Executive of the State of North Dakota.

Also,

House Bill No. 157,

A bill for an act granting right-of-way to railroad companies through public lands.

Also,

House Bill No. 191,

A bill for an act to amend section 60 of chapter 86 of the Laws of 1891, entitled "An act to provide a military code for the State of North Dakota."

Also,

House Bill No. 205,

A bill for an act to amend section 510 of the Code of Civil Procedure, Compiled Laws, 5324.

Also,

House Bill No. 124,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals.

Also,

House Bill No. 74,

A bill for an act to require all railways in this State to run a train for freight and passenger traffic over their roads and all lines and branches thereof during each week day of the year.

Also,

House Bill No. 184,

A bill for an act to amend divisions 1 and 2 of section 16 of an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto."

Also,

House Bill No. 198,

A bill for an act to appropriate the sum of \$156.10 for services and expenses as member of investigating committee appointed by the Governor in accordance with Concurrent Resolution of this Legislative Assembly.

Also,

House Bill No. 199,

A bill for an act to appropriate the sum of \$170.20 for service and expense as a member of the investigating committee appointed by the Governor in accordance with Concurrent Resolution of this Legislative Assembly,

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

J. G. HAMILTON,  
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Little moved

That the rules be suspended and all House Bills on the table be given their first and second reading and referred,

Which motion prevailed.

**House Bill No. 122,**

A bill for an act to amend section 3 of an act passed by the First Legislative Assembly of the State of North Dakota, approved March 7, 1890, and entitled "An act providing for the retention and disposal of estrays," in relation to notice,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 124,**

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Was read the first and second times and referred to the Committee on Agriculture.

**House Bill No. 205,**

A bill for an act to amend section 510 of the Code of Civil Procedure, Compiled Laws, 5324,

Was read the first and second times and referred to the Judiciary Committee.

**House Bill No. 191,**

A bill for an act to amend section 60 of chapter 86 of the Laws of 1891, entitled "An act to provide a military code for the State of North Dakota,"

Was read the first and second times and referred to the Committee on Military Affairs.

**House Bill No. 157,**

A bill for an act granting right-of-way to railroad companies through public lands,

Was read the first and second times and referred to the Committee on Railroads.

**House Bill No. 87,**

A bill for an act to provide a suitable residence for the Chief Executive of the State of North Dakota,

Was read the first and second times and referred to the Committee on State Affairs.

**House Bill No. 184,**

A bill for an act to amend divisions first and second of section sixteen (16) of an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto."

Was read the first and second times and referred to the Committee on Ways and Means.

**House Bill No. 74,**

A bill for an act to require all railways in this State to run a train for freight and passenger traffic over their roads and all lines and branches thereof during each week day of the year,

Was read the first and second times and referred to the Committee on Railroads.

## House Bill No. 198,

A bill for an act to appropriate the sum of \$156.10 for services and expenses as member of investigating committee appointed by the Governor in accordance with Concurrent Resolution of this Legislative Assembly,

Was read the first and second times and referred to the Committee on Appropriations.

## House Bill No. 199,

A bill for an act to appropriate the sum of \$170.20 for service and expense as a member of the investigating committee appointed by the Governor in accordance with Concurrent Resolution of this Legislative Assembly,

Was read the first and second times and referred to the Committee on Appropriations.

## PETITIONS AND COMMUNICATIONS.

The following communication was received from the Attorney General:

OFFICE OF ATTORNEY GENERAL,  
BISMARCK, Feb. 24, 1893.

*To the Senate:*

Chapter 135 of the Session Laws of 1890 is void by reason of what is contained in section 8 of the act in that it exempts sleeping cars owned and operated exclusively by railroad companies doing business in this State as a part of their railway equipment and applies to all others.

It has been repeatedly decided that since the fourteenth amendment to the United States Constitution was made that any state legislation which discriminates in favor of its own citizens in levying taxes, license fees or otherwise is void. That would make this act void, regardless of the question of inter-state commerce.

I will try and answer the rest of your inquiries soon.

Yours truly,

W. H. STANDISH,  
Attorney General.

## REPORTS OF STANDING COMMITTEES.

The Committee on Appropriations made the following report:

## MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred Senate Bill No. 168,

A bill for an act to appropriate \$500 to defray the expenses in transferring exhibits from the World's Columbian Exposition to the State Board of Agriculture,

Have had the same under consideration and recommend that the same be indefinitely postponed.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.



The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 24,

A bill for an act providing for the erection of a boiler house for  
the State University,

Have had the same under consideration and recommend that the  
same do not pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 102,

A bill for an act to promote the improvement and growth of  
the Volunteer Firemen's Association of the State of North  
Dakota, to increase its usefulness and efficiency, and making an  
appropriation therefor.

Have had the same under consideration and recommend that the  
following substitute therefor do pass.

JOHN E. HAGGART,  
Chairman.

Substitute for Senate Bill No. 102:

#### A BILL

For an Act to Promote the Improvement and Growth of the Volunteer Fire-  
man's Association of the State of North Dakota, to Increase Its Usefulness  
and Efficiency, and Making an Appropriation Therefor.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Section 1. There is hereby appropriated annually the sum of one thou-  
sand (1,000) dollars, out of the moneys in the State Treasury not otherwise  
appropriated, for the uses and benefits of the North Dakota Fireman's Asso-  
ciation, and to promote the efficiency and growth of the different depart-  
ments, and the holding of an annual tournament, according to the rules and  
regulations of the State Association. Said money to be paid to the treasurer  
of said association, and paid out only for the purpose herein mentioned and  
on order of the president and secretary of said association.

Sec. 2. The president, secretary and treasurer of the said State Associa-  
tion shall, within thirty days after the termination of each tournament, make  
to the State Auditor a full and complete report, duly verified by the secretary,  
of the disposition of the moneys received by them from the State.

Sec. 3. The place and time at which said tournament is to be held shall  
be determined at the annual State convention of said Fireman's Association,  
the name of which place, with date of tournament, shall be forwarded at least  
thirty days prior to the holding of said tournament to the State Auditor by  
the secretary of the State Fireman's Association. The secretary of said asso-  
ciation shall also furnish the State Auditor with the name and address of the

treasurer of the said association, and it is hereby made the duty of the State Auditor to pay to the treasurer of the State Association, not later than the first day of June of each year, the sum so appropriated as specified by this act, but not, however, until the said association shall file with the said State Auditor a good and sufficient bond running to the State of North Dakota, to be approved by the State Auditor, in a sum twice the amount of said appropriation, for the faithful disposition of the funds hereby appropriated according to the provisions of this act.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 127,

A bill for an act to establish an experimental station for the purposes of irrigation,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Substitute for House Bill No. 43,

A bill for an act providing for an appropriation for the payment of the secretary, and mileage and expenses of the commissioners of the Soldiers' Home for the two years ending Dec. 31, 1892,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 40,

A bill for an act to reimburse Lieut. Leon S. Roudiez for room rent,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Substitute for Senate Bill No. 76,

A bill for an act to provide for erection of necessary additional  
buildings for the Hospital for Insane at Jamestown, North Da-  
kota,

Have had the same under consideration and recommend that the  
same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Statistics made the following report:

MR. PRESIDENT:

Your Committee on Statistics, to whom was referred  
Senate Bill No. 10,

A bill for an act providing for the returns and records of births,  
marriages and deaths, and compilation of statistics relating  
thereto,

Have had the same under consideration and recommend that  
the same be amended as follows:

By striking out the words "county auditor" wherever they appear, and  
insert the words "county judge" in lieu thereof.

And when so amended recommend that the same do pass.

J. P. LAMB,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Senate Bill No. 120,

A bill for an act providing clerk hire for the various State  
officers and making appropriations therefor,

Have had the same under consideration and recommend that the  
same be amended as follows:

For Secretary of State's office, \$1,800; for Auditor's office, \$2,200.  
And that the following section be added:

Section 6 of chapter 126 of the Laws of 1885, approved March 6, 1885, is hereby repealed.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred  
House Bill No. 119,

A bill for an act to amend section 1 of chapter 42 of the Session Laws of 1889, being an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred  
House Bill No. 109,

A bill for an act to define the boundaries of the counties of North Dakota,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Woman Suffrage made the following report:

MR. PRESIDENT:

Your Committee on Woman Suffrage, to whom was referred  
Senate Bill No. 158,

A bill for an act entitled "An act granting the right of suffrage to women,"

Recommend that the same be amended as follows, to-wit:

After the word result in line 2 of section 3 of the printed bill, strike out the words "in the usual manner," and insert in lieu thereof "according to section 35 of chapter 66 of the Session Laws of 1891."

And when so amended the bill do pass.

J. W. STEVENS,  
Chairman.

Mr. Pinkham moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 177,

A bill for an act making an appropriation to pay certain expenses incurred by the Third Legislative Assembly of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 144,

A bill for an act to provide for the furnishing of free text books and school supplies to the pupils of the public schools,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
Senate Bill No. 140,

A bill for an act to amend sections 17, 18 and 19 of article 2 and sections 52, 55 and 56 of article 4 and to repeal section 51 of article 4, all of chapter 62 of the Laws of 1890, as to the election and qualification of county superintendent of schools,

Have had the same under consideration and return it without recommendation.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 208,

A bill for an act to repeal a special act of the Laws of 1885 entitled "An act establishing independent school district of Walcott, Richland county, Dakota Territory,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred  
Senate Bill No. 115,

A bill for an act to provide for the payment of the salaries of county officers monthly,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 53,

A bill for an act to amend section 6 of chapter 62 of the Laws of 1890, relating to the University of North Dakota,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred

Senate Bill No. 53,

A bill for an act providing for and redistricting of counties into commissioner districts,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred

Senate Bill No. 33,

A bill for an act to amend section 44 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for the purposes relative thereto,"

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

House Bill No. 200,

A bill for an act to re-enact section 779 and subdivision 6 of section 2594 of the Civil Code,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 120,

A bill for an act to amend sections 1, 6, 8, 13 and 14 of chapter 161 of the Session Laws of 1890, creating an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 86,

A bill for an act to amend section 201 of the Code of Civil Procedure, in relation to attachment,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 188,

A bill for an act to amend section 1429 of the Compiled Laws, relating to fees of witnesses,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Ink moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
Senate Bill No. 160,

A bill for an act to amend section 480 of the Penal Code, the



same being section 6651 of the Compiled Laws, relating to the laying out of poison,

Have had the same under consideration and recommend that the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 134,

A bill for an act to amend section 3 of chapter 58 of the Laws of 1887, the same being section 2367 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
Senate Bill No. 137,

A bill for an act to declare certain mills in this State public custom mills and to regulate the rates of toll and exchange therefor,

Have had the same under consideration and recommend that the same be amended to read as follows:

Amend section 2, line 3, of printed bill by striking out the word "fourth" and inserting the word "fifth" in the place thereof.

Amend section 3 in line 4 by striking out "three-fourths" and inserting in lieu thereof "four-fifths."

Amend section 4, line 4, by striking out the word "fourth" and inserting "fifth" in lieu thereof.

Amend section 5 by striking out all after the word "act" in line 2, all of lines 3 and 4 and the first word of line 5. Also by inserting after the word "sections," in line 6, "the words of this act."

And when so amended recommend that the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Senate Bill No. 162,

A bill for an act to amend section 1411 of the Political Code and section 7646 of the Criminal Procedure, Compiled Laws of 1887,

Have had the same under consideration and recommend that the title to said bill be amended so as to read as follows:

A bill for an act to amend section 14 of chapter 23 of the Laws of 1879, being section 1411 of the Compiled Laws, and to amend section 592 of the Code of Criminal Procedure, being section 7646 of the Compiled Laws, as to expenses of transporting convicts and insane persons and of foreign arrests.

That section 1 be amended by striking out the first two lines thereof and inserting in lieu the following:

"SECTION 1. That sections 1411 and 7646 of the Compiled Laws of 1887 be amended so as to read as follows:"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Senate Bill No. 138,

A bill for an act to amend section 44 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for the purposes relative thereto,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Brynjolfson moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Substitute for Senate Bill No. 79,

A bill for an act to amend section 13 of article 5 of chapter 73 of the Laws of 1887, being section 902 of the Compiled Laws, as to compensation of certain city officers,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections, to whom was referred  
Senate Bill No. 165,

A bill for an act to provide for the division of civil townships containing two or more Congressional townships by the creation of new townships therein,

Have had the same under consideration and recommend that said bill do pass.

J. A. SORLEY,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 164,

Concurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

#### INTRODUCTION OF SENATE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Johnson moved

That the rules be suspended and all Senate bills on the table be read the first and second times and referred to their appropriate committees,

Which motion prevailed.

Mr. Day introduced  
Senate Bill No. 170,

A bill for an act to amend section 16 of chapter 27 of the Political Code, being section 1455 of the Compiled Laws of 1887,

Which was read the first and second times and referred to Judiciary Committee.

Mr. Arnold introduced  
Senate Bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the University of North Dakota at Grand Forks, North Dakota,

Which was read the first and second times and referred to Judiciary Committee.

Mr. Johnson introduced  
Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance of necessary additional buildings at the Mayville and Valley City Normal Schools, and to provide for the issuance of bonds for such purposes by the boards of directors in charge of said Normal Schools,

Which was read the first and second times and referred to Judiciary Committee.

Mr. Patch introduced by request  
Senate Bill No. 174,

A bill for an act to fix the compensation of state's attorneys of the State of North Dakota.

Which was read the first and second times and referred to Committee on Counties.

Mr. Miller introduced  
Senate Bill No. 175,

A bill for an act to authorize county commissioners to dispose of and tear down buildings owned by the county and not used for county purposes, when petitioned therefor by one hundred or more of the voters of the county, when the public interest or the public safety will thereby be promoted,

Which was read the first and second times and referred to Committee on Counties.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
February 24, 1893. }

*To the Senate:*

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

Senate Bill No. 121,

Entitled "An act to provide for the erection and construction of the south wing of the Capitol, for the issuance and sale of \$50,000 of bonds, and for the appraisalment and sale of the lands granted

the State for the purpose of erecting public buildings at the Capital.

Very respectfully,  
E. C. D. SHORTRIDGE,  
Governor.

CONSIDERATION OF SPECIAL ORDERS.

The time having arrived for the consideration of special orders, the minority and majority reports of the Committee on the Australian Ballot System were taken up.

Mr. White moved

That the minority report be amended in section 2, amending section 16 in third line, at top of page 15, in the Journal of February 18th, by inserting after the word "nephew" the words "son and son-in-law;" also strike out word "or" before said word "nephew,"

Which motion prevailed.

Mr. Cashel moved

To amend section 1, line 3, by inserting the word "town" after the word "cities,"

Which motion prevailed.

Mr. Burke moved

That section 5 be amended as follows, to-wit:

SEC. 6. Candidates may be nominated otherwise than by convention law. Candidates for public office may be nominated otherwise than by convention in the manner following: A certificate of nomination containing the name of a candidate for the office to be filled, with such information as is required to be given in certificates provided for in section 3 of this act shall be signed by 10 per cent. of the electors residing within the district or political division in and for which the officer or officers are to be elected. *Provided*, that the said signatures need not be appended to one paper. Each elector signing a certificate shall add to his name his place of residence, his business and his address. Such certificate shall be filed as provided for in section 4 of this act in the same manner and with the same effect as a certificate of nomination made by a party convention.

Which motion prevailed.

Mr. Cashel moved

That the bill be recommitted to the committee, with instructions to report an amendment, placing the names on the ballot in accordance with the minority report.

Mr. Ink asked to have the question divided.

On the motion being divided, the motion was on recommitting,  
Which motion prevailed.

On the motion to instruct the committee in accordance with Mr. Cashel's motion,

The motion prevailed.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer,

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

The roll being called there were ayes 29, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McCormack,

Messrs—

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
White,  
Young.

Messrs. Palmer and Svensrud being absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 14,

A bill for an act to regulate the appointment and prescribe the qualification of special deputy sheriffs, constables, marshals, policemen and other peace officers within the Commonwealth and for the punishment of any person who may exercise the functions of any such officer without authority of law,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,

Messrs—

McCormack,  
McGillivray,  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
Young.

Absent and not voting:

Messrs—

Palmer,

Messrs—

Svensrud,

Messrs—

White.

So the bill passed and the title was agreed to.

Senate Bill No. 166,

A bill for an act authorizing cities to levy and collect an annual poll tax,

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

Mr. Haggart moved

That in section 6 the word "sell" be stricken out and the word "sale" be inserted in lieu thereof,

Which motion prevailed.

Mr. Miller moved

That following the word "repealed" in section 11 the following be inserted:

SECTION 12. "Whereas, an emergency exists in that there is no law at present providing for the collection of poll tax, therefore."

Which motion prevailed.

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

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCormack,
Bidlake,	Hillier,	McGillivray,
Brynjolfson,	Ink,	Miller,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Worst,
Engle,	LaMoure,	White,
Fuller,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	Pinkham,	Svensrud.
Palmer,		

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act constituting boards of audit for cities and to provide for the presentation and auditing of claims,

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

Mr. Sorley moved

To amend section 5 by adding after the figure "5" the following: "Whereas, there is no law covering the subject, therefore an emergency exists, and,"

Which motion prevailed.

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

The roll being called there were ayes 29, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,

<p>Messrs—                  Burke,                  Cashel,                  Day,                  Enger,                  Engle,                  Fuller,                  Gregory,</p>	<p>Messrs—                  Kinter,                  Lamb,                  Little,                  LaMoure,                  McCarten,                  McCormack,                  McGillivray,</p>	<p>Messrs—                  Sorley,                  Stevens,                  Svensrud,                  Worst,                  White,                  Young.</p>
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Messrs. Johnson and Palmer being absent and not voting.  
 So the bill passed and the title was agreed to.

Senate Bill No. 165.

A bill for an act to provide for the division of civil townships containing two or more Congressional townships by the creation of new townships therein,

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

The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

<p>Messrs—                  Arnold,                  Brynjolfson,                  Cashel,                  Day,                  Enger,                  Gregory,                  Haggart,                  Hillier,</p>	<p>Messrs—                  Ink,                  Johnson,                  Kinter,                  Lamb,                  Little,                  LaMoure,                  McCarten,                  McGilliaray,</p>	<p>Messrs—                  Miller,                  Patch,                  Sorley,                  Stevens,                  Svensrud,                  Worst,                  White.</p>
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Messrs. Bidlake and Engle voting in the negative.

Absent and not voting:

<p>Messrs—                  Burke,                  Fuller,</p>	<p>Messrs—                  McCormack,                  Palmer,</p>	<p>Messrs—                  Pinkham,                  Young.</p>
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So the bill passed and the title was agreed to.

The President announced his signature to  
 House Bill No. 115,

A bill for an act to amend section 56 of the Code of Civil Procedure, being section 4852 of the Compiled Laws of 1887, providing for limitation of time in which to commence certain civil actions.

Also,  
 House Bill No. 72,

A bill for an act to amend subdivision 5 of section 24 of chapter 120 of the Laws of 1891, regulating appeals from the district court to the Supreme Court.

Also,  
 House Bill No. 45,

A bill for an act to define the jurisdiction of the district court and the powers of the judges thereof and to regulate the exercise of such powers.



Also,

House Bill No. 58,

A bill for an act repealing chapter 40 of the Political Code of 1887, relating to public education; chapter 14 of the Session Laws of 1889, being an act to establish a public school law for Dakota Territory; chapter 24 of the Laws of 1881, being an act to empower school districts to issue bonds for building school houses; chapter 64 of the Laws of 1881, being an act to amend an act entitled "An act to establish a public school law for Dakota Territory," approved February 22, 1879; chapter 65 of the Laws of 1881, being an act to amend sections 8 and 29 of an act to establish a public school law for Dakota Territory, approved February 22, 1879; chapter 66 of the Laws of 1881, being an act to amend section 17 and section 18 of chapter 14 of the Laws of 1879; chapter 67 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 68 of the Laws of 1881, being an act to amend section 40 of an act to establish a public school law for Dakota Territory; chapter 69 of the Laws of 1881, being an act making provisions for the schooling of children living in an organized district; chapter 44 of the Laws of 1883, being an act to establish and provide for the maintenance of a general and uniform system of common schools, and improve their usefulness; chapter 46 of the Laws of 1883, being an act to create the office of Assistant Superintendent of Public Instruction, and to provide for his salary and proper expenses; chapter 49 of the Laws of 1885, being an act to amend chapter 44 of the Session Laws of 1883, entitled "Education;" chapter 50 of the Laws of 1885, being an act to amend chapter 45 of the laws of 1885, empowering school townships to issue their bonds for building and furnishing school houses; chapter 51 of the Laws of 1885, being an act to amend section 9 of chapter 45 of the Laws of Dakota for 1883; chapter 44 of the Laws of 1887, being an act entitled "An act to require teachers of public schools to keep a record of the visits of county superintendents;" chapter 45 of the Laws of 1887, being an act to provide for the registration and payments of warrants drawn by the secretary and treasurer of boards of education in this territory and to prescribe the rate of interest thereon; chapter 46 of the Laws of 1887, being an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883; chapter 48 of the Laws 1887, being an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Senate Bill No. 35,

A bill for an act to amend chapter 23, Laws of 1890, entitled "Organization and Government of State Banks,"

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

Mr. Cashel moved

That after the word "same" in section 33, line 3, the following words be inserted: "And having consulted with the board of directors,"

Which motion prevailed.

Mr. Gregory moved

That all of section 33 be stricken out after the word "forthwith" in line 3, and the following be inserted in lieu thereof: "Apply to the district court having jurisdiction of the subject matter of the appointment of a receiver;" also strike out all of section 34,

Which motion prevailed.

Mr. Miller moved

To add to section 6 the following:

For the purpose of this act, the population of a town, city or village shall be determined by multiplying by five the total vote cast for Member of Congress, at the last general election, at such town, village or city, and the result shall be taken as the population of such town, city or village.

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Eger,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Fuller,	McCarten,	White,
Gregory,	McCormack,	Young.

Mr. Palmer being absent.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 24, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 143,

A bill for an act for extension of the time for the payment of the taxes for the year 1892.

Also,

House Bill No. 194,

A bill for an act defining usury and fixing the penalty for taking the same.

Also,

House Bill No. 55,

A bill for an act providing for a State Examiner, defining his duties and fixing his compensation and bond.

Which the House has passed and your favorable consideration thereof is respectfully requested

J. G. HAMILTON,  
Chief Clerk.

The Senate returned to the ninth order of business.

Mr. Gregory moved

That the rules be suspended and Senate Bill No. 176 be given its first and second reading and reference,

Which motion prevailed.

Mr. Gregory introduced—

Senate Bill No. 176,

A bill for an act to amend section 2115 of the Civil Code, being section 4749 of the Compiled Laws of 1887,

Which was read the first and second times and referred to the Committee on Ways and Means.

Mr. LaMoure moved

That when the Senate adjourn it adjourn to meet at 10:30 a. m. Monday.

Mr. Kinter moved

As an amendment that when the Senate adjourn it adjourn to meet at 10:30 a. m. tomorrow.

Roll call demanded.

The roll being called there were ayes 14, nays 16.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Day,  
Enger,  
Fuller,

Messrs—

Hillier,  
Johnson,  
Kinter,  
Lamb,  
McCarten,

Messrs—

Pinkham,  
Stevens,  
Svensrud,  
White.

Those voting in the negative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Engle,  
Gregory,  
Haggart,

Messrs—

Ink,  
Little,  
LaMoure,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Patch,  
Sorley,  
Worst,  
Young.

Mr. Palmer being absent.

So the amendment was lost.

Mr. Pinkham moved

As an amendment that the Senate adjourn till 2 o'clock tomorrow afternoon.

Mr. LaMoure moved

As a substitute that the Senate adjourn till 10 o'clock Monday morning.

Roll call demanded.

The roll being called there were ayes 16, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Ink,	Miller,
Brynjolfson,	Little,	Patch,
Burke,	LaMoure,	Sorley,
Engle,	McCormack,	Worst,
Gregory,	McGillivray,	Young.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Pinkham,
Cashel,	Johnson,	Stevens,
Day,	Kinter,	Svensrud,
Enger,	Lamb,	White.
Fuller,	McCarten,	

Mr. Palmer being absent and not voting.

So the substitute prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 54,

A bill for an act providing for an appropriation of money for the completion of the building for the school for the deaf and dumb and for contingent expenses thereto.

Also,

Senate Bill No. 44,

A bill for an act forbidding the use of telegraph and telephone lines by unauthorized persons or for unauthorized purposes and providing penalty therefor.

Also,

Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury

not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform, and in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892.

Also,

Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the North Dakota Reform School and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State University.

Also,

Senate Bill No. 55,

A bill for an act providing for the maintenance and for current and contingent expenses of the School for the Deaf and Dumb.

Also,

Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892.

Also,

Senate Bill No. 72.

A bill for an act to amend chapter 24 of the Laws of 1889 by inserting therein section 6 and amending its title.

Also,

Senate Bill No. 21,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo.

Also,

Senate Bill No. 36,

A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 26,

A bill for an act to amend section 2, 3, 4, 5 and 6 of chapter 81, Session Laws of 1890.

Also,

Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.

Also,

Senate Bill No. 77,

A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown.

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. Sorley moved

That the rules be suspended and

Senate Bill No. 101,

A bill for an act to regulate the manner in which individual and private corporations shall be authorized to contract, maintain and operate public warehouses and elevators on railway rights of way in the State of North Dakota,

Be given its third reading and placed upon its final passage,

Which motion prevailed, and

Senate Bill No. 101,

A bill for an act to regulate the manner in which individual and private corporations shall be authorized to contract, maintain and operate public warehouses and elevators on railway rights of way in the State of North Dakota,

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

Mr. LaMoure moved

To amend lines 12 and 13, section 1, by striking out "five" and insert in lieu thereof "twenty,"

Which motion prevailed.

The courtesies of the floor were extended to the Attorney General for the purpose of giving his opinion on Senate Bill No. 101.

Mr. Burke moved

To amend section 3 by striking out lines 1 and 2 and all of line 3 up to and including the second word "shall" in said line; add after the word "elevator" in the seventeenth line of section 3 "and such may be had by usual condemnatory proceedings before the district court,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 27, nays none.  
Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McCarten,
Bidlake,	Haggart,	McGillivray,
Brynjolfson,	Hillier,	Miller,
Burke,	Ink,	Sorley,
Cashel,	Johnson,	Stevens,
Day,	Kinter,	Svensrud,
Enger,	Lamb,	Worst,
Engle,	Little,	White,
Fuller,	LaMoure,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
McCormack,	Patch,	Pinkham.
Palmer,		

So the bill passed and the title was agreed to.

Mr. LaMoure presented the following resolution:

*Resolved*, That Mr. Harrison, John Marshall and John Haley be appointed assistant enrolling and engrossing clerks.

Mr. Johnson moved

To adopt the resolution.

Roll call demanded.

The roll being called, there were ayes 19, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Haggart,	Patch,
Brynjolfson,	Johnson,	Svensrud,
Burke,	Little,	Worst,
Cashel,	LaMoure,	White,
Day,	McGillivray,	Young.
Engle,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Kinter,	Pinkham,
Fuller,	Lamb,	Sorley,
Hillier,	McCarten,	Stevens.
Ink,		

Messrs. McCormack and Palmer being absent and not voting.

So the motion prevailed and the resolution was adopted.

J. C. Marshall was sworn in as enrolling and engrossing clerk.

R. W. Davidson was sworn in as clerk Thursday, February 23,  
by the president pro tem.

Mr. Gregory moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FIFTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. McCormack.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to read and correct the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Sorley and Enger.

REPORTS OF STANDING COMMITTEES.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each,

Have had the same under consideration and recommend that the same be amended as follows:



Amend the title by striking out the words and figures "one dollar (\$1)" and inserting in lieu thereof the words and figures "two dollars (\$2)."

Amend section 1 by inserting after the word "State" in line 2 of the printed bill the words "on the same grade."

Amend section 2 by striking out in lines 6 and 7 the words "or the county or State's attorney of the county in which such railroad crossing is," and by inserting after the word "described" in line 24 the words "unless said railroad or railroads shall show good and sufficient reasons why said 'Y' or other facilities should not be built."

Amend section 3 by striking out words and figures "one dollar (1\$)" in line 4 and inserting the words and figures "two dollars (\$2)."

And when so amended recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Worst moved

That the report be adopted,

Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 154,

A bill for an act to repeal sections 5 and 6 of chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,"

Have had the same under consideration and recommend that the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Worst moved

That the report be adopted,

Which motion prevailed.

The Joint Committee on Railroads made the following report:

MR. PRESIDENT:

Your Joint Committee on Railroads, to whom was referred  
Senate Bill No. 150,

A bill for an act to fix all railroad rates of fare for passenger travel at not over three cents per mile and to prescribe a penalty for exacting or receiving a greater rate,

Have had the same under consideration and recommend that the same do not pass.

R. J. JOHNSON,  
Chairman.

Mr. Gregory moved

That the report be adopted,

Which motion prevailed.

The Joint Committee on Railroads made the following report:

MR. PRESIDENT:

Your Joint Committee on Railroads, to whom was referred  
House Bill No. 74,

A bill for an act to require all railways in this State to run a  
train for freight and passenger traffic over their roads and all  
lines and branches thereof during each week day of the year,

Have had the same under consideration and recommend that  
the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Johnson moved

That the report be adopted,  
Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 149,

A bill for an act requiring railroad companies to use safety  
couplers on freight cars.

Have had the same under consideration and recommend that  
the same do not pass.

R. J. JOHNSON,  
Chairman.

Mr. Cashel moved

That the report be adopted,  
Which motion prevailed.

The Joint Committee on Railroads made the following report:

MR. PRESIDENT:

Your Joint Committee on Railroads, to whom was referred  
House Bill No. 157,

A bill for an act granting right-of-way to railroad companies  
through public lands,

Have had the same under consideration and recommend that  
the same do pass.

R. J. JOHNSON,  
Chairman.

Mr. Gregory moved

That the report be adopted,  
Which motion prevailed.

The Committee on Military made the following report:

MR. PRESIDENT:

Your Committee on Military, to whom was referred  
House Bill No. 191,

A bill for an act to amend section 60 of chapter 86 of the Laws  
of 1891, entitled "An act to provide a military code for the State  
of North Dakota,"

Have had the same under consideration and recommend that the same do pass.

JOHN BIDLAKE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 147,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Session Laws of 1890, being an act describing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto so as to lessen the expenses of obtaining judgment when the delinquent fails to pay,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 126,

A bill for an act to amend section 77 of the Justices' Code, being section 6117 of the Compiled Laws of 1887, relating to the sale of personal property on execution from justices' court,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 159,

A bill for an act to amend an act to regulate the fees of the clerks of the District Courts of the State of North Dakota, being chapter 68 of the Laws of 1891,

Have had the same under consideration and recommend that

the same do not pass and that further consideration of the same be indefinitely postponed, for the reason that the subject of the same is now fully covered by law.

C. B. LITTLE,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 161,

A bill for an act entitled "An act to amend sections 1 and 3 of chapter 50 of the Session Laws of 1890, of an act entitled 'An act to fix compensation of judges of the county courts and provide a fund to reimburse the county for the same,'" approved March 18, 1890,

Have had the same under consideration and recommend that the same be amended as follows:

That section 1 be amended as follows, viz.: That the word "three" be stricken out and the word "five" be inserted in lieu thereof; that "(300)" be stricken out and "(500)" be inserted in lieu thereof; that the words "five hundred (500)" and the words "seven hundred and fifty (750)" be inserted in lieu thereof; that the words "seven hundred and fifty (750)" be stricken out and the words "nine hundred and fifty (950)" be inserted in lieu thereof; that the words "one thousand (1,000)" be stricken out and the words "twelve hundred (1,200)" be inserted in lieu thereof; that the words "fourteen hundred (1,400)" be inserted in lieu thereof; that the words "fifteen hundred (1,500)" be stricken out and the words "seventeen hundred (1,700)" be inserted in lieu thereof; that the words "seventeen hundred and fifty (1,750)" be stricken out and the words "nineteen hundred and fifty (1,950)" be inserted in lieu thereof; that the words "two thousand (2,000)" be stricken out and the words "twenty-two hundred (2,200)" be inserted in lieu thereof, and that section 2 be stricken out and the following inserted in lieu thereof, viz.: "The population of all counties upon which the salary of the county judge shall be based shall be the number produced by multiplying the entire number of the votes cast for Governor, in the county, at the last general election, by five (5)."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 153,

A bill for an act to legalize county seat elections and removals where any defect may exist in the calling of the same,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 146,

A bill for an act to amend section 95 of the Code of Criminal Procedure, being section 7120 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the Governor of the State,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 131,

A bill for an act to amend and re-enact chapter 140 of the Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 153,

A bill for an act to provide for the payment of the salaries of county officers monthly.

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 87,

A bill for an act to provide a suitable residence for the Chief Executive of the State of North Dakota,

Have had the same under consideration and recommend that the same be reported back without recommendation.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 80,

A bill for an act defining the powers and duties of the State Auditor,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report

MR. PRESIDENT:

Your Committee on Ways and Means to whom was referred

House Bill No. 66,  
A bill for an act to amend sections 49 and 53 of chapter 132 of the Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 133,

A bill for an act to amend and re-enact sections 2, 6 and 7 of article 9 of chapter 73 of the Laws of 1887, being sections 917, 921 and 922 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 184,

A bill for an act to amend divisions 1 and 2 of section 16 of an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
Senate Bill No. 151,

A bill for an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,"

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 117,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Laws of 1890, entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto, in relation to the collection of personal taxes by judgment,"

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred House Bill No. 199,

A bill for an act to appropriate the sum of \$170.20 for services and expenses as member of investigation committee, appointed by the Governor, in accordance with concurred resolution of this Legislature, of date January 23, 1893,

Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred House Bill No. 198,

A bill for an act to appropriate the sum of \$146.10 for services and expenses as member of investigation committee, appointed by the Governor, in accordance with concurred resolution of this Legislature, of date January 23, 1893,



Have had the same under consideration and recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 47,

A bill for an act to amend the law enacted by the First Legislative Assembly of the State of North Dakota, entitled "Boiler inspection," being Chapter 27, Laws of 1890,

Have had the same under consideration and recommend that Substitute Bill attached hereto do pass.

A. SVENSRUD,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal, to whom was referred

House Bill No. 71,

A bill for an act to provide for the preservation of official bonds of township and school officers and facilitate the safe transmission of funds of civil townships and school districts from the county treasury,

Have had the same under consideration and recommend that the same do pass.

J. M. PATCH,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Mines and Mining made the following report:

MR. PRESIDENT:

Your Committee on Mines and Mining, to whom was referred  
Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of

Grand Forks and to provide for its support and management and creating the office of State Geologist,

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Corporations Other Than Municipal made the following report:

MR. PRESIDENT:

Your Committee on Corporations Other Than Municipal, to whom was referred  
House Bill No. 90,

A bill for an act to amend article 16 of chapter 73 of the Laws of 1887, being sections 1000, 1001, 1002 to 1007, inclusive, of the Compiled Laws of the State of North Dakota, and to re-enact the same as so amended,

Have had the same under consideration and recommend that the same do pass.

J. M. PATCH,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 135,

A bill for an act to amend sections 2 and 10 of chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred  
Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of the General Laws of 1885 and section 10 of chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

Have had the same under consideration and recommend that the same do pass.

FRANK WHITE,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 171,

A bill for an act to provide for the erection of necessary buildings for the University of North Dakota at Grand Forks, North Dakota,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred:  
Substitute for House Bills Nos. 35 and 63,

A bill for an act amending sections 15 and 16, chapter 67 of the Laws of 1887, being sections 3097 and 3098 of the Compiled Laws, relating to county mutual insurance companies and changing the time for the annual meeting thereof,

Have had the same under consideration and recommend that the same do pass.

FRANK WHITE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Elections made the following report:

MR. PRESIDENT:

Your Committee on Elections, to whom was referred  
Substitute for Senate Bills Nos. 1 and 17,

A bill for an act to amend sections 2, 4, 5, 16, 17, 18 and 24 of

chapter 66 of Laws of 1891, known as the "Australian election law."

Have had the same under consideration and recommend that the same be amended by the substitute bill,

And when so amended recommend that the same do pass.

R. N. INK,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred Senate Bill No. 124,

A bill for an act to provide for the changing and relocating of county seats,

Have had the same under consideration and recommend that the same be referred back without recommendation.

A. SVENSRUD,  
Chairman.

Mr. Kinter moved

That the rules be suspended and the report of the committee on the Australian ballot system, which was in the form of a bill, be adopted and the bill be read the third time and placed upon its final passage,

Which motion prevailed.

Substitute for Senate Bills Nos. 1 and 17,

A bill for an act to amend sections 1, 2, 4, 5, 16, 17, 18 and 24 of chapter 66 of the Laws of 1891, known as the "Australian ballot law,"

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

Mr. Kinter moved

That the words "ten per cent." be stricken out of section 5 and "five per cent." be inserted in lieu thereof,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McGillivray,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Palmer.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which Substitute for Senate Bills Nos. 1 and 17 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and the Senate concur in House amendments to

Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary.

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Miller,
Brynjolfson,	Johnson,	Patch.
Burke,	Kinter,	Pinkham,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Worst,
Gregory,	McCormack,	White,
Haggart,	McGillivray,	Young.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	Palmer.

So the amendments were concurred in.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 139,

A bill for an act to amend section 62 of chapter 132 of the Laws of 1890, and to add another section thereto regulating fees of officers under said act.

Have had the same under consideration and recommend that the same be amended as follows:

That the following be added to section 2 of said bill:

And it shall be the duty of the sheriff or his deputy to furnish to the county commissioners, together with his bill for serving said citation, a full and complete description of his route traveled, and in no case shall mileage be charged more than once from the county seat of the county in which such service is performed.

And when so amended recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 62,

A bill for an act providing for an appropriation for manufacture  
of potato starch in the State of North Dakota,

Have had the same under consideration and recommend that the  
same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the  
following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have exam-  
ined

Senate Bill No. 19,

A bill for an act to change the counties of Stark and Mercer.

Also,

Senate Bill No. 12,

A bill for an act to amend the law creating an institute for the  
deaf and dumb, etc.

Also,

Senate Bill No. 113,

A Bill for an act to reimburse the county of Pembina for ex-  
penses incurred in quarantine of August, 1892,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The President announced his signature to  
Senate Bill No. 25,

A bill for an act for an appropriation for the erection of the  
North Dakota Reform School and for incidental and contingent  
expenses for the same.

Also,

Senate Bill No. 20,

A bill for an act making appropriation for maintenance of State University.

Also,

Senate Bill No. 85,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the County Treasurer of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892.

Also,

Senate Bill No. 40,

A bill for an act to provide for the management of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 77,

A bill for an act for an appropriation for new buildings for the Asylum for the Insane at Jamestown.

Also,

Senate Bill No. 21,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo.

Also,

Senate Bill No. 72,

A bill for an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and amending its title.

Also,

Senate Bill No. 55,

A bill for an act providing for the maintenance and for current and contingent expenses of the school for the Deaf and Dumb.

Also,

Senate Bill No. 50,

A bill for an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.

Also,

Senate Bill No. 44,

A bill for an act forbidding the use of telegraph and telephone lines for certain purposes, and providing a penalty therefor.

Also,

House Bill No. 54,

A bill for an act to amend Sections 3 and 4 of Chapter 22 of the Political Code of 1887, being Sections 1387 and 1388 of the Compiled Laws.

Also,

Senate Bill No. 12,

A bill for an act to amend Section 2, Chapter 123, Session Laws of 1881, entitled "An act to amend Section 2, Chapter 161, of Session Laws of 1890," entitled "An act to create an institute for the education of the deaf and dumb of North Dakota and providing for its support and management."

Also,

Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of Stark and Mercer.

Also,

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892,

Also,

Senate Bill No. 26,

A bill for an act to amend sections 2, 3, 4, 5 and 6 of chapter 81, Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein.

Also,

Senate Bill No. 36,

A bill for an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 113,

A bill for an act to reimburse the county of Pembina for expenses incurred in the smallpox quarantine of August, 1892.

#### MOTIONS AND RESOLUTIONS.

The courtesies of the floor were extended to Rev. T. W. Thurston.



Mr. White offered the following resolution:  
 CONCURRENT RESOLUTION,

WHEREAS, The citizens of North Dakota, and especially those residing in the sparsely settled districts of the western and northern sections of the State, were thrown into a condition of consternation, excitement and alarm, by the threatening and hostile attitude assumed by the religious and fanatically crazed Indians, who, under the influence of Sitting Bull, during the winter of 1890 and 1891, caused great disturbance, excited much fear and generally disturbed the peace and quiet of the citizens of North Dakota; and,

WHEREAS, It was thoroughly demonstrated that it was impracticable to even attempt, during the severe winter weather, to move the citizen soldiery of the State, meagerly equipped as was North Dakota's National guard at that time, owing to previous lack of care on the part of the State, against the well armed and mounted Indians who threatened to engage in these hostilities, thus placing the people of North Dakota in a position of dependency; and,

WHEREAS, Major-General Nelson A. Miles, then in command of this military department of the United States troops, with that characteristic promptness, and previously demonstrated perfect appreciation of the dangers to be apprehended from an Indian outbreak, which has endeared him to the people of the great Northwest, did, at the loss of precious lives and with intense suffering on the part of the officers and soldiers of his command during the inclement weather of that season of the year, so readily replace the excited Indians upon their respective reservations, thus allaying the fears of our people and restoring peace and confidence within our borders; therefore,

*Be it resolved by the Senate of the Third Legislative Assembly of the State of North Dakota, the House of Representatives concurring:*

That the sincere and grateful thanks of the people of the State of North Dakota, through their representatives in Legislative Assembly, are hereby tendered to Major General Nelson A. Miles, his officers and men, for the courage and gallantry exhibited by them on this occasion, in so promptly bringing into subjection the hostile and fanatical Indians who were then promising to manace the lives, property and business of the people of this State; thus, further giving evidence of his previously acknowledged military sagacity, and placing the people of the Northwest, and particularly those residing in North Dakota, under renewed obligations to himself, and the brave officers and men of his command.

*Resolved*, That the Secretary of State be instructed to transmit a certified copy of the above resolutions to Major General Nelson A. Miles.

Mr. White moved

To adopt the resolution,

Which motion prevailed.

Mr. Miller moved

That House Bill No. 188 be recommitted to the Judiciary Committee,

Which motion prevailed.

The Committee on the Journal made the following report:

MR. PRESIDENT:

Your committee, to whom was referred for correction the Senate Journal for the fifty-third day, respectfully report as follows:

That on page 23 same be corrected so that the eighth line from the bottom be amended as follows: Strike out the words "a ballot" and insert the words "an amendment" in lieu thereof.

J. A. SORLEY,  
 FINGAL ENGER,  
 Committee.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart moved  
That the rules be suspended and all Senate bills on the table be given their first and second readings and referred to their appropriate committees,  
Which motion prevailed.

Mr. Haggart introduced (by request)—  
Senate Bill No. 177,  
A bill for an act authorizing corporations to change their names,  
Which was read the first and second times and referred to the Judiciary Committee.

Mr. Lamb introduced (by request)—  
House Bill No. 178,  
A bill for an act to prevent extortion by persons, associations or corporations owning, controlling or operating sleeping cars,  
Which was read the first and second times and referred to the Committee on Railroads.

Mr. Stevens introduced (by request)—  
Senate Bill No. 179,  
A bill for an act to require separate ballot boxes to be provided at all general elections in the State to receive the votes cast by women,  
Which was read the first and second times and referred to Committee on Woman Suffrage.

Mr. Kinter introduced (by request)—  
Senate Bill No. 180,  
A bill for an act to tax all sleeping and dining cars owned or operated in this State, and to repeal chapter 138 of the Session Laws of 1890, entitled "An act providing for the payment of a license on railroad sleeping cars,"  
Which was read the first and second times and referred to Committee on Railroads.

Mr. Bidlake introduced—  
Senate Bill No. 181,  
A bill for an act entitled "An act to amend chapter 107 of the Laws of 1890," entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils.

Mr. Bidlake moved  
That Senate Bill No. 181 be referred to a special committee of three,  
Which motion prevailed.

Mr. Patch introduced (by request)—

Senate Bill No. 182,

A bill for an act to authorize the Board of University and School Lands of the State to sell two hundred thousand acres of the school and university lands of the State,

Which was read the first and second times and referred to the Committee on Public Lands.

Mr. White introduced—

Senate Bill No. 183,

A bill for an act to amend the articles of incorporation of the Russell & Miller Milling company of Valley City, North Dakota, so as to conform to the laws of the State,

Which was read the first and second times and referred to the Judiciary Committee.

Mr. Gregory introduced—

Senate Bill No. 184,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to the transfer of personal property,

Which was read the first and second times and referred to the Judiciary Committee.

The President announced his signature to

House Bill No. 13,

A bill for an act prescribing the qualifications of deputies, clerks and employes of the State, county and municipal governments of and within the State of North Dakota.

Also,

House Bill No. 101,

A bill for an act entitled "An act fixing the manner of transferring interest in real estate by corporations."

#### THIRD READING OF SENATE BILLS.

Mr. Arnold moved

That Senate Bill No. 171 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the University of North Dakota at Grand Forks, North Dakota,

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

The roll being called there were ayes 25, nays 3.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,

Messrs—

Haggart,  
Ink,  
Johnson.

Messrs—

Patch,  
Pinkham,  
Sorley,

Messrs—  
 Burke,  
 Cashel,  
 Day,  
 Engle,  
 Fuller,  
 Gregory,

Messrs—  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 Miller,

Messrs—  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Those who voted in the negative were:

Messrs—  
 Enger,

Messrs—  
 Hillier,

Messrs—  
 McCarten.

Absent and not voting:

Messrs—  
 McCormack,

Messrs—  
 McGillivray,

Messrs—  
 Palmer.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 House Bill No. 186,

A bill for an act entitled "An act to provide for and establish an industrial school and school for manual training at Ellendale, in the county of Dickey and State of North Dakota, as provided for in subdivision 3 of section 16 of the Constitution of this State,

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

J. G. HAMILTON,  
 Chief Clerk.

Mr. Sorley moved

That the vote by which Senate Bill No. 171 was passed be reconsidered and the motion to reconsider be laid on the table,  
 Which motion prevailed.

Mr. Haggart moved

That Senate Bill No. 79 be read the third time and placed upon its final passage,  
 Which motion prevailed.

Mr. Arnold moved

To amend the title of Senate Bill No. 171 by adding thereto:  
 "And to provide for the issuance of bonds for such purpose,"  
 Which motion prevailed.

Substitute for Senate Bill No. 79,

A bill for an act to amend section 13 of article 5 of chapter 73 of the Laws of 1887, being section 902 of the Compiled Laws, as to compensation of certain city officers,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Burke,	Ink,	Sorley,
Cashel,	Johnson,	Stevens,
Day,	Kinter,	Svensrud,
Enger,	Lamb,	Worst,
Engle,	Little,	White,
Fuller,	McCarten,	Young.
Gregory,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	McCormack,	Pinkham.
LaMoure,	Palmer,	

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 79 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little asked unanimous consent to submit reports of the Judiciary Committee,

Which was granted.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 104,

A bill for an act to invest State's attorneys and courts of North Dakota with discretionary power to require security for costs in all criminal prosecutions that they may deem unmeritorious before they shall be instituted,

Have had the same under consideration and recommend that the same do not pass, for the reason that the same is, in the opinion of the committee, unconstitutional.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved

That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 15,

A bill for an act amending sections 6490 and 7429 and subdivision 2 of section 6772 of the Compiled Laws of 1887, relating to the Penal Code,

Have had the same under consideration and recommend that the same do not pass and that the further consideration of the same be indefinitely postponed, for the reason that the subject of the same is fully covered by bills introduced and passed in the Senate during the present session.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 46,

A bill for an act to amend section 1 of chapter 25 of the Laws of 1887, being section 5066 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 145,

A bill for an act authorizing the adjournment of terms of court by order entered in vacation,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 205,

A bill for an act to amend section 510 of the Code of Civil Procedure,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock, to whom was referred  
Senate Bill No. 152,

A bill for an act to provide for the abolishment of the provisions of chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect, to provide for an election upon questions of such abolishment and to establish a fence law in such counties,

Have had the same under consideration and recommend that the same do pass.

M. L. ENGLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 94,

A bill for an act to establish city boards of health,  
Which the House has passed and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Ink moved  
That Senate Bill No. 73 be read the third time and placed upon its final passage,  
Which motion prevailed.

Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,

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

The roll being called, there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Burke,  
Cashel,  
Day,  
Fuller,  
Gregory,  
Hillier,

Messrs—  
Ink,  
Johnson,  
Kinter,  
Little,  
LaMoire,  
McCarten,  
McGillivray,

Messrs—  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—  
Brynjolfson,  
Enger,  
Engle,

Messrs—  
Haggart,  
Lamb,  
McCormack,

Messrs—  
Palmer,  
Stevens,  
Svensrud.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which Senate Bill No. 73 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The Senate returned to the sixth order of business.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred Senate Bill No. 174,

A bill for an act to fix the compensation of state's attorneys of the State of North Dakota,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Miller moved

That the report be adopted,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 12.

An act to amend section 11 of chapter 126 of the Session Laws of 1891 of the State of North Dakota, entitled "An act to regulate grain warehouses and the weighing and handling of grain, and defining the duties of the railroad commissioners in relation thereto,"

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

J. G. HAMILTON,  
Chief Clerk.



Senate returned to the ninth order of business.

Mr. White moved

That Senate Bill No. 185 be given its first and second readings and referred,

Which motion prevailed, and

Senate Bill No. 85 (introduced by Mr. White),

A bill for an act authorizing and providing the manner of amending or changing the articles of incorporation of private corporations,

Was read the first and second times and referred to the Judiciary Committee.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 163,

A bill for an act prescribing the duties of county commissioners in relation to landmarks and fixing a penalty for removing or defacing the same,

Also,

House Bill No. 189,

A bill for an act to amend sections 3, 5, 8, 10, 11 and 12 of chapter 108 of the Laws of 1890, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,"

Also,

House Bill No. 41,

A bill for an act to amend section 7 of chapter 25 of the General Laws of 1890, entitled "An act providing for the organization and fixing and defining the powers and duties of the Board of University and School Lands, and making an appropriation therefor,"

Also.

Substitute for House Bill No. 2,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right-of-way of railroad corporations and contiguous thereto,

Also,

House Bill No. 130,

A bill for an act to refund \$744.53 to Towner county for overpaid taxes to the State,

Also,

House Bill No. 78,

A bill for an act to enable county commissioners to present the listing, assessment, advertisement and selling at tax sales of lots according to their subdivisional description in certain cases.

Also,

House Bill No. 29,

A bill for an act to establish the Thirty-second Senatorial and Legislative District,

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

Also,

Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

Which the House has passed with the following amendment:

Amended by striking out the words "six months" in line numbered 19 of the engrossed bill and inserting and adding in lieu thereof the words "one year."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Haggart moved

That the Senate proceed with the regular order of business,

Which motion prevailed.

Substitute for Senate Bill No. 76,

A bill for an act to provide for erection of necessary buildings for the Hospital for the Insane at Jamestown, North Dakota,

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

Mr. Young moved

To amend the title by adding thereto "and to provide for the issuance of bonds for said purpose,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 28, nays none.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McGillivray,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	McCormack,	Palmer.

So the bill passed and the title was agreed to.

Senate Bill No. 153,

A bill for an act to legalize county seat elections and removals where any defect may exist in the calling of the same,

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

The question being on the final passage of the bill.

The roll being called there were ayes 26, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs.
Arnold,	Gregory,	Miller,
Bidlake,	Haggart,	Patch,
Brynjolfson,	Hillier,	Pinkham,
Burke,	Ink,	Sorley,
Cashel,	Johnson,	Stevens,
Day,	Kinter,	Svensrud,
Enger,	Lamb,	Worst,
Engel,	Little,	Young.
Fuller,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoure,	McGillivray,	White.
McCormack,	Palmer,	

So the bill passed and the title was agreed to.

Mr. Johnson moved

That the vote by which Senate Bill No. 153 was passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

Substitute for Senate Bill No. 102,

A bill for an act to promote the improvement and growth of the volunteer fireman's association of the State of North Dakota, to increase its usefulness and efficiency and making an appropriation therefor,

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

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McCarten,
Bidlake,	Haggart,	Miller,
Brynjolfson,	Hillier,	Patch,
Burke,	Ink,	Pinkham,
Cashel,	Johnson,	Sorley,
Day,	Lamb,	Svensrud,
Engle,	Little,	Worst,
Fuller,	LaMoure,	Young.

Those who voted in the negative were:

Messrs—  
Enger,

Messrs—  
Stevens,

Messrs—  
White.

Absent and not voting:

Messrs—  
Kinter,  
McCormack,

Messrs—  
McGillivray,

Messrs—  
Palmer.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Substitute for Senate Bill No. 102 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 98,

A bill for an act providing for the removal of obstructions to natural waterways.

Also,

House Bill No. 214,

A bill for an act to provide for the trial of cases tried by the district court without a jury and for the hearing of such actions on appeal.

Also,

Substitute for House Bill No. 182,

A bill for an act appropriating \$60 to reimburse J. B. Sinclair, messenger of the House, for expenses incurred in transmitting House matters to and from the Capitol and printing office.

Also,

Substitute for House Bills Nos. 49 and 202,

A bill for an act to regulate commercial agencies, credit companies and guarantee associations.

Also,

House Bill No. 170,

A bill for an act for the registration of the legal voters of this State outside of cities containing more than 3,000 people, to be made from data and other means to be furnished the local assessor.

Also,

House Bill No. 150,

A bill for an act to amend section 8 of chapter 91 of the Printed Laws of 1890, in relation to the issuance of marriage licenses.

Also,

House Bill No. 156,

A bill for an act to amend section 72 of chapter 62 of the Laws of 1890, and sections 17 and 18 of chapter 56 of the Laws of 1891.

Also,

House Bill No. 110,

A bill in relation to persons and corporations offering premiums for testing the speed of horses, and to prevent the fraudulent entering of horses to compete for such premiums.

Also,

House Bill No. 67,

A bill for an act to amend section 66 and repeal section 67 of chapter 132 of the Laws of 1890.

Also,

House Bill No. 57,

A bill for an act defining the powers and prescribing the duties of the Secretary of State,

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

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 138,

A bill for an act to amend section 44 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for the purposes relative thereto,

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

The question being on the final passage of the bill.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,

Messrs—

Gregory,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
LaMoire,

Messrs—

McCormack,  
McGillivray,

Messrs—

Palmer,  
White.

So the bill passed and the title was agreed to.

Unanimous consent was granted to Committee on State Affairs to make report.

The Committee on State Affairs made the following report:

**MR. SPEAKER:**

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota,

Have had the same under consideration and recommend that said bill do pass.

A. SVENSRUD,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed.

The Committee on Agriculture made the following report:

**MR. PRESIDENT:**

Your Committee on Agriculture, to whom was referred  
House Bill No. 124,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Have had the same under consideration and recommend that the same do not pass.

N. B. PINKHAM,  
Chairman.

Mr. Kinter moved  
The adoption of the report,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

**MR. PRESIDENT:**

Your Committee on Ways and Means, to whom was referred  
Senate Bill No. 176,

A bill for an act to amend section 2115 of the Civil Code, being section 4449 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed.

The Committee on Agriculture made the following report:

**MR. PRESIDENT:**

Your Committee on Agriculture, to whom was referred  
House Bill No. 180,

A bill for an act to repeal chapter 27 of the Laws of 1890, entitled "An act to establish a Board of Inspectors for Steam

Vessels and Steam Boilers and to provide for licensing engineers of steam engines."

Have had the same under consideration and recommend that the same be reported back to the Senate without recommendation.

N. B. PINKHAM,  
Chairman.

Mr. Gregory moved the adoption of the report,  
Which motion prevailed.

Senate Bill No. 164,

Coucurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,

Messrs—

Gregory,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
LaMoure,  
McCarten,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,

Those who voted in the negative were:

Messrs—

Fuller,

Messrs—

McGillivray,

Messrs—

Young.

Absent and not voting:

Messrs—

Haggart,  
Little,

Messrs—

McCormack,  
Palmer,

Messrs—

White.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate Bill No. 164 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Johnson moved

That the vote by which the report of the committee on House Bill No. 124 was adopted be reconsidered,  
Which motion prevailed.

Mr. Johnson moved

That House Bill No. 124 be recommitted to the Committee on Agriculture,  
Which motion prevailed.

Senate Bill No. 134,

A bill for an act prescribing the form of certificate to be attached to school bonds and defining the duties of county auditors in relation thereto,

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

The question being on the final passage of the bill.

The roll being called there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Bidlake,	Haggart,	Miller,
Brynjolfson,	Hillier,	Patch,
Burke,	Ink,	Pinkham,
Cashel,	Johnson,	Sorley,
Enger,	Lamb,	Stevens,
Engle,	Little,	Worst,
Fuller,	McCarten,	Young.

Mr. LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	McCormack,	Svensrud,
Kinter,	Palmer,	White.

So the bill passed and the title was agreed to.

Senate Bill No. 135,

A bill for an act to amend sections 2 and 10 of chapter 107 of the General Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils,"

Was read the third time.

Mr. Ink moved

That Senate Bill No. 135 be referred to the special committee on oil inspection,

Which motion prevailed.

Senate Bill No. 126,

A bill for an act to amend section 77 of the Justice Code, being section 6117 of the Compiled Laws of 1887, relating to the sale of personal property on execution from justice court,

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

The roll being called there were ayes, 24 nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McCarten.
Bidlake,	Haggart,	McGillivray,
Brynjolfson,	Hillier,	Miller,
Burke,	Ink,	Patch,
Day,	Kinter,	Sorley,
Enger,	Lamb,	Stevens,
Engle,	Little,	Worst,
Fuller,	LaMoure,	White.

Absent and not voting:



Messrs—  
Cashel,  
Johnson,  
McCormack,

Messrs—  
Palmer,  
Pinkham,

Messrs—  
Svensrud,  
Young.

So the bill passed and the title was agreed to.

Mr. Burke moved

That the vote by which Senate Bill No. 126 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary,

And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

The President announced his signature to  
Senate Bill No. 48,

A bill for an act fixing the minimum time for which offenders may be committed to the penitentiary.

Senate Bill No. 146,

A bill for an act to amend section 95 of the Code of Criminal Procedure, being section 7120 of the Compiled Laws.

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Day,  
Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—  
Haggart,  
Hillier,  
Ink,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McGillivray,

Messrs—  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—  
Cashel,  
Johnson,

Messrs—  
McCormack,  
Palmer,

Messrs—  
Svensrud.

So the bill passed and the title was agreed to.

Senate Bill No. 154,

A bill for an act to repeal sections 5 and 6 of chapter 126 of the

Session Laws of 1890, being an act entitled "An act to provide for the transfer of freight at railroad crossings and the maintenance of depots at the same,"

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

The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Ink,	Patch,
Brynjolfson,	Johnson,	Sorley,
Burke,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	McCarten,	Worst,
Haggart,	McGillivray,	Young.

Messrs. Engle and LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	Little,	Pinkham,
Fuller,	McCormack,	White.
Gregory,	Palmer,	

So the bill passed and the title was agreed to.

Mr. Young moved

That the vote by which substitute for Senate Bill No. 76 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Ink moved

That the rules be suspended and Senate Bill No. 127 be read the third time and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each,

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

Mr. Gregory moved

That Senate Bill No. 127 be made a special order for to-morrow at 2 o'clock p. m.,

Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McGillivray,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Gregory voted in the negative.

Messrs. McCormack and Palmer absent and not voting.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, Feb. 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 165,

A bill for an act to establish a weather and crop service for the  
collection and dissemination of crop statistics and meteorological  
data,

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

J. G. HAMILTON,  
Chief Clerk

Senate Bill No. 158,

A bill for an act entitled "An act granting the right of suffrage  
to women,"

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

The roll being called there were ayes 20, nays 9.

Those voting in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Cashel,  
Day,  
Enger,  
Fuller,  
Hillier,

Messrs—

Ink,  
Kinter,  
Lamb,  
LaMoure,  
McCarten,  
McGillivray,  
Patch,

Messrs—

Pinkham,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Burke,  
Engle,

Messrs—

Gregory,  
Haggart,  
Johnson,

Messrs—

Little,  
Miller,  
Sorley.

Messrs. McCormack and Palmer absent and not voting.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 158 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Svensrud moved

That Senate Bill No. 186 be read the first and second times and referred to its appropriate committee,

Which motion prevailed.

Mr. Svensrud introduced—

Senate Bill No. 186,

A bill for an act to amend the eleventh subdivision of section 5 of chapter 132, Laws of 1890, as amended by section 1 of chapter 100, Laws of 1891,

Which was read the first and second times and referred to the Committee on State Affairs.

Mr. Burke introduced—

Senate Bill No. 187,

A bill for an act to locate the School of Forestry of North Dakota,

Which was read the first and second times and referred to the Committee on State Affairs.

FIRST AND SECOND READING OF HOUSE BILLS.

Mr. Little moved

That the rules be suspended and all House bills on the table be given their first and second reading and reference,

Which motion prevailed.

House Bill No. 150,

A bill for an act to amend section 8 of chapter 91 of the Printed Laws of 1890, in relation to the issuance of marriage licenses,

Was read the first and second times and referred to the Judiciary Committee.

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 57,

A bill for an act defining the powers and prescribing the duties of the Secretary of State,

Was read the first and second times and referred to the Committee on State Affairs.

House Bill No. 98,

A bill for an act providing for the removal of obstructions to natural waterways,

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 214,

A bill for an act to provide for the trial of cases tried by the district court without a jury and for the hearing of such actions on appeal,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 29,

A bill for an act to establish the Thirty-second Senatorial and Legislative District,

Was read the first and second times and referred to the Committee on Apportionment.

House Bill No. 165,

A bill for an act to establish a weather and crop service, the collection and dissemination of crop statistics and meteorological data,

Was read the first and second times and referred to the Committee on Appropriations.

House Bill No. 170,

A bill for an act for the registration of the legal voters of this State, outside of cities containing more than 3,000 people,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 156,

A bill for an act to amend section 72 of chapter 62 of the Laws of 1890, and sections 17 and 18 of chapter 56 of the Laws of 1891,

Was read the first and second times and referred to the Committee on Education.

House Bill No. 12,

A bill to amend section 11 of chapter 126, Session Laws, 1891,

Was read the first and second times and referred to the Committee on Warehouses, Grain and Grain Dealing.

House Bill No. 24,

A bill for an act to amend section 3, chapter 50, Laws of 1890,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 41,

A bill for an act to amend section 7 of chapter 25 of the General Laws of 1890, entitled "An act providing for the organization and fixing and defining the powers and duties of the Board of University and School Lands, and making an appropriation therefor,

Was read the first and second times and referred to the Committee on Public Lands.

House Bill No. 163,

A bill for an act prescribing the duties of county commissioners in relation to landmarks and fixing a penalty for removing or defacing the same,

Was read the first and second times and referred to the Committee on State Affairs.

House Bill No. 55,

A bill for an act providing for a State Examiner, defining his duties and fixing his compensation and bond,

Was read the first and second times and referred to the Committee on State Affairs.

House Bill No. 67,

A bill for an act to amend section 66 and repeal section 67 of chapter 132 of the Laws of 1890,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 78,

A bill for an act to enable county commissioners to present the listing, assessment, advertisement and selling at tax sales of lots according to their subdivisional description in certain cases,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 194,

A bill for an act defining usury and fixing the penalty for taking the same,

Was read the first and second times and referred to the Committee on Banks and Banking.

House Bill No. 189,

A bill for an act to amend sections 3, 5, 8, 10, 11 and 12 of chapter — of the Laws of 1890, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,

Was read the first and second times and referred to the Committee on Public Lands.

## House Bill No. 143,

A bill for an act for extension of the time for the payment of the taxes for the year 1892,

Was read the first and second times and referred to the Committee on Ways and Means.

## House Bill No. 130,

A bill for an act to refund \$744.53 to Towner county for overpaid taxes to the State,

Was read the first and second times and referred to the Committee on Appropriations.

## House Bill No. 94,

A bill for an act to establish city boards of health,

Was read the first and second times and referred to the Committee on Cities and Municipal Corporations.

## Substitute for House Bill No. 2,

A bill for an act to provide a procedure for the condemnation of public warehouse sites on the right of way of railroads,

Was read the first and second times and referred to the Committee on Grain and Grain Dealing.

## Substitute for House Bill No. 182,

A bill for an act to appropriate money out of the State treasury to J. B. Sinclair, messenger of the House, and Frank Gaulke, messenger of the Senate,

Was read the first and second times and referred to the Committee on Appropriations.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards,

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

J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 27, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 144,

A bill for an act to amend subdivision 16 of sections 1 and 2

and subdivision 15 of sections 3 and 4 of chapter 86, Laws of 1890.

Also,

House Bill No. 126,

A bill for an act to define the powers and duties of county and city boards of health and for the prevention and suppression of contagious, infectious and epidemic diseases.

Also,

House Bill No. 141,

A bill for an act to amend section 75 of chapter 62 of the Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of provisions thereof."

Also,

House Bill No. 224,

A bill for an act providing for the compilation, revision and codification of the Laws of North Dakota and the publication and distribution and sale thereof, and to repeal chapter 82 of the Laws of 1891, in relation thereto.

Also,

House Bill No. 83,

A bill for an act governing the alteration of county boundaries,

Also,

House Bill No. 61,

A bill for an act to amend Section 3 of the Civil Code of 1877.

Also,

House Bill No. 203,

A bill for an act to provide for the ascertaining and giving notice of the lands of the heirs of deceased persons.

Also,

House Bill No. 193,

A bill for an act to amend an act passed at the Second Session of the Legislative Assembly of the State of North Dakota, approved March 7, 1891, and entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota."

Also,

House Bill No. 151,

A bill for an act requiring the Board of Railroad Commissioners to ascertain the value of No. 1 hard wheat in Duluth or West Superior, based on the Liverpool market price, and providing for the publication thereof.

Also,

House Bill No. 201,

A bill for an act providing for a State bounty for the destruction of wolves.



Also,

House Bill No. 100,

A bill for an act providing for the establishment of courts of conciliation, and prescribing the mode of procedure in same.

Also,

House Bill No. 108,

A bill for an act to provide for the collection of vital statistics.

Also,

House Bill No. 69,

A bill for an act to amend section 69 of chapter 132 of the Laws of 1890.

Also,

House Bill No. 65,

A bill for an act to amend chapter 48 of the Laws of 1891, amending section 103 of chapter 28, Political Code, as amended by chapter 131 of the Laws of 1890.

Also,

House Bill No. 226,

A bill for an act to repeal section 5 of chapter 128 of the General Laws of 1891, entitled "An act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition,"

Which the House has passed and your favorable consideration is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 144,

A bill for an act to provide for the furnishing of free text books and school supplies to the pupils of the public schools,

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

The roll being called there were ayes 12, nays 11.

Those who voted in the affirmative were:

Messrs—

Burke,  
Cashel,  
Gregory,  
Hillier,

Messrs—

Lamb,  
LaMoure,  
McCarten,  
Miller,

Messrs—

Patch,  
Svensrud,  
White,  
Young.

Those voting in the negative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Day,

Messrs—

Enger,  
Engle,  
Ink,  
Johnson,

Messrs—

Little,  
McGillivray,  
Stevens.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
Kinter,

Messrs—

McCormack,  
Palmer,  
Pinkham.

Messrs—

Sorley,  
Worst.

So the bill was lost.

Mr. Bidlake moved

That the rules be suspended and House Bill No. 180 be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 180,

A bill for an act to repeal chapter 27 of the Laws of 1890, entitled "An act to establish a Board of Inspectors for Steam Vessels and Steam Boilers and to provide for licensing engineers of steam engines,"

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

Mr. Svensrud moved

That Senate Bill No. 180 be made a special order for Wednesday at 2 o'clock p. m.,

Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 21, nays 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	LaMoure,
Brynjolfson,	Hillier,	McGillivray,
Burke,	Ink,	Miller,
Day,	Johnson,	Patch,
Engle,	Kinter,	Worst,
Fuller,	Lamb,	White,
Gregory,	Little,	McCarten.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Sorley,	Svensrud,
Enger,	Stevens,	Young.
Pinkham,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
McCormack,	Palmer,	Cashel.

So the bill passed and the title was agreed to.

Mr. Cashel moved that

Senate Bill No. 30,

A bill for an act to authorize boards of county commissioners to designate certain banks with whom the county treasurer shall deposit all funds coming into his hands, and receive interest on the same, to require bonds from such depositories, and relieve the Treasurer from liability for loss of funds so deposited,

Be laid on the table,

Which motion prevailed.

Senate Bill No. 137,

A bill for an act to declare certain mills in this State public

custom mills and to regulate the rates of toll and exchange therefor,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McGillivray,
Brynjolfson,	Johnson,	Miller,
Burke,	Kinter,	Patch,
Cashel,	Lamb,	Sorley,
Day,	Little,	Stevens,
Engle,	LaMoure,	Worst,
Gregory,	McCarten,	Young.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Pinkham.
Enger,	McCormack,	Svensrud,
Fuller,	Palmer,	White,

So the bill passed and the title was agreed to.

Senate Bill No. 162,

A bill for an act to amend section 1411 of the Political Code and section 7646 of the Criminal Procedure, Compiled Laws of 1887,

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

The roll being called, there were ayes 8, nays 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Worst,
Haggart,	McGillivray,	Young.
Johnson,	Pinkham,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	McCarten,
Brynjolfson,	Hillier,	Miller,
Burke,	Ink,	Patch,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens.
Enger,	LaMoure,	Svensrud.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	White.
Gregory,	Palmer,	

So the bill was lost.

Mr. Hillier moved

That the vote by which Senate Bill No. 137 was passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

Senate Bill No. 53,

A bill for an act providing for the redistricting of counties into commissioner districts.

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

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Bidlake,	Johnson,	Patch,
Brynjolfson,	Kinter,	Sorley,
Burke,	Lamb,	Stevens,
Cashel,	Little,	Svensrud,
Day,	LaMoure,	Worst,
Enger,	McCarten,	White,
Gregory,	McGillivray,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Ink,	Palmer,
Fuller,	McCormack,	Pinkham.

So the bill passed and the title was agreed to.

The Senate returned to the eighth order of business.

The courtesies of the floor were extended to President Merri-field, President Stockbridge and Professor Gibbs.

Mr. Sorley moved

That Senator McCormack be excused for the balance of the session,

Which motion prevailed.

Mr. Worst moved

That the Chaplain be excused to-morrow,

Which motion prevailed.

The Senate returned to the sixth order of business.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 143,

A bill for an act for extension of the time for the payment of the taxes for the year 1892,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Worst moved

That the report be accepted,

Which motion prevailed.

The Committee on Stock made the following report:

MR. PRESIDENT:

Your Committee on Stock, to whom was referred  
Senate Bill No. 163,

A bill for an act constituting the Superintendent of Irrigation and Forestry the Fish and Game Commissioner, and providing for the stocking and maintenance of fish hatcheries and for the protection of fish in North Dakota streams.

Have had the same under consideration and recommend that the same do pass.

M. L. ENGLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Senate returned to the ninth order of business.

Mr. Cashel offered the following memorial and concurrent resolution.

#### MEMORIAL AND CONCURRENT RESOLUTION.

*To the Honorable the Congress of the United States:*

*Resolved, by the Senate, the House of Representatives Concurring:*

WHEREAS, Under section 15 of the Enabling Act there was granted to the State of North Dakota \$30,000 for the purpose of erecting a penitentiary; and,

WHEREAS, By a subsequent act of Congress the location of said penitentiary was placed at or near the city of Grafton, in the county of Walsh, and forty acres of valuable land purchased therefor; and,

WHEREAS, The State of North Dakota has ample accommodation for State prison purposes for the next ten years by an occasional small outlay; and,

WHEREAS, There is now no building or department provided by the State for the care of the feeble-minded; and,

WHEREAS, The superintendent of the Hospital for the Insane, in his report ending October 31, 1892, to the Governor says: "The State of North Dakota has at least 150 feeble-minded children of teachable age who, if left to grow up without that care and system to be found in regular institutions, will become dangerous persons, as well to themselves as to society and the State, and will remain a burden to themselves, relatives and our Commonwealth, to say nothing of the strong possibilities of propagating children of the same or more wretched mental and physical conditions;" and,

WHEREAS, The State is asked to make an expenditure of at least \$15,000 or \$20,000 for suitable buildings for these unfortunates, to which, at present, it is unable to respond owing to the large appropriations required for permanent improvements and the maintenance of the many other State institutions, in connection with the cost of government; therefore, be it

*Resolved*, That it is the sense of the Legislative Assembly of the State of North Dakota that the \$30,000 granted in section 15 of the Enabling Act should be expended, and as early as possible, in the construction of an institution for the feeble-minded instead of a penitentiary; and,

*Resolved*, That the Secretary of the Interior be earnestly requested to change the plans for the expenditure of the balance of said grant from a penitentiary to an institution for the feeble-minded, to be located on the grounds already purchased at or near the city of Grafton, in the county of Walsh, agreeable to the State Constitution now being amended; and, be it further

*Resolved*, That upon the passage of this Memorial the Secretary of State be instructed to at once forward attested copies of the same, one to the Secretary of the Interior and one to each of our Senators and Representative in Congress, and that our delegation in Congress be requested to labor for the accomplishment of the object sought in this memorial.

Mr. Cashel moved  
That the memorial be adopted,  
Which motion prevailed.

The following resolutions were received:

GRAND FORKS, N. D., February 27, 1893.

*To the President of the Senate:*

The Young Men's Christian Association of this city, with a membership of two hundred and fifty, unanimously adopted this resolution:

*Resolved*. That we oppose resubmission and any change in the penalty clause of the prohibition law and request our representatives to vote in accordance with this resolution.

M. B. VAN VRAKEN,  
General Secretary.

GRAND FORKS, N. D., Feb. 27.

*To the President of the Senate:*

One hundred and fifty Christian Endeavorers calls on the legislature to vote against resubmission and any change in the penalty clause of the prohibition law.

J. McDONALD,  
B. W. FISK,  
Presiding Officer.

GRAND FORKS, N. D., February 27.

*To the President of the Senate:*

One thousand attendants at church yesterday unanimously passed the following resolution:

*Resolved*, That we protest against resubmission and any change in the penalty clause of prohibition law. We urge our representatives to manfully uphold the present laws.

A. MCGREGOR,  
L. E. BROWN,  
P. M. LONGFELLOW,  
M. G. HANSON,  
H. J. WEEK,  
O. LARSON,  
Pastors.

GRAND FORKS, N. D., February 27, 1891.

*To the President of the Senate:*

Five hundred Sunday school scholars petition the Legislature to take no move towards bringing back the open saloon.

GEO. WRIGHT,  
J. E. CLIFFORD,  
R. B. GRIFFITH,  
Superintendents.

GRAND FORKS, N. D., February 27, 1893.

*To the President of the Senate:*

One hundred members of the Epworth League adopted a resolution against resubmission and petition the Legislature to stand by the present law.

THOS. PORTE,  
President.

The resolutions were referred to the Committee on Temperance.

Senate Bill No. 142,

A bill for an act defining the general duties of railways in the State of North Dakota,

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

The roll being called there were ayes 19, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
McCarten,  
McGillivray,

Messrs—

Patch,  
Sorley,  
Stevens,  
Svensrud,  
White,  
Young.

Absent and not voting:

Messrs—

Engle,  
Fuller,  
Gregory,  
Haggart,

Messrs—

Lamb,  
Little,  
LaMoure,  
McCormack,

Messrs—

Miller,  
Palmer,  
Pinkham,  
Worst.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 27, 1893. }

I have the honor to transmit herewith  
House Bill No. 232,

A bill for an act to amend an act entitled "An act to provide for taxation of real and personal property situated in unorganized counties."

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

J. G. HAMILTON,  
Chief Clerk.

The Senate returned to the ninth order of business.

Mr. Young moved

That the rules be suspended and Senate Bill No. 188 be given its first and second reading and reference,

---

Which motion prevailed.

Mr. Young introduced—

Senate Bill No. 188,

A bill for an act defining the duties of justices of the peace and describing their powers,

Which was read the first and second times and referred to the Judiciary Committee.

Geo. W. Harrison was sworn in as Enrolling and Engrossing Clerk by the Lieutenant Governor on the 24th.

Mr. Biley was sworn in as Enrolling and Engrossing Clerk by the Lieutenant Governor.

Mr. Miller moved

That the Senate do now adjourn till 10:30 a. m. tomorrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.



## FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 28, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. Palmer and Mr. McCormack excused.

Mr. Sorley moved

That the Journal be referred to a committee for reading and corrections.

Mr. President appointed as such committee Senators Sorley and Brynjolfson.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 173,

A bill for an act to amend section 77 of the Civil Code, being section 2588 of the Compiled Laws, relating to husband and wife.

Also,

House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards.

Also,

House Bill No. 129,

A bill for an act to amend section 137, chapter 13, Laws of 1891.

Also,

House Bill No. 34,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used in the various State institutions, county buildings and public schools of the State.

Also,

House Bill No. 239,

A bill for an act to amend section 79 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto."

Also,

House Bill No. 241,

A bill for an act to revise and consolidate the Laws of this State providing for the drainage of swamps, marshes and other low lands and to repeal the act of March, one thousand eight hundred eighty-three (Laws of 1883, chapter 75, page 177), and all amendments thereof.

Also,

House Bill No. 252,

A bill for an act to provide for the better improvement of public highways,

Also,

House Bill No. 246,

A bill for an act authorizing the refunding of outstanding city bonds and warrants.

Also,

House Bill No. 32,

A bill for an act to amend section 3, chapter 100 of the Session Laws of 1890, providing for the collection of city and school taxes,

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

J. G. HAMILTON,  
Chief Clerk.

#### COMMUNICATION FROM THE GOVERNOR.

The Senate went into executive session to consider a communication from the Governor.

The Senate resumed business in open session.

#### REPORTS OF STANDING COMMITTEES.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 150,

A bill for an act to amend section 8 of chapter 91 of the printed laws of 1890, in relation to the issuance of marriage licenses,

Have had the same under consideration and recommend that the same do not pass, and that the further consideration of the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 59,

A bill for an act to amend section 1 of chapter 22 of the Political Code of 1877, as amended by section 1 of chapter 137 of the Laws of 1881, being section 1386 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 112,

A bill for an act authorizing county commissioners to use moneys belonging to road and bridge funds for reclaiming waste lands, etc.,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

## House Bill No. 110,

A bill for an act in relation to persons and corporations offering premiums for testing the speed of horses and to prevent the fraudulent entering of horses to compete for such premiums,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 117,

A bill for the registration of the legal voters of this State outside of cities containing more than 3,000 people, to be made from data and other means, to be furnished by the local assessor,

Have had the same under consideration and recommend that the same do not pass and that further consideration of the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 90,

A bill for an act to amend section 249 of the Penal Code, and to repeal chapter 9 of the Laws of 1883, chapter 29 of the Laws of 1885, and section 6449 of the Compiled Laws of 1887, defining the punishment for murder.

Have had the same under consideration and the undersigned, being a majority of the said committee, do recommend that the said bill do pass.

Signed:

A. C. MCGILLIVRAY,  
J. H. WORST,  
J. P. LAMB,  
C. E. GREGORY,  
JOHN BURKE.

Mr. Worst moved  
That the report be adopted.

## MINORITY REPORT.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 90,

A bill for an act to amend section 249 of the Penal Code and to repeal chapter 9 of of the Laws of 1883, chapter 29 of the Laws of 1885 and section 6449 of the Compiled Laws of 1889, fixing the punishment for murder,

Have had the same under consideration and the undersigned, being a minority of the said committee, do recommend that the said bill be indefinitely postponed.

J. A. SORLEY,  
J. M. PATCH,  
C. B. LITTLE,  
H. F. ARNOLD.

Mr. Little moved

As a substitute for the majority report on Senate Bill No. 90 that the minority report be adopted.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Sorley,
Bidlake,	LaMoure,	Svensrud,
Day,	McCarten,	White,
Engle,	Patch,	Young.
Kinter,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Haggart,	McGillivray,
Burke,	Hillier,	Miller,
Cashel,	Ink,	Pinkham,
Enger,	Johnson,	Stevens,
Fuller,	Lamb,	Worst.
Gregory,		

Messrs. McCormack and Palmer being absent and not voting.

So the motion was lost.

The question recurring upon the adoption of the majority report.

Roll call demanded.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Enger,  
 Fuller,  
 Gregory,

Messrs—  
 Haggart,  
 Hillier,  
 Ink,  
 Johnson,  
 Lamb,

Messrs—  
 McGillivray,  
 Miller,  
 Pinkham,  
 Stevens,  
 Worst.

Those who voted in the negative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Day,  
 Engle,  
 Kinter,

Messrs—  
 Little,  
 LaMoure,  
 McCarten,  
 Patch.

Messrs—  
 Sorley,  
 Svensrud,  
 White,  
 Young.

Messrs. McCormack and Palmer absent and not voting.  
 So the motion prevailed and the report was adopted.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
 Senate Bill No. 170,

A bill for an act to amend section 16 of chapter 27 of the Political Code, being section 1455 of the Compiled Laws of 1887,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
 Chairman.

Mr. Little moved  
 That the report be adopted,  
 Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
 Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance of necessary additional buildings at the Mayville and Valley City normal schools and to provide for the issuance of bonds for such purposes by the boards of directors of said normal schools,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
 Chairman.

Mr. Kinter moved  
 That the report be adopted,  
 Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

Senate Bill No. 155,

A bill for an act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14 and 15 of chapter 126 of the Session Laws of Dakota Territory for the year 1885, being approved March 6, 1885, and entitled, "An act to provide for the establishment of a Board of Railroad Commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory for the purpose of doing away with the Secretary of the Railroad Commission in cutting off its alleged powers, and leaving all remedies in the hands of the court,"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment,

Have had the same under consideration and recommend that the same do not pass, and the further consideration thereof be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted.

Mr. Arnold moved  
As a substitute  
That the report be not adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

**Senate Bill No. 157,**

A bill for an act to repeal chapter 126 of the Session Laws of 1891, being an act entitled "An act to regulate warehouses and the weighing and handling of grain, and defining the duties of Railroad Commissioners in relation thereto," the purpose of this repeal being to take certain powers away from the Railroad Commissioners and leave the redress to be obtained through the courts,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred  
Senate Bill No. 156,

A bill for an act to repeal sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of chapter 122 of the Session Laws of 1890, being an act entitled "An act to regulate common carriers, and defining the duties of the Commissioners of Railroads in relation thereto in the State of North Dakota," approved March 19, 1890,

Have had the same under consideration and recommend that, the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Patch moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

**MR. PRESIDENT:**

Your Committee on State Affairs, to whom was referred  
House Bill No. 163,

A bill for an act prescribing the duty of county commissioners in relation to township landmarks,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Haggart moved  
That the report be adopted,  
Which motion prevailed.



The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 57,

A bill for an act defining the powers and prescribing the duties  
of Secretary of State,

Have had the same under consideration and recommend that  
the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 55,

A bill for an act providing for a State Examiner, defining his  
duties and fixing his compensation and bond,

Have had the same under consideration and recommend that  
the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 67,

A bill for an act to amend sections 66 and 67 of chapter 132,  
Laws of 1890,

Have had the same under consideration and recommend that  
the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Grain and Grain Grading made the fol-  
lowing report:

MR. PRESIDENT:

Your Committee on Grain and Grain Grading, to whom  
was referred

## House Bill No. 12,

A bill to amend Section 11 of Chapter 126, Session Laws, 1891, of State of North Dakota, entitled "An act to regulate grain warehouses and the weighing and handling of grain, and defining the duties of the Railroad Commissioners in relation thereto,"

Have had the same under consideration and recommend that the same be amended to read as follows:

Insert after the word "storage" in section 1, line third, on page two of engrossed bill, the following: "Other than two cents a bushel."

E. P. DAY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

## MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 78,

A bill for an act to enable county commissioners to present the listing, assessment, advertisement and selling at tax sale of lots according to their subdivisional description in certain cases,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Public Lands made the following report:

## MR. PRESIDENT:

Your Committee on Public Lands, to whom was referred House Bill No. 41,

A bill for an act to amend section 7 of chapter 25 of the General Laws of 1890, entitled "An act providing for the organization and fixing and defining the powers and duties of the Board of University and School Lands, and making an appropriation therefor,"

Have had the same under consideration and report the same back to the Senate with the recommendation that the same do pass.

JOHN BURKE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Public Health made the following report:

**MR. PRESIDENT:**

Your Committee on Public Health, to whom was referred  
House Bill No. 189,

A bill for an act to amend sections 3, 5, 8, 10, 11 and 12 of  
chapter 108 of the Laws of 1890, entitled "An act to regulate the  
practice of pharmacy, the licensing of persons to carry on such  
practice and the sale of poisons in the State of North Dakota,"

Have had the same under consideration and recommend that the  
same do pass.

Mr. Little moved

S. B. BRYNJOLFSON,  
Chairman.

That the report be adopted,

Mr. Haggart moved

The Committee on Agriculture made the following report:

**MR. PRESIDENT:**

Your Committee on Agriculture, to whom was referred  
House Bill No. 98,

A bill for an act providing for the removal of obstructions to  
natural waterways,

Have had the same under consideration and recommend that the  
same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Pinkham moved

That the report be adopted,

Which motion prevailed.

The Committee on Banks and Banking made the following re-  
port:

**MR. PRESIDENT:**

Your Committee on Banks and Banking, to whom was referred  
House Bill No. 4,

A bill for an act entitled "An act creating the office of State  
Board of Auditors, and prescribing the duties thereof,"

Have had the same under consideration and recommend that the  
same be amended as follows:

That section 2, written bill, line 4, following the word "State," there be in-  
serted the following: "Commencing January 1, 1895;" also, the same section,  
strike out the last word in line 11 and all of line 12 up to and including the  
word "deposited," and insert in lieu thereof the following: "The minimum  
deposit for each month."

Also amend section 2 by striking out the two last words in line 18 and all  
of line 19, written bill, and insert in lieu thereof the following: "Not to ex-  
ceed 3 per cent. interest."

J. L. CASHEL,  
Chairman.

And when so amended recommend that the same do pass.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking, to whom was referred House Bill No. 7,

A bill for an act to require the county treasurers to deposit the county funds in designated depositories,

Have had the same under consideration and recommend that the same be amended as follows:

Amend the title by adding thereto the following: "And repealing chapter 20 of the Special Laws of Dakota Territory for the year 1885."

Amend section 3, written bill, by striking out the figure "4" and inserting in lieu thereof the figure "5."

Amend section 3, same bill, line 13, by striking out the word "daily," and all following on the same line, and inserting in lieu thereof "the minimum deposit during the month."

Amend section 7, same bill, line 8, by striking out the word "four" and inserting in lieu thereof the word "three." Also strike out the first three words in line 9, same section, as follows, "On daily balances."

Amend section 14 by adding the following after the word "repealed:" "And especially chapter 20 of the Special Laws of Dakota Territory for the year 1885."

And when so amended recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Banks and Banking made the following report:

MR. PRESIDENT:

Your Committee on Banks and Banking, to whom was referred House Bill No. 194,

A bill for an act defining usury and fixing the penalty for taking the same.

Have had the same under consideration and recommend that the same do pass.

J. L. CASHEL,  
Chairman.

Mr. Johnson moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House bill No. 56,

A bill for an act to amend section 1 of chapter 20 of the Political  
Code of 1887, being chapter 487 of the Compiled Laws,

Have had the same under consideration and recommend that the  
same do pass.

C. B. LITTLE,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 24,

A bill for an act to amend section 3, chapter 50, Laws of 1890,

Have had the same under consideration and recommend that the  
same do not pass and that further consideration be indefinitely  
postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 118,

A bill for an an act to amend section 5416 of Compiled Laws of  
1887, being section 602 of the Code of Civil Procedure,

Have had the some under consideration and recommend that the  
same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 214,

A bill for an act to provide for the trial of cases tried by the dis-  
trict court without a jury, and for the hearing of such action on  
appeal,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Cities and Municipalities made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipalities, to whom was referred

House Bill No. 94,

A bill for an act to establish city boards of health,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 9, the word "hereinbefore" be stricken out, and the word "hereinafter" be inserted,

And when so amended recommend that the same do pass.

E. YOUNG,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed.

The Committee on Public Lands made the following report:

MR. PRESIDENT:

Your Committee on Public Lands, to whom was referred

Senate Bill No. 182,

Have had the same under consideration and report the same back, with the recommendation that it do pass.

JOHN BURKE,  
Chairman.

Mr. Young moved  
That the report of the committee be adopted,  
Which motion prevailed.

The Committee on Woman Suffrage made the following report:

MR. PRESIDENT:

Your Committee on Woman Suffrage, to whom was referred

Senate Bill No. 179,

A bill for an act to require separate ballot boxes to be provided at all general elections in the State to receive the votes cast by women,

Have had the same under consideration and recommend that the same do pass.

J. W. STEVENS,  
Chairman.

Mr. Stevens moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 187,  
A bill for an act to locate the School of Forestry of North Da-  
kota,  
Have had the same under consideration and recommend that  
said bill do pass.

A. SVENSRUD,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 186,  
A bill for an act to amend the eleventh subdivision of section 5  
of chapter 132, Laws of 1890, as amended by section 1 of chapter  
100, Laws of 1891,  
Have had the same under consideration and recommend that  
said bill do pass.

A. SVENSRUD,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 184,  
A bill for an act to amend section 2024 of the Civil Code, be-  
ing section 4657 of the Compiled Laws, compilation of 1887, in  
relation to transfers of personal property,  
Have had the same under consideration and recommend that the  
same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Apportionment made the following report:

MR. PRESIDENT:

Your Committee on Apportionment, to whom was referred House Bill No. 29,

A bill for an act to establish the Thirty-second Senatorial and Legislative District,

Have had the same under consideration and recommend that the same do pass.

F. M. KINTER.  
Chairman.

Mr. Kinter moved  
That the report be adopted.

Mr. LaMoure moved  
As an amendment that the report be laid on the table.

Mr. Pinkham moved  
As a substitute that the bill be recommitted.

Roll call demanded.

The roll being called there were ayes 13, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Miller,
Brynjolfson,	Ink,	McCarten,
Engle,	Kinter,	Pinkham,
Fuller,	Little,	Sorley,
Gregory,	McGillivray,	Svensrud.

Those who voted in the negative were:

Messrs--	Messrs—	Messrs—
Arnold,	Hillier,	Stevens,
Burke,	Johnson,	Worst,
Cashel,	Lamb,	White,
Day,	LaMoure,	Young.
Enger,	Patch,	

Messrs. McCormack and Palmer being absent and not voting.

So the substitute motion to recommit was lost.

The question recurring upon the motion to lay the report of the committee upon the table.

Roll call demanded.

The roll being called there were ayes 8, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	Pinkham,
Enger,	LaMoure,	Sorley.
Hillier,	McCarten,	

Those who voted in the negative were:



Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Ink,  
Johnson,  
Kinter,  
Little,  
McGillivray,

Messrs—

Miller,  
Patch,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. McCormack and Palmer being absent and not voting.

So the motion to lay the report on the table was lost.

The question being upon the adoption of the report.

Roll call demanded.

The roll being called there were ayes 19, nays 8.

Those voting in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—

Haggart,  
Ink,  
Johnson,  
Kinter,  
Little,  
McGillivray,

Messrs—

Miller,  
Patch,  
Stevens,  
Svensrud,  
Worst,  
Young.

Those who voted in the negative were:

Messrs—

Enger,  
Hillier,  
Lamb,

Messrs—

LaMoure,  
McCarten,  
Pinkham,

Messrs—

Sorley,  
White.

Absent and not voting:

Messrs—

Arnold,  
Gregory,

Messrs—

McCormack,

Messrs—

Palmer.

So the report was adopted.

Mr. Haggart moved

That the rules be suspended and House Bill No. 143 be given its third reading and placed upon its final passage,

Which motion prevailed.

House Bill No. 143,

A bill for an act for extension of the time for the payment of the taxes for the year 1892,

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

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Johnson,  
Kinter,  
Lamb,

Messrs—

McGillivray,  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,

Messrs—  
Engle,  
Fuller.

Messrs—  
LaMoure,  
McCarten,

Messrs—  
Svensrud,  
Young.

Those who voted in the negative were:

Messrs—  
Enger,

Messrs—  
Worst,

Messrs—  
White.

Absent and not voting:

Messrs—  
Ink,  
Little,

Messrs—  
McCormack,

Messrs—  
Palmer.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 143 was passed be re-considered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Little moved

That the Senate do now take a recess for an hour and a half,  
Which motion prevailed.

The Senate reassembled.

The Committee on Grain and Grain Grading made the following report:

MR. PRESIDENT:

Your Committee on Grain and Grain Grading to whom was referred

Substitute for House Bill No. 2,

A bill for an act to provide a procedure for the condemnation of public warehouse sites on the right of way of railroads,

Have had the same under consideration and recommend that the same do pass.

E. P. DAY,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, February 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 187,

A bill for an act repealing chapter 70 of the Laws of 1885.

Also,

House Bill No. 26,

A bill for an act to amend section 16 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of chapter 69 of the General Laws of 1885, and section 10, chapter 69 of the General laws of 1889, relating to the publication of insurance statements."

Also,

House Bill No. 183,

A bill for an act providing for the annual expenses of the Board of University and School Lands and for the expenses of selecting and acquiring title to State institution lands.

Also,

House Bill No. 179,

A bill for an act entitled "An act to reimburse certain persons for labor performed and for other purposes."

Also,

House Bill No. 167,

A bill for an act providing an appropriation to reimburse the State Board of Medical Examiners for per diem and mileage due them for services rendered as required by law.

Also,

House Bill No. 107,

A bill for an act to amend sections 3, 4, 6 and 7 of chapter 68 of the Laws of 1885, being sections 236, 237, 239 and 240 of the Compiled Laws,

Also,

House Bill No. 64,

A bill for an act to amend chapter 128, Laws of 1889,

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

J. G. HAMILTON,  
Chief Clerk.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred

Substitute for House Bill No. 14,

A bill for an act to amend and re-enact sections 248 and 249 of the Code of Civil Procedure, being sections 5048 and 5049 of the Compiled Laws,

Have had the same under consideration and recommend that the same be amended as follows:

Insert at end of section 2 the following:

*Provided*, That the official stenographer shall receive for writing out such instructions the same fees as for making transcripts.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 172,

A bill for an act to amend sections 1 and 3 of chapter 88 of the  
Laws of 1890,

Have had the same under consideration and recommend that  
the same be amended as follows:

That the title be amended so as to read as follows:

"A bill for an act to amend sections 1 and 3 of chapter 85, of the Laws of  
1880."

That section 1 shall be amended so as to read as it does in the Session  
Laws of 1890, except that the part thereof relating to janitor shall read as  
follows, viz.: "One janitor, whose compensation shall be four (4) dollars per  
day," and except that part relating to watchman, which shall read as follows,  
viz.: "One watchman, whose compensation shall be four (4) dollars per day."

That section 2 be the same as section 3 of chapter 86 of the Laws of 1880,  
with same changes as to janitor and watchman as in section 1, and that section  
2 of this act be numbered 3.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 188,

A bill for an act defining the duties of justices of the peace  
and describing their powers,

Have had the same under consideration and recommend that the  
same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
Senate Bill No. 100,

A bill for an act to amend section 1 of chapter 50 of the Laws  
of 1890, entitled "An act to fix the compensation of the judges of

the county courts and to provide a fund to reimburse the county for the same."

Have had the same under consideration and recommend that the same be amended as follows:

That the word "two" at the end of line 7 in the printed bill be stricken out and the word "three" be inserted in lieu thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to which was referred  
Senate Bill No. 177,

A bill for an act authorizing corporations to change their names,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Judiciary made the following report:

MR. PRESIDENT:

Your Committee on Judiciary, to whom was referred  
Senate Bill No. 185,

A bill for an act authorizing and providing the manner of amending and changing articles of incorporation of private corporations,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Insurance made the following report:

MR. PRESIDENT:

Your Committee on Insurance, to whom was referred  
Senate Bill No. 143,

A bill for an act to amend chapter 76 of the Laws of 1890, entitled "An act to regulate the writing of insurance of whatsoever kind in this State,"

Have had the same under consideration and recommend that the bill transmitted herewith be substituted and that the same do pass.

FRANK WHITE,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

#### A BILL

For an act to amend chapter 76 of the Laws of 1890, entitled "An act to regulate the writing of insurance of whatsoever kind in this State," to read as follows:

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. That it shall be unlawful for any insurance company to write insurance of any kind in this State except through its authorized agents, who shall be duly appointed by such company and authorized as prescribed by law by the Commissioner of Insurance. All such agents shall keep a book for the registration of all premiums received. Such agents shall, upon request of the Commissioner of Insurance, make, under oath, an annual report to the Insurance Department of this State of all premiums received for each insurance company represented by them for the preceding year ending December 31st, or within thirty days thereafter.

SEC. 2. The Commissioner of Insurance shall prepare and send to each fire and marine insurance company authorized to do business in the State a blank for the purpose of reporting all premiums received on property insured by them in this State, and should such report, in his judgment, be unsatisfactory, he may, in person or by deputy, make such investigations as he may deem necessary, and should he find that any such insurance company has failed in the compliance of the provisions of this act, he shall immediately revoke the certificate of authority of any such company.

Mr. Kinter moved

That all House bills be given their first and second reading and referred,  
Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

House Bill No. 224,

A bill for an act providing for the compilation, revision and codification of the Laws of North Dakota and the publication and distribution and sale thereof, and to repeal chapter 82 of the Laws of 1891, in relation thereto,

Was read the first and second times.

Mr. LaMoure moved

That the bill be referred to the Committee on Judiciary, with instructions to report back this afternoon,  
Which motion prevailed and the bill was so referred.

Mr. Miller moved

That Alonzo Boley be appointed assistant Journal clerk,  
Which motion prevailed.

Mr. Stevens moved

That Miss Bertha Owen be appointed assistant clerk,  
Which motion prevailed.

House Bill No. 226,

A bill for an act to repeal section 5 of chapter 128 of the General Laws of 1891, entitled "An act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition,"

Which was read the first and second times and referred to the Judiciary Committee.

House Bill No. 34,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used in the various State institutions, county buildings and public schools of the State,

Was read the first and second times and referred to the Committee on Coal Mines and Mining, with instructions to report tomorrow morning.

House Bill No. 129,

A bill for an act to amend section 137 of chapter 13 of the Laws of 1891,

Was read the first and second times and referred to the Committee on Education.

Senate Bill No. 126,

A bill for an act to amend section 77 of the Justices' Code, being section 6117 of the Compiled Laws of 1887, relating to the sale of personal property on execution from justices' courts,

Was read the first and second times and referred to the Committee on Public Lands.

House Bill No. 32,

A bill for an act to amend section 5, chapter 100, of the Session Laws of 1890, providing for the collection of city and school taxes,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 173,

A bill for an act to amend section 77 of the Civil Code, being section 2588 of the Compiled Laws, relating to husband and wife,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards,

Was read the first and second times and referred to the Committee on Education.

## House Bill No. 141,

A bill for an act to amend section 75 of chapter 62 of the Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of provisions thereof,"

Was read the first and second times and referred to the Committee on Education.

## House Bill No. 151,

A bill for an act requiring the Board of Railroad Commissioners to ascertain the value of No. 1 hard wheat in Duluth or West Superior, based on the Liverpool market price, and providing for the publication thereof,

Was read the first and second times and referred to the Committee on Agriculture.

## House Bill No. 144,

A bill for an act to amend subdivision 16 of sections 1 and 2 and subdivision 15 of sections 3 and 4 of chapter 86, Laws of 1890,

Was read the first and second times and referred to the Committee on State Affairs.

## House Bill No. 100,

A bill for an act providing for the establishment of courts of conciliation, and prescribing the mode of procedure in same,

Was read the first and second times and referred to the Judiciary Committee.

## House Bill No. 108,

A bill for an act to provide for the collection of vital statistics,

Was read the first and second times and referred to the Committee on Statistics.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 212,

A bill for an act to amend section 2 of chapter 107 of the Session Laws of 1890, entitled "An act to provide for the inspection of illuminating oils,"

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

J. G. HAMILTON,  
Chief Clerk.

## House Bill No. 193,

A bill for an act to amend an act passed at the second session of the Legislative Assembly of the State of North Dakota, ap-



proved March 7, 1891, and entitled "An act to regulate the fees of clerks of the district courts of the State of North Dakota,"

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 107,

A bill for an act to amend sections 3, 4, 6 and 7 of chapter 68 of the Laws of 1885, being sections 236, 237, 239 and 240 of the Compiled Laws,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 179,

A bill for an act entitled "An act to reimburse certain persons for labor performed and for other purposes,"

Was read the first and second times and referred to the Committee on Apportionment.

House Bill No. 183,

A bill for an act providing for the annual expenses of the Board of University and School Lands and for the expenses of selecting and acquiring title to State institution lands,

Was read the first and second times and referred to the Committee on Apportionment.

House Bill No. 187,

A bill for an act repealing chapter 20 of the Laws of 1885,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 232,

A bill for an act to amend an act entitled "An act to provide for taxation of real and personal property situated in unorganized counties,"

Was read the first and second times and referred to the Judiciary Committee.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, February 28, 1893. {

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution

For an amendment to the Constitution providing for a referendum,

Which the House has adopted and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Your committee to whom was referred for correction the Senate Journal for the fifty-sixth day respectfully report that we find the same correct.

J. SORLEY,  
S. B. BRYNJOLFSON.

Mr. Brynjolfson moved  
To adopt the report,  
Which motion prevailed, and  
The Journal was approved.

House Bill No. 201,  
A bill for an act providing for a State bounty for the destruction of wolves,  
Was read the first and second times and referred to Committee on State Affairs.

House Bill No. 203,  
A bill for an act to provide for the ascertaining and giving notice of the lands of the heirs of deceased persons,  
Was read the third time and referred to the Judiciary Committee.

House Bill No. 212,  
A bill for an act to amend section 2 of chapter 107 of the Session Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, for the purpose of raising the tests of oils,  
Was read the first and second times and referred to a special Joint Committee on Oils.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, February 28, 1893. {

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 68,  
A bill for an act to amend section 74 of chapter 132 of the Laws of 1890.

Also,

House Bill No. 174,  
A bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,  
Which the House has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
 Bismarck, February 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 House Bill No. 222,

A bill for an act to amend section 78 of chapter 132 of the Laws  
 of 1890.

Also,

House Bill No. 242,

A bill for an act to amend section 55 of chapter 132 of the Laws  
 of 1890.

Also,

House Bill No. 102,

A bill for an act to provide free and uniform text books through-  
 out the several counties of the State.

Also,

House Bill No. 233,

A bill for an act to amend section 91 of chapter 132 of the Laws of  
 1890, being an act entitled "An act prescribing the mode of making  
 assessment and the levy and collection of taxes and for other pur-  
 poses relating thereto."

Also,

House Bill No. 138,

A bill for an act to authorize boards of County Commissioners  
 in counties that contain a population of less than six thousand,  
 as shown by the census of 1890, to dispose of and tear down  
 buildings owned by the county and not used for county purposes,  
 when petitioned therefor by one hundred or more of the voters  
 of the county, when the public interest and public safety will  
 thereby be promoted,

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

J. G. HAMILTON,  
 Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
 Bismarck, Feb. 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 House Bill No. 217,

A bill for an act to authorize cities to empty sewerage into rivers  
 within this State.

Also,

House Bill No. 9,

A bill for an act regulating the liabilities of railroad companies or  
 corporations for damages caused by fire escaping from their cars or  
 engines, and the rules of evidence relating thereto,

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

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 64,

A bill for an act to amend chapter 128 of the Laws of 1889,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 65,

A bill for an act to amend chapter 48 of the Laws of 1891, amending section 103 of chapter 28, Political Code, as amended by chapter 131 of the Laws of 1890,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 69,

A bill for an act to amend section 69 of chapter 132 of the Laws of 1890,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 83,

A bill for an act governing the alteration of county boundaries,

Was read the first and second times and referred to the Committee on Counties.

House Bill No. 26,

A bill for an act to amend section 16 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of chapter 69 of the General Laws of 1885, and section 10, chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

Was read the first and second times and referred to the Committee on Counties.

House Bill No. 61,

A bill for an act to amend section 3 of the Civil Code of 1877,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 239,

A bill for an act to amend section 79 of chapter 132 of the Laws of 1890, being an act prescribing the mode of making assessment and the levy and collecting of taxes and for other purposes relating thereto,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 241,

A bill for an act to provide for the establishing and maintaining claims in this State,

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 252,

A bill for an act for better improvements of public highways,  
Was read the first and second times and referred to the Committee on Highways, Bridges and Ferries.

House Bill No. 246,

A bill for an act authorizing the refunding of outstanding city bonds and warrants,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 167,

A bill for an act providing for an appropriation to reimburse the State Board of Medical Examiners for per diem and mileage due them for service rendered as required by law,

Was read the first and second times and referred to the Committee on Appropriations.

The Senate took a recess of fifteen minutes.

The Senate reassembled.

Mr. Kinter moved

That the rules be suspended and Senate Bills Nos. 84 and 155 be given their third reading and placed upon their final passage.

Mr. Little moved

As a substitute that the Senate proceed with the regular order,  
Which motion was lost.

The question recurring upon the motion of Mr. Kinter to suspend the rules,

The motion was lost.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 70,

A bill for an act to amend section 330 of the Penal Code of 1887, being section 6531 of the Compiled Laws of 1887, relating to abduction,

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

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,

Messrs—  
Gregory,  
Haggart,

Messrs—  
McCarten,  
McGillivray,

Messrs—  
White,  
Young.

Absent and not voting:

Messrs—  
Enger,  
Fuller,

Messrs—  
McCormack,

Messrs—  
Palmer.

So the bill passed and the title was agreed to.

Mr. Johnson moved  
That Senate Bill No. 173 be taken out of its regular order  
and placed upon its final passage,  
Which motion prevailed.

Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance  
of necessary additional buildings at the Mayville and Valley  
City Normal Schools, and to provide for the issuance of bonds  
for such purposes by the boards of directors in charge of said  
Normal Schools,

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

The question being on the final passage of the bill.

The roll being called there were ayes 28, nays none.

Those voting in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engel,  
Gregory,  
Haggart,

Messrs—  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoire,  
McCarten,  
McGillivray,

Messrs.  
Miller,  
Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—  
Fuller,

Messrs—  
McCormack,

Messrs—  
Pinkham.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which Senate Bill No. 173 was passed be  
reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Senate Bill No. 33,

A bill for an act to amend section 44 of chapter 132 of the  
Session Laws of 1890, being an act entitled "An act prescribing  
the mode of making assessments and the levy and collection  
of taxes and for the purposes relative thereto,"

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

Mr. Gregory moved  
That further consideration of Senate Bill No. 33 be indefinitely postponed,

Which motion prevailed.

Mr. Svensrud moved

That the rules be suspended and Senate Bill No. 186 be given its third reading and placed upon its final passage,

Which motion prevailed.

Senate Bill No. 186,

A bill for an act to amend the eleventh subdivision of section 5 of chapter 132, Laws of 1890, as amended by section 1 of chapter 100, Laws of 1891,

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

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Ridlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	Little,	Worst,
Engle,	LaMoure,	White,
Gregory,	McCarten,	Young.

Mr. Sorley voted in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	Palmer.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the vote by which Senate Bill No. 186 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 160,

A bill for an act to amend section 480 of the Penal Code, the same being section 6651 of the Compiled Laws, relating to the laying out of poisons,

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

The roll being called there were ayes 30, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,

Messrs—

Enger,  
Engle,  
Fuller,  
Gregory,

Messrs—

Little,  
LaMoure,  
McCarten,  
McGillivray,

Messrs—

Svensrud,  
Worst,  
White,  
Young.

Mr. McCormack absent and not voting.

So the bill passed and the title was agreed to.

Senate Bill No. 10,

A bill for an act providing for the returns and records of births, marriages and deaths, and compilation of statistics relating thereto,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Fuller,  
Haggart,

Messrs—

LaMoure,  
McCormack,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

Mr. Miller moved

That the vote by which Senate Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Brynjolfson moved

That the vote by which Senate Bill No. 160 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Senate Bill No. 170,

A bill for an act to amend Section 16 of chapter 27 of the Political Code, being section 1455 of the Compiled Laws of 1887,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 24, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,

Messrs—

Hillier,  
Ink,  
Kinter,  
Lamb,

Messrs—

Palmer,  
Patch,  
Sorley,  
Stevens,



Messrs—

Day,  
Enger,  
Fuller,  
Gregory,

Messrs—

Little,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Svensrud,  
Worst,  
White,  
Young.

Messrs. Bidlake and Engle voting in the negative.

Absent and not voting:

Messrs—

Haggart,  
Johnson,

Messrs—

LaMoure,  
McCormack,

Messrs—

Pinkham.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE CHAMBER, }  
February 28, 1893. }*To the Senate:*

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

Senate Bill No. 50,

Entitled an act providing for an appropriation for the maintenance and for making the needed permanent improvements of the State Normal School at Valley City, N. D.

Also,

Senate Bill No. 36,

Entitled an act providing for an appropriation for the current and contingent expenses, furnishing and maintenance and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 20,

Entitled an act making appropriation for maintenance of State University.

Also,

Senate Bill No. 77,

Entitled an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 72.

Entitled an act to amend chapter 24 of the Laws of 1890 by inserting therein section 6 and amending its title.

Also,

Senate Bill No. 54,

Entitled an act providing for an appropriation of money for the completion of the building for the School for the Deaf and Dumb and for contingent expenses thereto.

Also,

Senate Bill No. 113,

Entitled an act to reimburse the county of Pembina for expenses incurred in quarantine of August, 1892.

Also,

Senate Bill No. 25,

Entitled an act for an appropriation for the erection of the North Dakota Reform School at Mandan and for incidental and contingent expenses for the same.

Also,

Senate Bill No. 48,

Entitled an act fixing the minimum time for which offenders may be committed to the penitentiary.

Also,

Senate Bill No. 40,

Entitled an act to provide for the management of the State Normal School at Mayville, N. D.

Also,

Senate Bill No. 55,

Entitled an act providing for an appropriation for the maintenance and for current and contingent expenses of the School for the Deaf and Dumb.

Also,

Senate Bill No. 26,

Entitled an act to amend sections 2, 3, 4, 5 and 6 of chapter 81, Session Laws of 1890, relating to the boundaries and subdivisions of the First Judicial District, and fixing the terms of court to be held therein.

Also,

Senate Bill No. 44,

Entitled an act forbidding the use of telegraph and telephone lines for certain purposes and providing penalty therefor.

Also,

Senate Bill No. 12,

Entitled an act to amend section 2, chapter 133, Session Laws of 1891, entitled "An act to amend section 2, chapter 161 of Session Laws of 1890," entitled "An act to create an institute for the education of the deaf and dumb of North Dakota and providing for its support and management."

Also,

Senate Bill No. 62,

Entitled an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do

and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montrailie, Flannery and Renville in the years 1890, 1891 and 1892.

Also,

Senate Bill No. 85,

Entitled an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of Stark county for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger in the years 1891 and 1892.

Also,

Senate Bill No. 21,

Entitled an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College at Fargo.

Except the item which reads as follows, viz.: "For erection of laboratory, \$5,000," which said item I have not approved and have stricken it from the said bill for the reason that the funds to be received and at our disposal will not be sufficient to meet the requirements of law for this institution and purposes more urgently requiring State assistance. And for the further reason that said laboratory is not actually needed at this time and the appropriations received for said institution in the balance of said bill is all that in my judgment is needed for the prospective successful management and carrying on of said institution for the next two years. For the reasons stated above I have vetoed the item above referred to, and approved the balance of said bill.

Very respectfully,

E. C. D. SHORTRIDGE,  
Governor.

Mr. Worst moved

That the vote by which Senate Bill No. 170 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate Bill No. 185,

A bill for an act authorizing and providing the manner of amending or changing the articles of incorporation of private corporations,

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

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Engle,  
 Fuller,

Messrs—  
 Gregory,  
 Ink,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McGillivray,

Messrs—  
 Miller,  
 Palmer,  
 Patch,  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Mr. Hillier voting in the negative.

Absent and not voting:

Messrs—  
 Haggart,  
 McCormack,

Messrs—  
 Pinkham,

Messrs—  
 Sorley.

So the bill passed and the title was agreed to.

Senate Bill No. 163,

A bill for an act constituting the Commissioner of Irrigation and Forestry the Fish and Game Commissioner of North Dakota, Was read the third time and placed upon its final passage.

The roll being called there were ayes 29, nays none.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Engle,  
 Fuller,  
 Gregory,

Messrs—  
 Haggart,  
 Hillier,  
 Ink,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McGillivray,

Messrs—  
 Miller,  
 Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 Young.

Messrs. McCormack and White being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 163 was passed be reconsidered and the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 184,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to the transfer of personal property,

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

The roll being called there were ayes 23, nays 2.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,

Messrs—  
 Fuller,  
 Gregory,

Messrs—  
 McCarten,  
 Miller,

Messrs—

Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,

Messrs—

Haggart,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
LaMoure,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Young.

Messrs. Hillier and Stevens voting in the negative.

Absent and not voting:

Messrs—

Little,  
McCormack,

Messrs—

McGillivray,  
Svensrud,

Messrs—

Worst,  
White.

So the bill passed and the title was agreed to.

Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota,

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

Mr. LaMoure moved to amend section 5, line 14, of printed bill,\* by striking out lines 14, 15 and 16 and inserting the following: "Wild duck of any variety, or any variety of wild goose or brant from May 1st to September 1st,"

Which motion prevailed.

Mr. LaMoure moved as an amendment to strike out section 19 entirely,

Which motion prevailed.

Mr. LaMoure moved to amend by striking out section 25,

Which motion prevailed.

Mr. Burke moved to amend by striking out the words "wild goose or brant," in line 14 of section 5 of the printed bill,

Which motion prevailed.

Mr. Stevens moved

To strike out all after the enacting clause,

Which motion was lost.

Mr. Cashel moved

That the sections be numbered consecutively,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 22, nays 4.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—

Gregory,  
Ink,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Svensrud,  
Worst,  
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	McCarten,	Stevens.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	McCormack,	White.
Johnson,	McGillivray,	

So the bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which Senate Bill No. 169 was passed be reconsidered, and the motion to reconsider be laid upon the table, which motion prevailed.

Senate Bill No. 147,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Session Laws of 1890, being an act describing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto so as to lessen the expenses of obtaining judgment when the delinquent fails to pay,

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

The roll being called, there were ayes 24, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Bidlake,	Ink,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Burke,	Lamb,	Sorley,
Cashel,	Little,	Svensrud.
Day,	LaMoure,	Worst,
Enger,	McCarten,	White,
Gregory,	Miller,	Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Haggart,	McCormack,
Fuller,	Johnson,	McGillivray,

So the bill passed and the title was agreed to.

Senate Bill No. 161,

A bill for an act entitled "An act to amend sections 1 and 3 of chapter 50 of the Session Laws of 1890, of an act entitled 'An act to fix compensation of judges of the county courts and provide a fund to reimburse the county for the same,'" approved March 18, 1890,

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

Mr. Cashel moved

To amend by making the amounts correspond to the amounts stated in the printed bill.

Roll call demanded.

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Brynjolfson,	Kinter,	Palmer,
Cashel,	Lamb,	Pinkham,
Day,	LaMoure,	Svensrud.
Enger,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Sorley,
Burke,	Ink,	Stevens,
Engle,	Johnson,	Worst,
Fuller,	Little,	White,
Gregory,	Patch,	Young.

Messrs. McCormack and McGillivray absent and not voting.  
So the motion was lost.

Mr. Svensrud moved to amend as follows:

*“Provided, further, That in counties having a population of less than 1,000 the county commissioners of such county shall have the power to fix the salary of the County Judge, but such salary shall not exceed the sum of \$300,”* to be added to section 1,

Which motion was lost.

Mr. Miller moved to amend as follows:

*“Provided, That the salary of the County Judge in counties having a population of less than 750 be \$100 per annum,”* be added to section 1,

Which motion prevailed.

Mr. Kinter moved that in line 11, section 1, “700” be stricken out and “500” inserted therein,

Which motion was lost.

Mr. Svensrud moved

That Senate Bill No. 161 be indefinitely postponed,

Which motion was lost.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 21, nays 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Little,	Stevens,
Engle,	LaMoure,	Worst,
Gregory,	Miller,	White,
Haggart,	Palmer,	Young.

Those who voted in the negative were:

Messrs—  
Brynjolfson,  
Day,  
Enger,

Messrs—  
Fuller,  
Kinter,  
Lamb,

Messrs—  
McCarten,  
Svensrud.

Messrs. McCormack and McGillivray absent and not voting.  
So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which Senate Bill No. 161 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, February 28, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the District Courts of the State and prescribing their duties and compensation, and repealing chapter 52 of the Laws of 1879, being sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887 in relation thereto,

Also,

A Concurrent Resolution relating to the National Park in the Turtle Mountain region,

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

J. G. HAMILTON,  
Chief Clerk.

Mr. Gregory moved

That the vote by which Senate Bill No. 147 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Senate returned to the ninth order of business.

Mr. Arnold moved

That the rules be suspended and concurrent resolution be given its first and second reading and referred,  
Which motion prevailed.

Mr. Cashel moved

That the vote by which Senate Bill No. 170 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Gregory moved

That the vote by which Senate Bill No. 184 was passed be re-



considered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Senate Bill No. 174,

A bill for an act to fix the compensation of states attorneys of  
the State of North Dakota,

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

Mr. Kinter moved

To amend line 12, section 1 of printed bill, by striking out \$1,100  
and making it \$500,

Which motion was lost.

Mr. Svensrud moved

To amend line 7 by striking out \$600 and inserting in lieu thereof  
\$200,

Which motion was lost.

Mr. Lamb moved

To amend line 10, section 1, by striking out \$900 and inserting  
\$500,

Which motion was lost.

Mr. Lamb moved

That further consideration of Senate Bill No. 174 be indefinitely  
postponed.

Roll call demanded.

The roll being called there were ayes 15, nays 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Palmer,
Bidlake,	Kinter,	Pinkham,
Brynjolfson,	Lamb,	Svensrud,
Day,	LaMoire,	Worst,
Enger,	McCarten,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Gregory,	Patch,
Cashel,	Haggart,	Sorley,
Engle,	Little,	Stevens,
Fuller,	Miller,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack,	McGillivray.
Johnson,		

So the motion to indefinitely postpone was carried.

The President announced his signature to  
House Bill 143,

A bill for an act providing for extension of the time for the pay-  
ment of the taxes for the year 1892.

## Senate Bill No. 188,

A bill for an act defining the duties of justices of the peace and describing their powers,

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

The roll being called there were ayes 26; nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Patch,
Bidlake,	Hillier,	Pinkham,
Brynjolfson,	Johnson,	Sorley,
Burke,	Kinter,	Stevens,
Cashel,	Lamb,	Svensrud,
Day,	Little,	Worst,
Enger,	LaMoure,	White,
Fuller,	McCarten,	Young.
Gregory,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	McCormack,	Palmer.
Ink	McGillivray,	

So the bill passed and the title was agreed to.

Mr. Young moved

That the vote by which Senate Bill No. 188 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

## Senate Bill No. 177,

A bill for an act authorizing corporations to change their names,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 25. nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Patch,
Bidlake,	Hillier,	Pinkham,
Brynjolfson,	Johnson,	Sorley,
Burke,	Kinter,	Stevens,
Cashel,	Little,	Svensrud,
Day,	LaMoure,	Worst,
Enger,	McCarten,	White,
Fuller,	Miller,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Lamb,	McGillivray,
Ink,	McCormack,	Palmer.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 177 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 172,

A bill for an act to amend sections 1 and 3 of chapter 86 of the Laws of 1890,

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

Mr. Gregory moved as an amendment

That the compensation of the Journal clerks of the Senate and House be \$6.00 per day instead of \$5.00 per day.

Roll call demanded.

The roll being called there were ayes 15, nays 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Palmer,
Brynjolfson,	Johnson,	Patch,
Cashel,	Little,	Sorley,
Engle,	LaMoure,	Worst,
Gregory,	Miller,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Pinkham,
Burke,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	McCarten,	Young.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack,	McGillivray.

So the amendment prevailed.

The question recurring on the final passage of the bill as amended.

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Johnson,	Sorley,
Burke,	Kinter,	Stevens,
Cashel,	Lamb,	Svensrud,
Day,	Little,	Worst,
Engle,	LaMoure,	White,
Gregory,	McCarten,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Palmer,	Pinkham.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	McGillivray.
Ink,		

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the Senate do now adjourn till 10 o'clock a. m. tomorrow.

Roll call demanded.

The roll being called there were ayes 14, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Brynjolfson,	Johnson,	Pinkham,
Day,	Kinter,	Sorley,
Engle,	Lamb,	Young,
Fuller,	McCarten.	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Palmer,
Burke,	Ink,	Stevens,
Cashel,	Little.	Svensrud,
Enger,	LaMoure,	Worst,
Gregory,	Miller,	White.

Messrs. McCormack and McGillivray being absent and not voting.

So the motion was lost.

Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of the General Laws of 1885 and section 10 of chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

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

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold.	Gregory,	Patch,
Bidlake,	Haggart,	Pinkham,
Brynjolfson,	Hillier,	Sorley,
Burke,	Johnson,	Stevens,
Cashel,	Kinter,	Svensrud,
Day,	Lamb,	Worst,
Enger,	McCarten,	White,
Engle,	Miller,	Young.
Fuller,	Palmer,	

Mr LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack,	McGillivray,
Little,		

So the bill passed and the title was agreed to.

Senate Bill No. 115,

A bill for an act providing for the payment of the salaries of county officers monthly,

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

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Palmer,
Brynjolfson,	Hillier,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	Miller,	Young.
Gregory,		

Mr. LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	McCormack,	White.
Ink,	McGillivray,	

So the bill passed and the title was agreed to.

Miss Bertha Owens was sworn in as Journal clerk.

Mr. LaMoure moved

That the Senate do now adjourn till 10 o'clock a. m. tomorrow,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 1, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. McCormack, excused.

Mr. Sorley moved

That the reading of the Journal be dispensed with and a committee appointed to read and correct the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Burke and Sorley.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution, being a memorial to Congress relating to the allotment of the national militia fund,

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

J. G. HAMILTON,  
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The Committee on Highways, Bridges and Ferries made the following report:

MR. PRESIDENT:

Your Committee on Highways, Bridges and Ferries, to whom was referred

House Bill No. 252,

A bill for an act to provide for the better improvement of public highways,

Have had the same under consideration and recommend that the same do pass.

RICHARD McCARTEN,  
Chairman.

Mr. Kinter moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 224,

A bill for an act providing for the compilation, revision and codification of the Laws of North Dakota and the publication and distribution and sale thereof and to repeal chapter 82 of the Laws of 1891 in relation thereto,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Sorley moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 107,

A bill for an act to amend sections 3, 4, 6 and 7 of chapter 68 of the Laws of 1885, being sections 236, 237, 239 and 240 of the Compiled Laws,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Miller moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 226,

A bill for an act to repeal section 5 of chapter 128 of the General Laws of 1891, entitled "An act to provide for the collection,

arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition,"

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 100,

A bill for an act providing for the establishment of courts of conciliation, and prescribing the mode of procedure in same,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 203,

A bill for an act to provide for the ascertaining and giving notice of the lands of the heirs of deceased persons,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Day moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 246,

A bill for an act authorizing the refunding of outstanding city bonds and warrants,

Have had the some under consideration and recommend that the the same do pass.

C. B. LITTLE,  
Chairman.



Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 16,

A bill for an act to amend section 3 of the Civil Code of 1877,  
Have had the same under consideration and recommend that the  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 165,

A bill for an act to establish a weather and crop service for the  
collection and dissemination of crop statistics and meteorologi-  
cla data,

Have had the same under consideration and recommend that the  
same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 151,

A bill for an act requiring the Board of Railroad Commission-  
ers to ascertain the value of No. 1 hard wheat in Duluth or West  
Superior, based on the Liverpool market price, and providing for  
the publication thereof,

Have had the same under consideration and recommend that  
the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Hillier moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

**MR. PRESIDENT:**

Your Committee on Agriculture, to whom was referred  
House Bill No. 241,

A bill for an act to provide for the establishing, constructing  
and maintaining drains in this State,

Have had the same under consideration and recommend that  
the same do pass.

N. B. PINKHAM,  
Chairman.

Mr. Kinter moved

That the report be adopted,

Which motion prevailed.

The Judiciary Committee made the following report:

**MR. PRESIDENT:**

Your Judiciary Committee, to whom was referred

House Bill No. 232,

A bill for an act to amend an act entitled "An act to provide for  
taxation of real and personal property situated in unorganized  
counties,"

Have had the same under consideration and recommend that  
the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Kinter moved

That the report be adopted,

Which motion prevailed.

The Committee on Statistics made the following report:

**MR. PRESIDENT:**

Your Committee on Statistics, to whom was referred

House Bill No. 108,

A bill for an act to provide for the collection of vital statistics,

Have had the same under consideration and recommend that  
the same do pass.

J. P. LAMB,  
Chairman.

Mr. Lamb moved

That the report be adopted,

Which motion prevailed.

The Committee on Public Health made the following report:

**MR. PRESIDENT:**

Your Committee on Public Health, to whom was referred

House Bill No. 126,

A bill for an act to define the powers and duties of county and  
city boards of health and for the prevention and suppression of  
contagious, infectious and epidemic diseases,

Have had the same under consideration and recommend that the same do pass.

S. B. BRYNJOLFSON,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 141,

A bill for an act to amend section 75 of chapter 62 of the Laws of 1890 entitled "An act to provide for a uniform system of the public schools throughout the State, and to prescribe penalties for violation of provisions thereof,"

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 156,

A bill for an act to amend section 72 of chapter 62 of the Laws of 1890, and sections 17 of chapter 56 of the Laws of 1891, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 129,

A bill for an act to amend section 137 of chapter 62 of the Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 186,

A bill for an act entitled "An act to provide for and establish an industrial school and school for manual training at Ellendale, in the county of Dickey and State of North Dakota, as provided for in subdivision 3 of section 16 of the Constitution of this State,"

Have had the same under consideration and recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 124,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

Have had the same under consideration and report the same back without recommendation.

N. B. PINKHAM,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

## MOTIONS AND RESOLUTIONS.

Mr. Pinkham moved  
That a committee of four be appointed by the President as a steering committee.

Mr. Ink moved  
As a substitute that the following-named Senators be appointed as a steering committee: Little, LaMoure, McCarten, Haggart, Svensrud, Bidlake and Kinter,  
Which motion was lost.

Mr. LaMoure moved  
As a substitute that the following-named Senators be appointed as a steering committee: Messrs. Bidlake, Cashel, Haggart, Little, Gregory and LaMoure.

Mr. Fuller moved  
A call of the House,  
Which motion prevailed.

The roll being called Senators Sorley, Bidlake, Engle, Svensrud and McCormack were absent, Senator McCormack being excused.

Mr. Hillier moved  
That the call of the house be dispensed with,  
Which motion prevailed, and  
The call of the House was dispensed with.

Mr. Kinter moved  
As a substitute that the Chair appoint a steering committee of nine,  
Which motion prevailed.

Mr. Kinter moved  
That the Senate do now go into executive session for the purpose of considering the nominations from the Governor,  
Which motion prevailed, and  
The Senate went into executive session.

The Senate resumed business in open session.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred House Bill No. 130,

A bill for an act to refund \$744.53 to Towner county for overpaid taxes to the State,

Have had the same under consideration and recommend that the same do not pass.

JOHN E. HAGGART,  
Chairman.

Mr. Sorley moved  
To adopt the report of the committee.

Mr. Burke moved  
As a substitute that the report be not adopted,  
Which substitute prevailed.

The report as amended was adopted.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 167,

A bill for an act providing an appropriation to reimburse the  
State Board of Medical Examiners for per diem and mileage due  
them for services rendered as required by law,

Have had the same under consideration and report the bill  
back without recommendation.

JOHN E. HAGGART,  
Chairman.

Mr. Svensrud moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
House Bill No. 178,

A bill for an act to prevent extortion by persons, associations  
or corporations controlling or operating sleeping cars,

Have had the same under consideration and recommend that  
the same do not pass.

R. J. JOHNSON,  
Chairman.

Mr. LaMoure moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred  
Senate Bill No. 180,

A bill for an act to tax all sleeping and dining cars owned or oper-  
ated in this State, and to repeal chapter 138 of the Session Laws of  
1890, entitled "An act providing for the payment of a license on  
railroad sleeping cars,"

Have had the same under consideration and return the same to the Senate without any recommendation.

R. J. JOHNSON,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
House Bill No. 179,

A bill for an act entitled "An act to reimburse certain persons for labor performed and for other purposes,"

Have had the same under consideration and report the bill back without recommendation.

JOHN E. HAGGART,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Coal Mines and Mining made the following report:

MR. PRESIDENT:

Your Committee on Coal Mines and Mining, to whom was referred

House Bill No. 34,

A bill for an act to amend chapter 44, Laws of 1891,

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Appropriations made the following report:

MR. PRESIDENT:

Your Committee on Appropriations, to whom was referred  
Substitute for House Bill No. 182,

A bill for an act to appropriate money out of the State Treasury to J. B. Sinclair, messenger of the House, and Frank Gauke, messenger of the senate,

Have had the same under consideration and report the bill back without recommendation,

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

## MINORITY REPORT.

MR. PRESIDENT:

The undersigned, a minority of the Committee on Agriculture, to whom was referred House Bill No. 124,

A bill for an act to prevent the spread of contagious diseases among domestic animals,

Have had the same under consideration and recommend that the same be amended as follows:

Amend section 1 by striking out the word "three" and inserting the word "six."

Amend section 2 by striking out all of section 2 after the figure 1, and inserting in lieu thereof the following: "Shall consist of the First judicial district; district No. 2 shall consist of the Second judicial district; district No. 3 shall consist of the Third judicial district; district No. 4 shall consist of the Fourth judicial district; district No. 5 shall consist of the Fifth judicial district; district No. 6 shall consist of the Sixth judicial district."

Amend section 4 by inserting after the word "veterinarian" in line 1 the words "with the consent of the Governor;" further amend section 4, line 2, by striking out the letter "a" and inserting in lieu thereof the word "one."

Amend section 8 by striking out of lines 4 and 5 the words "the slaughter of any and all diseased animals upon said premises" and inserting in lieu thereof the words "that any and all diseased animals shall be quarantined in such place and in such manner as he may direct, and the premises previously occupied by such diseased animal or animals thoroughly fumigated, and such diseased animal or animals held in such quarantine until the State District Veterinarians of the two adjoining districts shall have been summoned by the State District Veterinarian in whose district such diseased animal or animals are located, and it is hereby made the duty of the resident State District Veterinarian to so summon the other two State District Veterinarians to appear and assist in diagnosing and pronouncing upon the character of the disease with which said animal or animals are supposed to be infected, and in case all three State District Veterinarians, or any two of them, declare said disease to be contagious or epidemic in its character, and that such animal or animals should be destroyed to prevent the spread of such disease to other animals, the State District Veterinarian of the district wherein the animal or animals are located shall order the immediate slaughter of all such animal or animals, and not otherwise."

Amend section 12 by striking out of line 2 the words "one thousand" and inserting in lieu thereof the words "six hundred;" by inserting after the word "surgeons" in line 10 of said section the words "or who has not practiced veterinary surgery within this State for at least five years;" by inserting at the end of said section after the word "mileage" "except when called in cases of consultation as hereinbefore provided, when he shall receive actual expenses paid by him."

Amend section 14 by striking out the words "State Treasury General Fund," and inserting in lieu thereof the words "Public Common School Fund."

• And when so amended recommend that the same do pass.

RICHARD McCARTEN.

Mr. Johnson moved



That the minority report on House Bill No. 124 be adopted,  
Which motion prevailed.

Mr. LaMoure moved

That the rules be suspended and House Bills Nos. 224 and 157  
read the third time and placed upon their final passage,  
Which motion prevailed.

House Bill No. 224,

A bill for an act providing for the compilation, revision and  
codification of the Laws of North Dakota and the publication and  
distribution and sale thereof, and to repeal chapter 82 of the Laws  
of 1891, in relation thereto,

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

The roll being called there were ayes 27, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,

Messrs—

McGillivray,  
Miller,  
Palmer,  
Patch,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Messrs. McCarten and Pinkham voting in the negative.

Messrs. McCormack and Sorley being absent and not voting.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 224 was passed be re-  
considered, and that the motion to reconsider be laid on the table,  
Which motion prevailed.

House Bill No. 157,

A bill for an act granting right-of-way to railroad companies  
through public lands,

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

The roll being called there were ayes 28, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Ink,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—  
Engle,

Messrs—  
Lamb,

Messrs—  
McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Ink moved

That the vote by which House Bill No. 157 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

A Joint Memorial to Congress requesting the passage of a graduated income tax law,

Which the House has adopted and your favorable concurrence therein is respectfully requested.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 244,

A bill for an act to amend section 2 of chapter 169 of the Laws of 1890, entitled "An act fixing the times and places of holding general and special terms of the Supreme Court of the State of North Dakota and providing for the expenses incident thereto,"

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

J. G. HAMILTON,  
Chief Clerk.

The President announced his signature to  
Concurrent Resolution praying for the passage of the Good Roads Bill.

Also,

Concurrent Resolution relating to Anti-Lottery Bill.

Also,

Concurrent Resolution to amend the Constitution of the United States for the election of United States Senators by the people.

Mr. Johnson moved

That the rules be suspended and House Bill No. 194 be read the third time and placed upon its final passage,

Which motion prevailed.

## House Bill No. 194,

A bill for an act defining usury and fixing the penalty for taking the same,

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

Mr. Pinkham moved

To amend House Bill No. 194 by striking out sections 1, 2 and 3, Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 24, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Pinkham,
Day,	Lamb,	Sorley,
Enger,	Little,	Worst,
Engle,	LaMoure,	White,
Fuller,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Stevens,	Svensrud.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	McCarten,	McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 194 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The courtesies of the floor were extended to Messrs. Allen Tompkins, A. Messersmith, H. C. Quinion, J. P. Hager, F. L. Blashford, S. L. Glaspell, J. F. Kinn, Wm. Robbins, C. W. Anheir, T. B. Hougan.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
BISMARCK, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution,

That article 20 of the Constitution of the State of North Dakota, the same being the article entitled "Prohibition" in said constitution, is hereby repealed,

Which the House has adopted and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 176,

A bill for an act to amend section 2115 of the Civil Code, being section 4749 of the Compiled Laws of 1887,

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

The roll being called, there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Patch,
Bidlake,	Lamb,	Pinkham,
Burke,	Little,	Sorley,
Cashel,	LaMoure,	Stevens,
Engle,	McCarten,	Svensrud,
Gregory,	McGillivray,	Worst,
Haggart,	Miller,	White,
Hillier,	Palmer,	Young.
Ink,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Enger,	Johnson,
Day,	Fuller,	McCormack,

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 145.

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of construction,

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

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	Pinkham.
Burke,	Lamb,	Sorley,
Cashel,	Little,	Stevens,
Day,	McCarten,	Svensrud,
Enger,	McGillivray,	Worst,
Engle,	Miller,	White,
Hillier,	Palmer,	Young.
Ink,	Patch,	

Mr. Haggart voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Gregory,	LaMoure.
Brynjolfson,	Johnson,	McCormack.
Fuller,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 152,

A bill for an act to provide for the abolishment of the provisions of chapter 38 of the Code of Civil Procedure, entitled "Herd Law," in counties where a majority of the qualified electors so elect, to provide for an election upon questions of such abolishment and to establish a fence law in such counties,

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

The roll being called there were ayes 13, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	LaMoure,
Burke,	Haggart,	Palmer,
Cashel.	Johnson,	Patch,
Day,	Kinter,	Svensrud.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hillier,	Miller,	Worst,
Lamb,	Pinkham,	White,
McCarten,	Sorley,	Young.
McGillivray,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	Little,
Brynjolfson,	Ink,	McCormack.
Enger,		

Mr. McCormack being excused.

So the bill was lost, a majority of the members elect not having voted in the affirmative.

Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of Grand Forks and to provide for its support and management and creating the office of State Geologist,

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

Mr. McGillivray moved, as an amendment,  
That the amount of \$20,500 be cut down to \$10,000,  
Which motion prevailed.

Mr. Miller moved

To strike out in line 3, section 7, the figures \$25,000 and insert in lieu thereof \$14,500,

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 12, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Burke,	Haggart,	Miller,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Worst.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	Patch,
Enger,	Kinter,	Stevens,
Engle,	Lamb,	Svensrud,
Fuller,	McCarten,	White,
Hillier,	Palmer,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	McCormack,	Pinkham.
Ink,		

Mr. McCormack being excused.

So the bill was lost.

Mr. Cashel moved

That the Senate do now take a recess of an hour and a half,  
Which motion prevailed.

The Senate reassembled at 1:30 p. m.

The President announced as Senate Steering Committee Messrs. Pinkham, Johnson, Little, Fuller, Cashel, Kinter, Haggart, Burke and McCarten.

Senate Bill No. 151,

A bill for an act entitled "An act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,"

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

The roll being called there were ayes 6, nays 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	Sorley,
Gregory,	Little,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Palmer,
Brynjolfson,	Ink,	Patch,
Cashel,	Kinter,	Pinkham,
Day,	LaMoure,	Stevens,
Enger,	McCarten,	Worst.
Engle,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Lamb,	Svensrud,
Fuller,	McCormack,	White,
Hillier,	McGillivray,	

Mr. McCormack being excused.  
So the bill was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 259,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to transfers of personal property.

Also,

House Bill No. 235,

A bill for an act to provide for the publication and distribution of five hundred copies of the Revenue Laws as amended.

Also,

House Bill No. 260,

A bill for an act to regulate the working of highways in civil townships.

Also,

House Bill No. 243,

A bill for an act to amend section 3 of chapter 91 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make expense a tax lien on the land.

Also,

House Bill No. 221,

A bill for an act to amend the law relating to exemption by amending section 322 of the Code of Civil Procedure,

Also,

House Bill No. 169,

A bill for an act to compel all companies or corporations operating any lines of railway, wholly or in part, within this State, to provide all necessary facilities for the unloading of grain from wagons and loading same into cars, and to furnish cars to all persons that want to ship grain of any kind, and providing penalties for violation of the same.

Also,

House Bill No. 216,

A bill for an act providing for the separation and organization of fractional townships when connected in civil township organization with full congressional townships.

Also,

House Bill No. 223,

A bill for an act to provide for the destruction of weeds and grasses upon public highways.

Also,

House Bill No. 255,

A bill for an act to amend section 3 of an act entitled "An act to locate, establish and maintain the North Dakota Academy of Science and to provide for the government,"

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

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 90,

A bill for an act to amend section 249 of the Penal Code, and to repeal chapter 9 of the Laws of 1883, chapter 29 of the Laws of 1885, and section 6449 of the Compiled Laws of 1887, defining the punishment for murder.

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

The roll being called there were ayes 13, nays 10.

Those voting in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Cashel,  
Enger,  
Fuller,

Messrs—

Gregory,  
Hillier,  
Ink,  
Johnson.

Messrs—

Pinkham,  
Stevens,  
Svensrud,  
Worst.

Those who voted in the negative were:

Messrs—

Bidlake,  
Day,  
Engle,  
Kinter,

Messrs—

Little,  
LaMoure,  
McCarten.

Messrs—

Palmer,  
Patch,  
Young.

Absent and not voting:

Messrs—

Burke,  
Haggart,  
Lamb,

Messrs—

McCormack,  
McGillivray,  
Miller,

Messrs—

Sorley,  
White.

Mr. McCormack being excused.

So the bill was lost, not receiving a constitutional majority.

Substitute for Senate Bill No. 143,

A bill for an act to amend chapter 76 of the Laws of 1890, entitled "An act to regulate the writing of insurance of whatsoever kind in the State,"

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

The roll being called there were ayes 24, nays none.

Those voting in the affirmative were:



Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Cashel,  
 Day,  
 Engel,  
 Fuller,  
 Gregory,

Messrs—  
 Hillier,  
 Ink,  
 Johnson,  
 Kinter,  
 Little,  
 LaMoure,  
 McCarten,  
 Miller,

Messrs.  
 Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 Young.

Absent and not voting:

Messrs—  
 Burke,  
 Enger,  
 Haggart,

Messrs—  
 Lamb,  
 McCormack,

Messrs—  
 McGillivray,  
 White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Gregory asked unanimous consent to make a committee report,

Which was granted.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 32,

A bill for an act to amend section 5, chapter 100, of the Session Laws of 1890, providing for the collection of city and school taxes,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
 Chairman.

Mr. Miller moved

That the report be adopted,  
 Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred House Bill No. 239,

A bill for an act to amend section 79 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
 Chairman.

Mr. Worst moved

That the report be adopted,  
 Which motion prevailed.

The Committee on Ways and Means made the following report:

**MR. PRESIDENT:**

Your Committee on Ways and Means, to whom was referred  
House Bill No. 64,  
A bill for an act to amend chapter 128, Laws of 1889,  
Have had the same under consideration and recommend that  
the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Gregory moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

**MR. PRESIDENT:**

Your Committee on Ways and Means, to whom was referred  
House Bill No. 69,  
A bill for an act to amend section 69 of chapter 132 of the Laws  
of 1890,  
Have had the same under consideration and recommend that  
the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

**MR. PRESIDENT:**

Your Committee on Ways and Means, to whom was referred  
House Bill No. 65,  
A bill for an act to amend chapter 48 of the Laws of 1891,  
amending section 103 of chapter 28, Political Code, as amended  
by chapter 131 of the Laws of 1890,  
Have had the same under consideration and recommend that  
the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Cashel moved  
That the report be adopted,  
Which motion prevailed.

**MR. PRESIDENT:**

Your committee appointed to examine and correct the Journal  
of the fifty-seventh day have examined the same and find the same  
correct.

JOHN BURKE,  
JOHN BIDLAKE,  
Committee.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed.

Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 132 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment,

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

Mr. Sorley moved  
To amend as follows:

Strike out everything from the word "shall" in line 2, section 2, to the word "platforms" in line 3, and insert in lieu thereof the following: "On the petition of twenty residents of any county where a station on any railroad is located for the erection of;" and add after the word "property" in line 9 of section 2 "within sixty days after receiving such petition erect and maintain such platform."

Which motion prevailed.

Mr. Sorley moved  
To amend as follows:

That in line 4, section 4, the words "this act shall go into operation" be stricken out and the words "receive such petition" be inserted in lieu thereof; and that the word "ninety" be stricken out in line 3 and the word "sixty" be inserted in lieu thereof.

Which motion prevailed.

Mr. Johnson moved  
To amend as follows:

In line 2, section 3, by striking out the word "four" and insert in lieu thereof the word "six."

Which motion was lost.

Mr. Worst moved  
To amend as follows:

In line 3, section 3, by striking out the word "give" and insert in lieu thereof the word "afford," and after the word "easy" in line 4 insert the words "facilities for."

Which motion prevailed.

Mr. Gregory moved  
To amend as follows:

In line 2, section 5, by striking out the words "with all" after the word "invested" and insert in lieu thereof the words "in addition to."

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called, there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Ink,	Pinkham,
Brynjolfson,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Engle,	McCarten,	Worst,
Fuller,	Miller,	White,
Gregory,	Palmer,	Young.
Haggart,		

Messrs. Burke and LaMoure voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCormack,	McGillivray.
Lamb,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which Senate Bill No. 84 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Johnson moved

That the Concurrent Resolution received from the House regarding the resubmission question be referred to the Committee on Temperance.

Mr. Little moved

As an amendment that the resolution be submitted to a Committee of the Whole,

Which motion prevailed,

The question recurring upon the original motion,

The motion prevailed.

The Senate returned to the eighth order of business.

Mr. Cashel moved

That the courtesies of the floor be extended to the following named gentlemen:

W. J. Graham, James McKay, Wm. Graham, J. F. Callahan, C. H. Stanley, P. B. Stevens,

Which motion prevailed.

Mr. Lamb moved

That the vote by which Senate Bill No. 123 was lost be reconsidered,

Which motion prevailed.

Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of Grand Forks and to provide for its support and management and creating the office of State Geologist,

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

Mr. Sorley moved

To amend line 5, section 4, by striking out the following words after the word "school": "And shall receive a salary of \$2,500 a year;" by striking out in line 11, section 4, the following: "And shall receive a salary of \$2,000 per annum;" also, strike out "\$25,000" in line 3, section 7, and insert in lieu thereof "\$5,000;" add after the word "of" in line 3, section 7, the following: "Maintaining and equipping the school of mines for the ensuing two years;" strike out all of lines 4, 5, 6, 7 and 8,

Which motion prevailed.

Mr. Gregory moved

To amend section 8 by making the word "amounts" in line 3 read "amount,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Bidlake,	Haggart,	Miller,
Brynjoltson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Engle,	Little,	Worst,
Fuller,	LaMoure,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hillier,	Palmer,	Young.
McCarten,	Patch,	

Messrs. Enger and McCormack being absent and not voting.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 256,

A bill for an act defining the duties of railways in regard to station houses,

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

Also,

Senate Bill No. 46,

A bill for the encouragement of higher education and appropriating money therefor,

Which the House has passed, with the following amendments:

After the word "Dakota" in Section 1, line 2, of the printed bill, insert the words "the president of the State Agricultural college and the principal of one of the State Normal school ex-officio," also add to section 1 the following: The principal of the Valley City Normal school shall serve as representative of the Normal schools for the first two years, and thereafter the representation shall alternate between the State Normal schools."

After the word "any" in line 2, section 6, insert the word "assistant."

Insert at the commencement of section 8 the following: "The president of the University of North Dakota shall be examiner of the high school board ex-officio, and chairman in the absence of the Governor."

After the word "township" in section 2, line 2, of printed bill, insert the words "or district."

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Cashel moved

That the Senate do concur in House amendments to Senate Bill No. 46.

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Brynjolfson,	Kinter,	Sorley,
Burke,	Lamb,	Stevens,
Cashel,	Little,	Svensrud,
Day,	LaMoure,	Worst,
Gregory,	McCarten,	White,
Hillier,	Miller,	Young.
Ink,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	McGillivray,
Enger,	Haggart,	Patch.
Engle,	McCormack,	

Mr. McCormack being excused.

So the amendments were concurred in.

Mr. Svensrud asked unanimous consent to made a committee report,

Which was granted.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
Senate Bill No. 189,

A bill for an act to amend section 182 of article 12 of the Constitution of North Dakota, entitled "Public debt and public works,"

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

Mr. Arnold moved  
That the vote by which Senate Bill No. 123 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Worst moved  
That the vote by which Senate Bill No. 174 was indefinitely postponed be reconsidered,  
Which motion prevailed, and  
Senate Bill No. 174,

A bill for an act to fix the compensation of state's attorneys of the State of North Dakota,  
Was taken up for reconsideration.

Mr. Cashel moved  
To amend section 1, classes 1 to 7 inclusive, by the sum of \$200 each,  
Which motion prevailed.

Mr. Stevens moved  
To amend by reducing classes 1 to 7 inclusive by \$100,  
Which motion prevailed.

Mr. Cashel moved  
A substitute to reduce all classes from 1 to 15 inclusive \$100 each,  
Which motion prevailed.

Mr. Kinter moved  
That Senate Bill No. 174 be indefinitely postponed,  
Which motion prevailed.

Senate Bill No. 187,  
A bill for an act to locate the School of Forestry of North Dakota,

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

Mr. Burke moved to amend the title by inserting after the word "to" the words "provide for an election to,"

Which motion prevailed.

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

The roll being called there were ayes 20, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Engle,	Lamb,	Worst,
Gregory,	Little,	Young.
Haggart,	LaMoure,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Palmer,	Svensrud.
McCarten,	Pinkham,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Day,	McCormack,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Burke moved

That the vote by which Senate Bill No. 187 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Arnold moved

That the concurrent resolution providing for increasing the State indebtedness be placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 189 (Concurrent Resolution),

A bill for an act to amend section 182 of article 12 of the Constitution of the State of North Dakota entitled "Public Debt and Public Works,"

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

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Svensrud,
Day,	Lamb,	Worst,
Engle,	Little,	Young.
Fuller,	LaMoure,	



Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	McCarten,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory, McCormack,	McGillivray, Sorley,	White.

Mr. McCormack being excused.

So the resolution was adopted.

Mr. Arnold moved to reconsider the vote by which Senate Bill No. 189 passed, and the motion to reconsider be laid on the table, Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, March 1, 1893. )

MR. PRESIDENT:

I have the honor to transmit herewith

A memorial to Congress requesting the passage of a graduated income tax law:

*Be it Resolved by the House, the Senate Concurring,* That we desire Congress to enact a graduated income tax law.

Which the House has adopted and your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Cashel moved  
To concur in the above resolution,  
Which motion prevailed.

#### CONCURRENT RESOLUTION.

*Be it Resolved by the Legislative Assembly of the State of North Dakota,* That the Secretary of the Interior be and hereby is respectfully requested to withdraw his order setting aside a portion of the Turtle Mountain region for national park purposes for the following reasons:

The timber in said region is essential to the comforts of the prairie region surrounding said park, and it has supplied lumber for building purposes, for fencing and fuel, for many years and will for many years to come.

The timber is large poplar, of quick growth, having little commercial value, and where fires have run through it, it is of no value whatever except for fuel, and not for that purpose unless used within two or three years, while by remaining on the ground it contributes to the danger from fires to the growing timber.

If given due publicity in the neighborhood the laws and regulations now in force in relation to the preservation of timber from destruction and waste are ample to preserve this timber in the region for the settlers until such time as it may pass into the hands of private parties, who will protect their own, and for their own protection will dispose of the timber at reasonable rates to those who need it.

The timber has never been cut and shipped out of the State and has not been cut by any corporations to any considerable extent and made merchandise of, but has been cut by settlers coming often as much as thirty miles from the prairie, and when made a matter of traffic by them it has been to secure the necessities of life or seed for their farms, and this traffic has been generally in the dead and decaying timber.

There is no danger of the forest being destroyed so as to seriously interfere with the rainfall, as the timber is of quick growth, and a thick undergrowth springs up in the place of that burned.

An efficient and discreet special agent of the department should be stationed in that region to warn and instruct persons against cutting timber on said lands unlawfully, and in case of any violations thereof, then to prosecute, and to prosecute vigorously, except where the timber is cut by settlers in order to maintain their improvements upon these or adjoining prairie lands, which would give all required protection to this timber belt, and to the interest of the United States.

*Be it further Resolved*, That a copy of this resolution shall be engrossed and attested by the President of the Senate and Speaker of the House and be forwarded to the Secretary of the Interior and the Commissioner of the General Land Office for their information.

Mr. Svensrud moved  
To concur in the resolution,  
Which motion prevailed.

Senate Bill No. 104,

A bill for an act to invest State's attorneys and courts of North Dakota with discretionary power to require security for costs in all criminal prosecutions that they may deem unmeritorious before they shall be instituted,

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

The roll being called there were ayes 6, nays 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Cashel,	Hillier,	Kinter,
Fuller,	Johnson,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Pinkham,
Bidlake,	LaMoure,	Sorley,
Brynjolfson,	Miller,	Stevens,
Burke,	Palmer,	Svensrud,
Day,	Patch,	Worst.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Lamb,	McCormack,
Engle,	Little,	McGillivray,
Haggart,	McCarten,	White.

Mr. McCormack being excused.

So the bill was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 1, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 52,

A bill for an act to amend chapter 1, article 1, of the Political  
Code.

Also,  
House Bill No. 155,

A bill for an act defining the duties of engrossing and enrolling  
clerks of the Legislative Assembly and providing necessary  
assistants for engrossment and enrollment of bills.

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

J. G. HAMILTON,  
Chief Clerk.

Senate Bill No. 155,

A bill for an act to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, 14  
and 15 of chapter 126 of the Session Laws of Dakota Territory  
for the year 1885, being approved March 6, 1885, and entitled "An  
act to provide for the establishment of a Board of Railroad Com-  
missioners, defining their duties and to regulate the receiving and  
transportation of freight on railroads in this Territory for the  
purpose of doing away with the Secretary of the Railroad Com-  
mission in cutting off its alleged powers, and leaving all remedies  
in the hands of the court,"

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

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hilier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Fuller,	McGillivray,	White,
Gregory,	Miller,	Young.
Haggart,	Palmer,	

Mr. Bidlake voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCarten.	McCormack.
Lamb,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which Senate Bill No. 155 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Cashel asked permission to withdraw Senate Bill No. 47,  
Which request was granted.

Mr. Bidlake moved

That the Senate do now adjourn till 10 o'clock a. m. to-morrow.

Mr. Fuller moved a call of the house,  
Which motion prevailed.

Mr. Little moved

That further proceedings under the call of the House be dispensed with,  
Which motion prevailed.

The question recurring upon the motion to adjourn.

Roll call demanded.

The roll being called there were ayes 15, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	McGillivray,
Brynjolfson,	Johnson,	Miller,
Day,	Kinter.	Worst,
Enger,	Lamb,	White,
Fuller,	McCarten,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Palmer,
Burke,	Ink,	Patch,
Cashel,	Little,	Pinkham,
Engle,	LaMoure,	Stevens,
Gregory,	Sorley,	Svensrud.

Mr. McCormack being excused.

So the motion to adjourn was lost.

Senate Bill No. 179,

A bill for an act to require separate ballot boxes to be provided at all general elections in the State to receive the votes cast by women,  
Was read the third time and placed upon its final passage.

Mr. Miller moved

To amend by inserting the word "county" before "commissioners" in line 1, section 1,  
Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Ridlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,

Messrs—

Fuller,  
Gregory,  
Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,

Messrs—

McCarten,  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
White,  
Young.

Absent and not voting:

Messrs—

Little,  
LaMoure,  
McCormack,

Messrs—

McGillivray,  
Palmer,

Messrs—

Svensrud,  
Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

To concur in the concurrent resolution memorializing Congress  
to pass a graduated income tax,

Which motion prevailed.

Mr. Cashel moved

That the Senate do concur in concurrent resolution from the  
House regarding the allotment of the national militia force,

Which motion prevailed.

Mr. Kinter moved

That the vote by which Senate Bill No. 155 was passed be recon-  
sidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Pinkham moved

That the vote by which Senate Bill No. 156 was passed be re-  
considered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 156,

A bill for an act to repeal sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,  
16, 17, 18, 19 and 20 of chapter 122 of the Session Laws of 1890,  
being an act entitled "An act to regulate common carriers, and de-  
fining the duties of the Commissioners of Railroads in relation  
thereto in the State of North Dakota," approved March 19, 1890,

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

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—

Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Kinter,  
Lamb,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold, Ink,	Johnson, Little,	McCormack, Palmer.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 157,

A bill for an act to repeal chapter 126 of the Session Laws of 1891, being an act entitled "An act to regulate warehouses and the weighing and handling of grain, and defining the duties of Railroad Commissioners in relation thereto," the purpose of this repeal being to take certain powers away from the Railroad Commissioners and leave the redress to be obtained through the courts,

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

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold, Brynjolfson, Burke, Cashel, Day, Enger, Engle, Fuller, Gregory, Haggart,	Hillier, Ink, Kinter, Lamb, Little, LaMoure, McCarten, McGillivray, Miller,	Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, White, Young.

Mr. Bidlake voting in the negative.

Messrs. Johnson and McCormack being absent and not voting.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the vote by which Senate Bill No. 157 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The President announced his signature to

House Bill No. 224,

A bill for an act providing for the compilation, revision and codification of the Laws of North Dakota and the publication and distribution and sale thereof, and to repeal chapter 82 of the Laws of 1891 in relation thereto.

Also,

House Bill No. 194,

A bill for an act defining usury and fixing the penalty for taking the same.

Also,

House Bill No. 157,

A bill for an act granting right of way to railroad companies through public lands.

Alphonso Boley was sworn in as Assistant Journal Clerk by the Lieutenant Governor.

Mr. LaMoure moved

That the Senate do now adjourn till tomorrow morning at 10 o'clock.

Roll call demanded.

The roll being called there were ayes 16, nays 13.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Burke,  
Cashel,  
Engle,  
Gregory,  
Haggart,

Messrs—

Ink,  
Lamb,  
Little,  
LaMoure,  
McGillivray,

Messrs—

Miller,  
Sorley,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Arnold,  
Brynjolfson,  
Day,  
Enger,  
Fuller,

Messrs—

Hillier,  
Kinter,  
McCarten,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Stevens,  
Svensrud.

Messrs. McCormack and Johnson being absent and not voting.

Mr. McCormack being excused.

So the motion to adjourn prevailed, and  
The Senate adjourned.

FRED FALLEY,  
Secretary.

FIFTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. McCormack, excused.

Mr. Palmer moved

That the reading of the Journal be dispensed with and a committee appointed to read and correct the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Palmer and Miller.

REPORTS OF STANDING COMMITTEES.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred House Bill No. 201,

A bill for an act providing for a State bounty for the destruction of wolves,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Svensrud moved

That the report be adopted,

Which motion prevailed.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred House Bill No. 144,



A bill for an act to amend subdivision 16 of section 1 and section 2 and subdivision 15 of section 3 and section 4 of chapter 86, Laws of 1890,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

Mr. Sorley moved  
That the report be adopted,  
Which motion prevailed.

Senate returned to the fifth order of business.

Mr. LaMoure presented the following petitions:

PEMBINA, N. D., February 11, 1893.

HON. JUDSON LAMOURE,  
Bismarck, North Dakota.

DEAR SIR:—Inasmuch as we feel that prohibition has not had a fair test or long enough trial to warrant its repeal, and hoping for better results in the future, we appeal to your “parental nature” that should Senate Bill No. 87, which repeals our prohibition law, be again brought before the House that for the sake of our boys, who are our pride and the future hope of our beloved State and nation, that you not only vote against but work against the passage of the repeal. We planted a prohibition corner stone in the foundation of our fair new State and for the future happiness of home let us keep it there.

Yours, for the protection of our boys,

MRS. G. W. RYAN.

DRAYTON, February 7, 1893.

MR. LAMOURE,

HON. SIR:—We, the undersigned, in behalf of the Women’s Christian Temperance Union of Pembina county, very earnestly but respectfully ask you to vote against resubmission of our prohibitory law, believing that it has not yet had a fair trial.

We assure you the prayers of all good people are to-day ascending all over our county and State for the defeat of resubmission.

May God incline your heart to give your influence and vote against it, and His blessing and that of humanity will rest upon you.

Respectfully yours,

MRS. L. M. WYLLIE,  
County President W. C. T. U.

B. M. HALCROW,  
Corresponding Secretary.

DRAYTON, February 24, 1893.

MR. LAMOURE,

HON. SIR:—As you are doubtless aware, we of the W. C. T. U. are deeply interested in the passage of the bill now before the Legislature in the interest of equal suffrage, and respectfully ask you to vote for and use your influence in favor of the same.

Yours, in behalf of this cause,

L. M. WYLLIE,  
County President W. C. T. U.

B. M. HALCROW,  
Secretary.

DRAYTON, February 25, 1893.

HON. JUDSON LAMOURE,

DEAR SIR:—We write you in reference to the suffrage bill now pending before the Legislature. If we remember correctly you have stood for equal suffrage in the past, and we write to express the hope that you will use your influence and vote for this bill. Also, that you will oppose resubmission at this time.

Yours respectfully,  
J. M. WYLIE.

The President announced his signature to  
House Bill No. 180,

A bill for an act to repeal chapter 27 of the Laws of 1890, entitled "An act to establish a Board of Inspectors for Steam Vessels and Steam Boilers and to provide for licensing engineers of steam engines."

Mr. Hillier moved

That the rules be suspended and all House Bills on the table be given their first and second readings and reference,

Which motion prevailed.

House Bill No. 221,

A bill for an act to amend the law relating to exemptions by amending sections 322 and 325 and repealing section 324 of the Code of Civil Procedure,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 235,

A bill for an act to provide for the publication and distribution of 500 copies of the Revenue Law as amended,

Was read the first and second times and referred to the Committee on Public Printing.

House Bill No. 155,

A bill for an act defining the duties of engrossing and enrolling clerks of the Legislative Assembly, and providing necessary assistants for the engrossment or enrollment of bills,

Was read the first and second times and referred to the Committee on State Affairs.

House Bill No. 259,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to transfers of personal property,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 244,

A bill for an act to amend section 2 of chapter 169 of the Laws of 1890, entitled "An act fixing the times and places of holding general and special terms of the Supreme Court of the State of North Dakota and providing for the expenses incident thereto,"

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 243,

A bill for an act to amend section 3 of chapter 91 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make expense a tax lien on the land,

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 52,

A bill for an act to amend chapter 1 of article 1 of the Political Code,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 260,

A bill for an act to regulate the working of highways in civil townships,

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 9,

A bill for an act regulating the liability of railroad companies or corporations for damages caused by fire escaping from their cars or engines, and the rules of evidence relating thereto,

Was read the first and second times and referred to the Committee on Railroads.

House Bill No. 169,

A bill for an act to compel all railway companies or corporations operating any line of railway, wholly or in part, within the State of North Dakota to provide all necessary facilities for the unloading of grain from wagons and loading same into cars, and to furnish cars to all persons that want to ship grain of any kind, and providing penalties for violation of the same,

Was read the first and second times and referred to the Committee on Railroads.

House Bill No. 222,

A bill for an act to amend section 78 of chapter 132 of the Laws of 1890,

Was read the first and second times and referred to the Judiciary Committee.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat, and the regulation thereof, and to appropriate money for that purpose.

Also,

Senate Bill No. 119,

A bill for an act appropriating money to insure a proper exhibit of North Dakota's resources at the Columbian Exposition, to be held at Chicago in 1893,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 216,

A bill for an act providing for the separation and organization of fractional townships when connected in civil township organization with full congressional townships,

Was read the first and second times and referred to the Judiciary Committee.

House Bill No. 223,

A bill for an act to provide for the destruction of weeds and grasses upon public highways,

Was read the first and second times and referred to the Committee on Agriculture.

House Bill No. 233,

A bill for an act to amend section 91 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relating thereto."

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 256,

A bill for an act defining the duties of railways in regard to station houses,

Was read the first and second times and referred to Committee on Railroads.

House Bill No. 255,

A bill for an act to amend section 3 of an act entitled "An act to locate, establish and maintain the North Dakota Academy of

Science and to provide for the government thereof," approved March 14, 1890,

Was read the first and second times and referred to the Committee on Educational Institutions.

House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards,

Was read the first and second times and referred to the Committee on Educational Institutions.

House Bill No. 168,

A bill for an act to amend sections 17, 18 and 19 of chapter 62 of the Session Laws of 1890, entitled "An act to provide for a uniform system of free public schools throughout the State, and to prescribe penalties for violation of the provisions thereof,"

Was read the first and second times and referred to the Committee on Ways and Means.

House Bill No. 138,

A bill for an act to authorize boards of county commissioners in counties that contain a population of less than six thousand, as shown by the census of 1890, to dispose of and tear down buildings owned by the county and not used for county purposes, when petitioned therefor by one hundred or more of the voters of the county, when the public interest and public safety will thereby be promoted,

Was read the first and second times and referred to the Committee on Counties.

House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the District Courts of this State and prescribing their duties and compensation, and repealing chapter 152 of the Laws of 1879, being sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887, in relation thereto,

Was read the first and second times and referred to the Judiciary Committee.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 102,

A bill for an act to promote the improvement and growth of the Volunteer Firemen's Association of the State of North

Dakota, to increase its usefulness and efficiency, and making an appropriation therefor.

Also,

House Bill No. 63,

A bill for an act to appropriate money from the State Treasury to reimburse the county of Ward for coroners' inquests in unorganized counties,

Which has passed the House unchanged.

Also,

A concurrent resolution vesting exhibits at the World's Columbian Exposition in the State Board of Agriculture.

Also,

Senate Bill No. 116,

A bill for an act to provide for the better enforcement of the laws punishing cruelty to animals.

Also,

Substitute for Senate Bill No. 76,

A bill for an act to provide for erection of necessary additional buildings for the Hospital for Insane at Jamestown, North Dakota,

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

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 174,

A bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Was read the first and second times and referred to the Committee on Railroads.

House Bill No. 42,

A bill for an act to amend section 2252 of article 5 of chapter 22 of the Political Code of the Compiled Laws of 1887, being an act entitled "An act to preserve the waters of the Dakota or James River and its tributaries for domestic and drinking purposes,"

Was read the first and second times and referred to the Committee on Cities and Municipal Corporations.

House Bill No. 242,

A bill for an act to amend section 55 of chapter 132 of the Laws of 1890.

Was read the first and second times and referred to the Committee on Ways and Means.

## THIRD READING OF HOUSE BILLS.

## House Bill No. 226,

A bill for an act to repeal section 5 of chapter 128 of the General Laws of 1891, entitled "An act to provide for the collection, arrangement and display of the products of the State of North Dakota at the World's Columbian Exposition,"

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

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Lamb,	Sorley,
Burke,	Little,	Stevens,
Day,	McCarten,	Svensrud,
Hillier,	Miller,	Worst,
Ink,	Palmer,	White,
Johnson,	Patch,	Young.
Kinter,	Pinkham.	

Mr. Arnold voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	LaMoire,
Cashel,	Gregory,	McCormack,
Enger,	Haggart,	McGillivray.
Engle,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

## House Bill No. 214,

A bill for an act to provide for the trial of cases tried by the district court without a jury and for the hearing of such actions on appeal,

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

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Ink,	Pinkham,
Brynjolfson,	Johnson,	Sorley,
Burke,	Kinter,	Stevens,
Cashel,	Lamb,	Svensrud,
Day,	LaMoire,	Worst,
Enger,	McCarten,	Young.
Engle,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Little,	McGillivray,
Gregory,	Miller,	White.
Haggart,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 127,

A bill for an act to establish an experimental station for the purposes of irrigation,

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

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	McCarten,
Bidlake,	Ink,	Miller,
Brynjolfson,	Johnson,	Patch,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Engle,	LaMoure,	Worst.
Gregory,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Palmer,	White,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Haggart,	McGillivray,
Fuller,	McCormack,	Pinkham.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 232,

A bill for an act to amend an act entitled "An act to provide for taxation of real and personal property situated in unorganized counties,"

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

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Patch,
Brynjolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White,
Gregory,	Miller,	Young.
Hillier,	Palmer,	

Mr. Bidlake voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack,	McGillivray.
Haggart,		

Mr. McCormack being excused.



So the bill passed and the title was agreed to.

Substitute for House Bill No. 30,

A bill for an act to fix the terms of the district court in the Third Judicial district.

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

The roll being called there were ayes 22, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Bidlake,	Kinter,	Sorley,
Brynjolfson,	Lamb,	Stevens,
Cashel,	LaMoure,	Svensrud,
Day,	McCarten,	Worst,
Enger,	Palmer,	White,
Engle,	Patch,	Young
Hillier,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Gregory,	Ink.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Little,	McGillivray,
Haggart,	McCormack,	Miller.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That the votes by which House Bills Nos. 226, 214, 127, 232 and 30 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 90,

A bill for an act to amend article 16 of chapter 73 of the Laws of 1887, being sections 1000, 1001, 1002 to 1007, inclusive, of the Compiled Laws of the State of North Dakota, and to re-enact the same as so amended,

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

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Little,	Stevens,
Day,	LaMoure,	Svensrud,
Enger,	McCarten,	Worst,
Engle,	Miller,	White,
Gregory,	Palmer,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	McCormack,
Fuller,	Lamb,	McGillivray.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 90 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 241,

A bill for an act to revise and consolidate the Laws of this State providing for the drainage of swamps, marshes and other low lands and to repeal the act of March, one thousand eight hundred eighty-three (Laws of 1883, chapter 75, page 177), and all amendments thereof,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White,
Gregory,	Miller,	Young.
Haggart,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	McGillivray.
Fuller,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 241 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 46,

A bill for an act to amend section 1 of chapter 25 of the Laws of 1887, being section 5066 of the Compiled Laws,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	White,
Engle,	McCarten,	Young.
Gregory,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Arnold,	Lamb,	Pinkham,
Fuller,	McCormack,	Sorley,
Haggart,	McGillivray,	Worst,

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 46 was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 2, 1893. }

*To the Senate:*

GENTLEMEN:

Senate Bill No. 19,

Entitled an act to change the boundaries of the counties of Stark and Mercer,

Was received at the Executive office February 27, 1893, at 2:05 p. m., and I have had the matter under serious consideration since its receipt. Much deep interest is taken in this bill and I find it has many warm and ardent supporters as well as opponents. I am asked on the one hand to approve the bill to the end that it may be placed upon our statute books and become a law, and, on the other hand, that the veto power of the Executive be used to prevent that end. Every opportunity has been given by me to the friends and opponents of this bill. I have accorded a full hearing to them all, as to the positions they take with reference to this bill. The friends of the bill say that the same should be approved, and the main argument they use in support of their position, is, that the country sought to be included in the organized counties of Stark and Mercer is occupied by cattlemen and their stock interests, and that this property owned by these men has not been contributing its just and full proportion of the taxes in support of the State government.

This session of the Legislature passes a bill, which has become a law, awarding to the county auditor of Stark county the sum of twelve hundred and fifty-one dollars and ninety-five cents (\$1,251.95) for making out and extending the tax lists and making abstracts of the same and in the assessment and collection of the State tax in the unorganized counties of Dunn, McKenzie, Wallace, Allred and Hettinger so far as this migratory and other property is concerned; a large portion of this territory sought to be merged into these

counties is already attached to them, respectively, for judicial purposes; it is made their duty and the right is delegated to them to collect such taxes as is just, that the property interests of the unorganized sections should contribute and pay towards the support of the State government; so it seems to me that the trouble is not in the laws but in the enforcement of the law by the very persons who are so warmly advocating this bill.

The opponents of the bill, aside from the large personal delegations that have called upon me, present petitions bearing four hundred and sixty-four (464) signatures protesting against this bill becoming a law; these come from various parts of the counties of Billings, Oliver and Morton counties that at the last general election cast one thousand one hundred and sixty (1160) votes as against the combined vote of Stark and Mercer counties at the same election of six hundred and fifty votes.

If this unoccupied territory is attached to Stark county, it will make its longest dimensions, north and south, about one hundred and sixty (160) miles, about the distance from Bismarck to Valley City; and from east to west about one hundred (100) miles, or about the distance from Bismarck to Jamestown, and will embrace an area of eight thousand nine hundred and twenty-eight (8928) square miles, making a county about five times as large as Cass county.

The county of Stark, as it would be, will compel some of its citizens from one portion of the county to travel about one hundred (100) miles to reach the county seat, and others over that distance, which would have to be traveled without railroad facilities and would take the ordinary farmer a week to start from home and go to the county seat and return.

The bill seeks to embrace all of the unorganized territory in these sections to the exclusion of any rights that the adjoining counties might have to a portion of it.

The State would reap no greater benefits from the taxes than it now should receive, while Stark county would receive a very large revenue from a scope of territory receiving little or no benefits to compensate it for this tax.

The village of Dickinson, which has never been organized as a city, and the country embraced within the present limits of Stark county, would grow fat upon the taxes thus drawn from the large scope of country embraced in the counties of Allred, Wallace, McKenzie, Dunn, Hettinger and Bowman, sought to be absorbed.

Stark county, now having an area of one thousand two hundred and ninety-six (1296) miles, by the provisions of the bill, receives seven thousand six hundred and thirty-two (7632) square miles, while Mercer county, which has only one thousand and forty-four (1044) square miles, gets only seven hundred and twenty (720) square miles, about one-tenth of what Stark county would receive.

Section 168 of our Constitution provides, "All changes in the boundaries of organized counties before taking effect shall be submitted to the electors of the county or counties to be affected thereby, at a general election, and be adopted by a majority of all the legal votes cast in each county at such election."

No portion of this territory could then be taken from these counties thus formed, without permission, sanctioned by the majority vote of the county from which the same is taken, or by amending the Constitution and passing laws permitting the change; thus rendering it next to impossible to ever hereafter organize out of any portion of this territory other counties.

From the foregoing facts in this matter I believe that the best interests of the State would be subserved by withholding my approval of this bill, and do herewith return the same without my approval.

Very respectfully,

E. C. D. SHORTRIDGE,  
Governor.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota Reform School.

Also,  
Senate Bill No. 184,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to transfers of personal property,

Which have passed the House unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

House Bill No. 129,

A bill for an act to amend section 137 of chapter 62 of the Laws of 1890,

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Haggart,	McCarten,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCormack,	Pinkham,
Fuller,	McGillivray.	Young.
Gregory,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 129 was passed be reconsidered and the motion to reconsider be laid on the table.

House Bill No. 165,

A bill for an act to establish a weather and crop service for the

collection and dissemination of crop statistics and meteorological data,

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

The roll being called there were ayes 22, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Kinter,	Stevens,
Cashel,	Little,	Svensrud,
Day,	LaMoure,	Worst,
Engle,	McGillivray,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Lamb,	Sorley,
Fuller,	McCarten,	White.
Johnson,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 165 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 100,

A bill for an act providing for the establishment of courts of conciliation, and prescribing the mode of procedure in same,

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

The roll being called there were ayes 21, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Kinter,	Patch,
Burke,	Lamb,	Pinkham,
Cashel,	Little,	Stevens,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	Young.

Mr. Gregory voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Day,	Johnson,	Sorley,
Fuller,	McCormack,	Svensrud,
Ink,	McGillivray,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 100 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 29,

A bill for an act to establish the Thirty-second Senatorial and Legislative District.

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

The roll being called there were ayes 22, nays 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Ink,	Palmer,
Brynjolfson,	Kinter,	Patch,
Burke,	Little,	Pinkham,
Cashel,	LaMoure,	Sorley,
Day,	McCarten,	Stevens,
Engle,	McGillivray,	Svensrud,
Gregory,	Miller,	Worst.
Haggart,		

Mr. Hillier voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	White,
Enger,	Lamb,	Young.
Fuller,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the vote by which House Bill No. 29 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Cashel moved

That the Senate do now take a recess of an hour and a quarter,  
Which motion prevailed.

The Senate reassembled.

House Bill No. 205,

A bill for an act to amend section 510 of the Code of Civil Procedure,

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

The roll being called, there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Patch,
Bidlake,	Kinter,	Sorley,
Burke,	Little,	Stevens,
Cashel,	LaMoure,	Worst,
Day,	McCarten,	White,
Enger,	Miller,	Young.
Ink,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Haggart,	McGillivray,
Engle,	Hillier,	Pinkham,
Fuller,	Lamb,	Svensrud.
Gregory,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 120,

A bill for an act to amend sections 1, 6, 8, 13 and 14 of chapter 161 of the Session Laws of 1890, creating an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management,

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

The roll being called there were ayes 22, nays none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs.
Arnold,	Ink,	Miller,
Bidlake,	Johnson,	Palmer,
Burke,	Kinter,	Patch,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure.	Worst,
Engle,	McCarten,	White.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Hillier,	Pinkham,
Fuller,	McCormack,	Sorley.
Gregory,	McGillivray,	Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Day moved

That the vote by which House Bill No. 120 was passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

House Bill No. 67,

A bill for an act to amend section 66 and repeal section 67 of chapter 132 of the Laws of 1890,

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

The roll being called there were ayes 20, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Miller,
Bidlake,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Svensrud,
Enger,	LaMoure,	White.
Engle,	McCarten,	



Mr. Worst voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Little,	Pinkham,
Fuller,	McCormack,	Sorley,
Gregory,	McGillivray,	Young.
Hillier,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 87,

A bill for an act to provide a suitable residence for the Chief Executive of the State of North Dakota,

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

Mr. Haggart moved to amend as follows:

Amend section 1 by striking out in line 3 the words "purchase or;" also amend section 2 by striking out in lines 3 and 4 all after the word "thereon" in line 3; also strike out all after the word "building" in line 4, section 4.

Roll call demanded.

The roll being called there were ayes 5, nays 21.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Haggart,	Palmer,	Young.
LaMoure,	Svensrud,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McCarten,
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Lamb,	Worst,
Engle,	Little,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCormack.	Pinkham.
Fuller,	McGillivray,	

Mr. McCormack being excused.

So the amendment was lost.

Mr. LaMoure moved

To amend the title by striking out the words "purchase or,"

Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 24, nays 3.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Engle,  
 Gregory,

Messrs—  
 Haggart,  
 Hillier,  
 Ink,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 McCarten,

Messrs—  
 McGillivray,  
 Miller,  
 Patch,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst,  
 White.

Those who voted in the negative were:

Messrs—  
 LaMoure,

Messrs—  
 Palmer,

Messrs—  
 Young.

Absent and not voting:

Messrs—  
 Enger,  
 Fuller,

Messrs—  
 McCormack,

Messrs—  
 Pinkham.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 87 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith  
 Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance of necessary additional buildings at the Mayville and Valley City Normal Schools, and to provide for the issuance of bonds for such purposes by the boards of directors in charge of said Normal Schools.

Also,

Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor,

Which have passed the House unchanged.

Respectfully,  
 J. G. HAMILTON,  
 Chief Clerk.

House Bill No. 41,

A bill for an act to amend section 7 of chapter 25 of the General Laws of 1890, entitled "An act providing for the organization and fixing and defining the powers and duties of the Board of

University and School Lands, and making an appropriation therefor,

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

The roll being called, there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Hillier,  
Ink,

Messrs—

Johnson,  
Kinter,  
Lamb,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst.

Messrs. White and Young voting in the negative.

Absent and not voting:

Messrs—

Bidlake,  
Enger,  
Fuller,

Messrs—

Gregory,  
Haggart,

Messrs—

Little,  
McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 41 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Senate went into executive session to consider a communication from the Governor.

The Senate resumed business in open session.

Mr. LaMoure moved

That the Senate do now proceed to consider the concurrent resolution received from the House, relating to prohibition,  
Which motion prevailed.

The Committee on Temperance made the following report:

MR. PRESIDENT:

Your Committee on Temperance, to whom was referred  
Concurrent Resolution relating to the resubmission of prohibition,

Have had the same under consideration and recommend that the same be indefinitely postponed.

FINGAL ENGER,  
Chairman.

Mr. LaMoure moved

To adopt the report.

Roll call demanded

The roll being called there were ayes 25, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	McCarten,
Day,	Johnson,	Pinkham,
Eger,	Kinter,	Stevens,
Engle,	Lamb,	Svensrud,
Hillier,	LaMoure,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Little,	Patch,
Brynjolfson,	McGillivray,	Worst,
Burke,	Miller,	White.
Haggart,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	Gregory,	Sorley.
Fuller,	McCormack,	

Mr. McCormack being excused.

So the motion to adopt the report prevailed.

Mr. Arnold moved

That the vote by which the report was adopted be reconsidered, and the motion to reconsider be laid upon the table, Which motion prevailed.

Mr. McGillivray moved that the consideration of vetoed House Bill No. 119 be deferred until tomorrow morning, Which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith Senate Bill No. 171,

A bill for an act to provide for the erection of necessary buildings for the University of North Dakota at Grand Forks, North Dakota,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

The Special Committee on Illuminating Oils made the following report:

MR. PRESIDENT:

Your Committee on Illuminating Oils, to whom was referred House Bill No. 212,

A bill for an act to amend section 2 of chapter 107 of the Session Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, for the purpose of raising the tests of oils,"

Have had the same under consideration and recommend that the same do pass.

JOHN BIDLAKE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 119,

A bill for an act appropriating money for the Columbian Exposition at Chicago.

Also,

Senate Bill No. 116,

A bill for an act for the better enforcement of laws punishing cruelty to animals,

Also,

Concurrent Resolution vesting exhibits at Columbian Exposition in State Board of Agriculture.

Also,

Senate Bill No. 46,

A bill for an act for the encouragement of higher education and appropriating money therefore.

Also,

Senate Bill No. 63,

A bill for an act appropriating money from the State Treasury, not otherwise appropriated, to reimburse the county of Ward for money paid by said county in the holding of coroners' inquests, in the expense of criminal trials, and in assessing and collecting the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892.

Also,

Senate Bill No. 102,

A bill for an act to promote improvement of Volunteer Firemen's Association,

And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

The Joint Committee on Education made the following report:

MR. PRESIDENT:

Your Joint Committee on Education, to whom was referred House Bill No. 255,

A bill for an act to amend section 3 of an act entitled "An act to locate, establish and maintain the North Dakota Academy of Science and to provide for the government thereof," approved March 14, 1890,

Have had the same under consideration and recommend that the same do pass.

J. A. SORLEY,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred  
House Bill No. 138,

A bill for an act to authorize boards of County Commissioners in counties that contain a population of less than six thousand, as shown by the census of 1890, to dispose of and tear down buildings owned by the county and not used for county purposes, when petitioned therefor by one hundred or more of the voters of the county, when the public interest and public safety will thereby be promoted,

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Miller moved  
That the report be adopted,  
Which motion prevailed.

The Joint Committee on Education made the following report:

MR. PRESIDENT:

Your Joint Committee on Education, to whom was referred  
House Bill No. 166,

A bill for an act naming a uniform title for the government boards of State education at institutions and designating ex-officio members of State boards,

Have had the same under consideration and recommend that the same do pass.

J. A. SORLEY,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Public Printing made the following report:

MR. PRESIDENT:

Your Committee on Public Printing, to whom was referred

House Bill No. 235,

A bill for an act to provide for the publication and distribution of 500 copies of the revenue law as amended,

Have had the same under consideration and recommend that the same do pass.

E. YOUNG,  
Chairman.

Mr. Young moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Counties made the following report:

MR. PRESIDENT:

Your Committee on Counties, to whom was referred  
House Bill No. 83,

A bill for an act governing the alteration of county boundaries,  
Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 52,

A bill for an act to amend chapter 1, article 1, of the Political Code,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 259,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to transfers of personal property,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the district courts of this State and prescribing their duties and compensation, and repealing chapter 52 of the Laws of 1887, being section 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887 in relation thereto,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. White moved  
That the report be adopted,  
Which motion prevailed.

House Bill No. 131,

A bill for an act to amend and re-enact chapter 140 of the Laws of 1890,

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

The roll being called there were ayes 18, nays 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Miller,
Bidlake,	Ink,	Patch,
Brynjolfson,	Kinter,	Sorley,
Burke,	Little,	Svensrud,
Enger,	LaMoure,	Worst.
Engle,	McGillivray,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Hillier,	McCarten.	Pinkham,
Lamb,	Palmer,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	Haggart,	McCormack,
Day,	Johnson,	White.
Gregory,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 131 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.



## House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the district courts of this State and prescribing their duties and compensation, and repealing chapter 52 of the Laws of 1879, being sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887 in relation thereto,

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

The roll being called there were ayes 12, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Enger,	Palmer,
Brynjolfson,	Engle,	Pinkham,
Burke,	Hillier,	Stevens,
Day,	Ink,	Svensrud.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	McCarten,	Patch,
Fuller,	McGillivray,	Worst,
Kinter,	Miller,	Young.
Little,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	Johnson,	McCormack,
Gregory,	Lamb,	Sorley,
Haggart,	LaMoure,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 132,

A bill for an act authorizing and empowering the acquisition by the State of North Dakota of the parcel of land situate in the county of Pembina known as the burial ground of the Selkirk settlement, and making an appropriation therefor,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

## House Bill No. 133,

A bill for an act to amend and re-enact sections 2, 6 and 7 of article 9 of chapter 73 of the Laws of 1887, being sections 917, 921 and 922 of the Compiled Laws,

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

The roll being called there were ayes 18, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Hillier,	McCarten,	Worst,
Ink,	McGillivray,	Young.

Mr. Palmer voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	McCormack,
Brynjolfson,	Gregory,	Miller,
Cashel,	Haggart,	Patch,
Engle,	LaMoure,	White,

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 133 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

House Bill No. 7,

A bill for an act to require the county treasurers to deposit the county funds in designated depositories,

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

The roll being called there were ayes 20, nays 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	Miller,
Bidlake,	Hillier,	Palmer,
Brynjolfson,	Kinter,	Patch,
Burke,	Lamb,	Sorley,
Cashel,	LaMoure,	Stevens,
Day,	McCarten,	Svensrud.
Enger,	McGillivray,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gregory,	Ink,	Pinkham,
Haggart,	Little,	Worst.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCormack.	Young.
Johnson,	White,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which House Bill No. 7 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat.

Also,

Senate Bill No. 139,

A bill for an act to appropriate money to recompense South Dakota for keeping, etc., North Dakota's refractory boys at the South Dakota Reform School.

Also,

Substitute for Senate Bill No. 76,

A bill for an act to provide for the erection of buildings at Hospital for the Insane at Jamestown,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

House Bill No. 189,

A bill for an act to amend sections 3, 5, 8, 10, 11 and 12 of chapter — of the Laws of 1890, entitled "An act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the State of North Dakota,"

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

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Gregory,

Messrs—

Haggart,  
Ink,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Stevens voting in the negative.

Absent and not voting:

Messrs—

Fuller,  
Hillier,

Messrs—

Johnson,

Messrs—

McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 189 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Kinter moved

That House Bill No. 102 be given its first and second reading and reference,  
Which motion prevailed.

House Bill No. 102,

A bill for an act to provide free and uniform text books throughout the several counties of the state,

Was read the first and second times and referred to the Committee on Education.

Substitute for House Bill No. 43,

A bill for an act providing for an appropriation for the payment of the salary of the secretary and the mileage and expenses of the commissioners of the Soldiers' Home for the two years ending December 31st, 1892.

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

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Patch,
Bidlake,	Kinter,	Pinkham,
Brynjolfson,	Little,	Sorley,
Burke,	LaMoure,	Stevens,
Cashel,	McCarten,	Svensrud,
Day,	McGillivray,	Worst,
Enger,	Miller,	White,
Engle,	Palmer,	Young.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Haggart,	Lamb,
Gregory,	Johnson,	McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 43 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Cities and Municipal Corporations made the following report:

MR. PRESIDENT:

Your Committee on Cities and Municipal Corporations, to whom was referred

House Bill No. 217,

A bill for an act to authorize cities to empty sewerage into rivers within this State.

Have had the same under consideration and recommend that the same do pass.

E. YOUNG,  
Chairman.

Mr. Worst moved  
That the report be adopted,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

The Memorial and Concurrent Resolution to the Congress of the United States requesting Congress to remove the duty on binding twine,

Which the House has passed unchanged.

Also,

Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of Grand Forks and to provide for its support and management and creating the office of State Geologist.

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 119,

A bill for an act to amend section 1 of chapter 42 of the Session Laws of 1889, being an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds,

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,

Messrs—

Hilier,  
Ink,  
Kinter,  
Little,  
LaMoure,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,

Messrs—	Messrs—	Messrs—
Enger,	McCarten,	Worst,
Engle,	McGillivray,	White,
Fuller,	Miller,	Young.
Haggart,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	Johnson,	McCormack.
Gregory,	Lamb,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the vote by which House Bill No. 119 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

House Bill No. 246,

A bill for an act authorizing the refunding of outstanding city bonds and warrants,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Ink,	Pinkham,
Brynjolfson,	Kinter,	Sorley,
Burke,	LaMoire,	Stevens.
Cashel,	Miller,	Svensrud,
Day,	McCarten,	Worst,
Engle,	McGillivray,	Young.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Johnson,	McCormack,
Fuller,	Lamb,	Palmer,
Gregory,	Little,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 200,

A bill for an act to re-enact section 779 and subdivision 6 of section 2594 of the Civil Code,

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

The roll being called there were ayes 18, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	Patch,
Brynjolfson,	Haggart,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Little,	Svensrud,
Day,	McGillivray,	Worst,
Enger,	Miller,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Hillier,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller.	Lamb,	McCormack,
Gregory,	LaMoure,	Palmer,
Ink,	McCarten,	Young.
Johnson,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

So the bill passed and the title was agreed to.

House Bill No. 191.

A bill for an act to amend section 60 of chapter 86 of the Laws of 1891, entitled "An act to provide a Military Code for the State of North Dakota,"

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

The roll being called there were ayes 22, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	McGillivray,
Bidlake,	Haggart,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Little,	White,
Engle,	LaMoure,	Young.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	McCarten,	Svensrud.
Hillier,	Stevens,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lamb,	Palmer,	Worst.
McCormack,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Bidlake moved

That the vote by which House Bill No. 191 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House

has refused to concur in the Senate amendments to House Bill No. 7 and request a committee of conference, and has appointed on the part of the House the following named conferrees: Messrs. Ueland, Oliver and Wineman.

J. G. HAMILTON,  
Chief Clerk.

Mr. Sorley moved

That the President appoint a committee on conference,  
Which motion prevailed.

The President appointed as the conference committee Senators Kinter, Pinkham and Young.

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax,"

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

The roll being called there were ayes 22, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink.	Patch,
Bidlake,	Kinter,	Pinkham,
Brynjolfson,	Little,	Sorley,
Burke,	LaMoure,	Svensrud,
Cashel,	McCarten,	Worst,
Day,	Miller,	White,
Engle,	Palmer,	Young.
Hillier,		

Messrs. Enger and Stevens voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Johnson,	McCormack,
Gregory,	Lamb,	McGillivray.
Haggart,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 2,

A bill for an act to provide for the right of erection of grain warehouses and elevators on the right-of-way of railroad corporations and contiguous thereto,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Kinter,	Pinkham,



Messrs—  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,  
 Fuller,

Messrs—  
 Little,  
 LaMoure,  
 McCarten,  
 Miller,  
 Palmer,

Messrs—  
 Sorley,  
 Stevens,  
 Worst,  
 White,  
 Young.

Absent and not voting:

Messrs—  
 Engle,  
 Gregory,  
 Haggart,

Messrs—  
 Ink,  
 Johnson,  
 Lamb,

Messrs—  
 McCormack,  
 McGillivray,  
 Svensrud.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Bidlake moved

That the vote by which substitute for House Bill No. 2 and House Bill No. 122 was passed be reconsidered and the motion to reconsider be laid upon the table,  
 Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
 BISMARCK, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith a memorial and concurrent resolution to Congress of the United States,  
 Requesting the Governmental control of telegraph lines,  
 Which the House has passed unchanged.

Also,  
 Senate Bill No. 42,

A bill for an act defining the boundaries of the Second Judicial District, subdividing the same and fixing the terms of court to be held therein.

Also,  
 Senate Bill No. 95,  
 An act fixing the salaries of district judges,  
 Which have passed the House unchanged.

Respectfully,  
 J. G. HAMILTON,  
 Chief Clerk.

House Bill No. 55,

A bill for an act providing for a State Examiner, defining his duties and fixing his compensation and bond,  
 Was read the third time and placed upon its final passage.

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake,	Haggart,	Palmer,
Brynjolfson,	Hillier,	Patch,
Burke,	Ink,	Pinkham,
Day,	Kinter,	Sorley,
Enger,	Little,	Stevens,
Engle,	LaMoure,	White,
Fuller,	McCarten,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	McCormack,	Svensrud,
Johnson,	McGillivray,	Worst.
Lamb,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 74,

A bill for an act to require all railways in this State to run a train for freight and passenger traffic over their roads and all lines and branches thereof during each week day of the year,

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

Mr. Burke moved

To amend section 1 by striking out the words "which has been constructed for at least four years" and add in lieu thereof the words, "the receipts of which are sufficient to pay the running and operating expenses of the road,"

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Miller,
Bidlake.	Haggart,	Palmer,
Burke,	Hillier,	Patch,
Cashel,	Ink,	Stevens,
Day,	Little,	Svensrud,
Engle,	LaMoure,	White.
Fuller,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Lamb,	Sorley,
Enger,	McCormack,	Worst,
Johnson,	McGillivray,	Young.
Kinter,	Pinkham,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

## House Bill No. 78,

A bill for an act to enable county commissioners to present the listing, assessment, advertisement and selling at tax sales of lots according to their subdivisional description in certain cases,

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

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Palmer,
Bidlake,	Haggart,	Patch,
Burke,	Hillier,	Stevens,
Cashel,	Ink,	Svensrud,
Day,	Little,	Worst,
Engle,	LaMoure,	White.
Fuller,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Lamb,	Pinkham,
Enger,	McCarten,	Sorley,
Johnson,	McCormack,	Young.
Kinter,	McGillivray,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Svensrud moved

That the vote by which House Bill No. 78 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

The courtesies of the floor were extended to Joseph Barclay of Valley City.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish in suitable localities public scales and regulating the appointment and duties of public weighmasters,

Also,

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890,

Also,

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of uni-

versity and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890,

Also,

Senate Bill No. 177,

A bill for an act authorizing corporations to change their names, Which have passed the House unchanged.

J. G. HAMILTON,  
Chief Clerk.

Mr. Gregory moved

That the vote by which House Bill No. 78 was passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

House Bill No. 65,

A bill for an act to amend chapter 48 of the Laws of 1891, amending section 103 of chapter 28, Political Code, as amended by chapter 131 of the Laws of 1890,

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

Mr. Gregory moved

That House Bill No. 65 be indefinitely postponed, Which motion prevailed.

House Bill No. 69,

A bill for an act to amend section 69 of chapter 132 of the Laws of 1890,

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

Mr. LaMoure moved

That further consideration of the bill be indefinitely postponed, Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Concurrent Resolution thanking General Miles for his efforts in suppressing ghost dance Indians.

Also,

Senate Bill No. 163,

A bill for an act constituting the Commissioner of Irrigation and Forestry the Fish and Game Commissioner, and providing

for the stocking and maintaining fish hatcheries and for the protection of fish in North Dakota streams,

Which have passed the House unchanged.

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 40,

A bill for an act to reimburse Lieut. Leon S. Roudiez for room rent,

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

The roll being called there were ayes 21, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Bidlake,	Haggart,	Miller,
Brynjolfson,	Ink,	Palmer,
Burke,	Johnson,	Sorley,
Day,	Kinter,	Svensrud,
Enger,	Lamb,	Worst,
Engle,	LaMoire,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gregory,	Patch,	Stevens.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	McCarten,	Pinkham,
Hillier,	McCormack,	Young.
Little,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which House Bill No. 40 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Substitute for House Bill No. 14,

A bill for an act to amend and re-enact sections 248 and 249 of the Code of Civil Procedure, being sections 5048 and 5049 of the Compiled Laws.

Mr. Little moved to amend as follows:

Insert at the end of section 2 the following: "*Provided*, That the official stenographer shall receive for writing out such instructions the same fees as for making transcripts; and, *Provided further*, That when oral instructions are given, the jury shall not take the charge in their retirement, unless so ordered by the court."

The motion recurring upon the final passage of the bill as amended,

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Palmer,
Bidlake,	Hillier,	Patch,
Burke,	Ink,	Pinkham,
Cashel,	Little,	Sorley,
Day,	LaMoure,	Stevens,
Engle,	McCarten,	Worst,
Fuller,	McGillivray,	White.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Kinter.	Miller,
Enger,	Lamb,	Svensrud,
Johnson,	McCormack,	Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Substitute to House Bill No. 14 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Engrossed and Enrolled Bills have examined

Senate Bill No. 184,

A bill for an act to amend section 2024 of the Civil Code.

Also,

Senate Bill No. 132,

A bill for an act authorizing acquisition of Selkirk burial ground.

Also,

Senate Bill No. 171,

A bill for an act to provide for additional buildings for University at Grand Forks.

Also,

Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance of necessary additional buildings at the Mayville and Valley City Normal Schools, and to provide for the issuance of bonds for such purposes by the Board of Directors in charge of said Normal Schools,

Also,

Concurrent Resolution,

Relating to binding twine duties.

Also,  
Senate Bill No. 95,  
A bill for an act fixing salaries of district judges,  
And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

Mr. Little moved  
That when the Senate adjourns it do adjourn till 10 a. m. to-  
morrow,

Which motion prevailed.

The President announced his signature to  
Senate Bill No. 116,

A bill for an act to provide for the better enforcement of the  
laws pertaining to cruelty to animals.

Also,  
Concurrent Resolution,  
Vesting exhibits at the World's Columbian Exhibition in the  
State Board of Agriculture.

Also,  
Senate Bill No. 119,  
A bill for an act appropriating money to insure a proper ex-  
hibit of North Dakota's resources at the Columbian Exposition, to  
be held at Chicago in 1893.

Also,  
Senate Bill No. 46,  
A bill for the encouragement of higher education and appro-  
priating money therefor.

Also,  
Senate Bill No. 63,  
A bill for an act appropriating money from the State Treasury,  
not otherwise appropriated, to reimburse the county of Ward for  
money paid by said county in the holding of coroners' inquests,  
in the expense of criminal trials, and in assessing and collecting  
the State tax, in the unorganized counties of Buford, Montraille,  
Flannery and Renville in the years 1890, 1891 and 1892.

Also,  
Senate Bill No. 102,  
A bill for an act to promote the improvement and growth of the  
Volunteer Firemen's Association of the State of North Dakota, to  
increase its usefulness and efficiency, and making an appropria-  
tion therefor,

Also,  
Senate Bill No. 76,  
A bill for an act for an appropriation for the current and con-  
tingent expenses of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota reform school.

Also,

Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat.

Also,

House Bill No. 87,

A bill for an act to provide a suitable residence for the Chief Executive of the State of North Dakota.

Your Committee of Conference on House Bill No. 7 respectfully recommend that the House concur in Senate amendments to title and that the Senate recede from its amendments to section 3, changing the figure "4" to "5." That the House concur in balance of Senate amendments to bill.

F. M. KINTER,  
N. B. PINKHAM,  
E. YOUNG,  
L. A. UELAND,  
H. S. OLIVER,  
J. B. WINEMAN.

Mr. Pinkham moved

That the report be adopted.

Roll call demanded.

The roll being called there were ayes 11, nays 14.

Those who voted in the affirmative were:

Messrs—

Burke,  
Day,  
Enger,  
Fuller,

Messrs—

Kinter,  
McCarten,  
Patch,  
Pinkham,

Messrs—

Svensrud,  
White,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Brynjolfson,  
Cashel,  
Engle,  
Gregory,

Messrs—

Hillier,  
Lamb,  
Little,  
LaMoire,  
McGillivray,

Messrs—

Miller,  
Palmer,  
Stevens,  
Worst.

Absent and not voting:

Messrs—

Arnold,  
Haggart,

Messrs—

Ink,  
Johnson.

Messrs—

McCormack,  
Sorley.

Mr. McCormack being excused.



So the motion was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, March 2, 1893. )

MR. PRESIDENT:

I have the honor to inform your honorable body that the House by vote requests the recall of the Senate Concurrent Resolution providing that the World's Columbian Fair exhibit shall be turned over to the Board of Agriculture.

J. G. HAMILTON,  
Chief Clerk.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred House Bill No. 223,

A bill for an act to provide for the destruction of weeds and grasses upon public highways.

Have had the same under consideration and recommend that said bill do pass.

N. B. PINKHAM,  
Chairman.

Mr. Kinter moved

That the report be adopted,  
Which motion prevailed.

House Bill No. 117,

A bill for an act to amend sections 56, 57 and 58 of chapter 132 of the Laws of 1890, entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto, in relation to the collection of personal taxes by judgment,"

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

Mr. Gregory moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 98,

A bill for an act providing for the removal of obstructions to natural waterways.

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

The roll being called there were ayes 22, nays 4.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Bidlake,  
 Burke,  
 Cashel,  
 Engle,  
 Enger,  
 Haggart,  
 Hillier,

Messrs—  
 Ink,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 McCarten,  
 McGillivray,

Messrs—  
 Miller,  
 Palmer,  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Worst.

Those who voted in the negative were:

Messrs—  
 Brynjolfson,  
 Day,

Messrs—  
 White,

Messrs—  
 Young.

Absent and not voting:

Messrs—  
 Fuller,  
 Gregory,

Messrs—  
 LaMoure,  
 McCormack,

Messrs—  
 Svensrud.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Pinkham moved

That the vote by which House Bill No. 98 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 186,

A bill for an act entitled "An act to provide for and establish an industrial school and school for manual training at Ellendale, in the county of Dickey and State of North Dakota, as provided for in subdivision 3 of section 16 of the Constitution of this State,"

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

The roll being called there were ayes 23, nays 1.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Brynjolfson,  
 Burke,  
 Day,  
 Gregory,  
 Haggart,  
 Hillier,  
 Ink,

Messrs—  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 McCarten,  
 McGillivray,  
 Miller,  
 Palmer.

Messrs—  
 Patch,  
 Pinkham,  
 Sorley,  
 Stevens,  
 Worst,  
 White,  
 Young.

Mr. Bidlake voting in the negative.

Absent and not voting:

Messrs—  
 Cashel,  
 Enger,  
 Engle,

Messrs—  
 Fuller,  
 LaMoure,

Messrs—  
 McCormack,  
 Svensrud.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 27,

A bill for an act to amend section 1 of chapter 35 of the Laws of 1887, relating to corporations, being section 2900 of the Compiled Laws, as to purposes for which private corporations may be formed,

Which the House has passed with the following amendments:

Amend by inserting the word "abstractors" after the word mercantile in line 6 of printed bill (line numbered 22 in engrossed bill,

And your concurrence therein is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved

To concur in the House amendments to Senate Bill No. 27.

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Gregory,  
Haggart,

Messrs—

Hillier,  
Johnson,  
Kinter,  
Little,  
McGillivray,  
Miller,  
Palmer,

Messrs—

Patch,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Arnold,  
Engle,  
Fuller,

Messrs—

Ink  
Lamb,  
LaMoure,

Messrs—

McCarten,  
McCormack,  
Pinkham.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 186 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 259,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to transfers of personal property.

Mr. Gregory moved

To indefinitely postpone consideration of House Bill No. 259,  
Which motion prevailed.

House Bill No. 62,

A bill for an act providing for an appropriation for manufacture  
of potato starch in the State of North Dakota,

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

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Gregory,	Palmer,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Engle,	McGillivray,	Young.
Fuller,	Miller,	

Absent and not voting:

Messrs--	Messrs--	Messrs--
Enger,	LaMoure,	Worst,
Haggart,	McCarten,	White.
Lamb,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 177,

A bill for an act making an appropriation to pay certain ex-  
penses incurred by the Third Legislative Assembly of the State  
of North Dakota,

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

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Gregory,	Palmer,
Bidlake,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	McGillivray,	White,
Engle,	Miller,	Young.
Fuller,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Haggart,	LaMoure,	McCormack,
Lamb,	McCarten,	Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the Concurrent Resolution relating to the Columbian World's Fair exhibits be recalled from the Governor,

Which motion prevailed, and

The resolution was recalled and returned by the Governor.

House Bill No. 182,

A bill for an act appropriating \$60 to reimburse J. B. Sinclair, messenger of the House, for expenses incurred in transmitting House matters to and from the Capitol and printing office,

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

The roll being called there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Ink,  
Kinter,  
Little,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Johnson,  
Lamb,

Messrs—

LaMoure,

Messrs—

McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate concurrent resolution and memorial for the transfer of grant to the State of North Dakota of \$30,000 for the purpose of erecting a penitentiary and allowing the same to be used in the construction of an institution for the feeble minded,

Which the House has passed unchanged.

Also,

Senate Bill No. 164,

Concurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota,

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

## House Bill No. 34,

A bill for an act to encourage the development of coal mines of the State and to determine the kind of coal that shall be used in the various State institutions, county buildings and public schools of the State,

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

The roll being called there were ayes 26, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,  
Gregory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Patch voting in the negative.

Absent and not voting:

Messrs—

Enger,  
Johnson,

Messrs—

LaMoire,

Messrs—

McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Gregory moved

That the vote by which House Bill No. 34 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Svensrud moved

That the vote by which Substitute House Bill No. 182 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Haggart moved

That the vote by which House Bill No. 252 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

## House Bill No. 252,

A bill for an act to provide for the better improvement of public highways,

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

The roll being called there were ayes 27, nays 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Johnson,  
Kinter,  
Lamb,  
Little,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Mr. Hillier voting in the negative.

Absent and not voting:

Messrs—

Ink,

Messrs—

LaMoire,

Messrs—

McCormack.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 2, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in the Senate amendments to House Bills No. 7, 74 and 14.

J. G. HAMILTON,  
Chief Clerk.

The committee on the revision and correction of the Journal made the following report:

MR. PRESIDENT:

Your committee to read the Journal for the 58th day find the same correct as printed.

FRANK PALMER,  
Chairman.

The President announced his signature to Senate Bill No. 139,

A bill for an act to appropriate money to compensate the State of South Dakota for keeping, boarding and schooling North Dakota's refractory boys at the South Dakota Reform School.

Also,

Senate Bill No. 76,

A bill for an act for an appropriation for the current and contingent expenses of the Hospital for the Insane at Jamestown.

Also,

Senate Bill No. 95,

A bill for an act fixing the salaries of the judges of the district courts.

Also,

Senate Bill No. 173,

A bill for an act to provide for the erection and maintenance of necessary additional buildings at the Mayville and Valley City Normal Schools, and to provide for the issuance of bonds for such purposes by the boards of directors in charge of said Normal Schools.

Also,

Senate Bill No. 132,

A bill for an act authorizing and empowering the acquisition by the State of North Dakota of the parcel of land situate in the county of Pembina, known as the burial ground of the Selkirk settlement, and making an appropriation therefor.

Also,

Senate Bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the University of North Dakota at Grand Forks, North Dakota.

Also,

Senate Bill No. 184,

A bill for an act to amend section 2024 of the Civil Code, being section 4657 of the Compiled Laws, compilation of 1887, in relation to the transfer of personal property.

Also,

Senate Bill No. 34,

A bill for an act providing for an appropriation for the current and contingent expenses of the penitentiary at Bismarck, and for making needed permanent improvements thereat.

Also,

Concurrent resolution relating to duty on binding twine.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred

House Bill No. 174,

A bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

Have had the same under consideration and submit the same without recommendation.

R. J. JOHNSON,  
Chairman.

The Committee on Railroads made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred

House Bill No. 169,



A bill for an act to compel all companies or corporations operating any lines of railway, wholly or in part, within this State, to provide all necessary facilities for the unloading of grain from wagons and loading same into cars, and to furnish cars to all persons that want to ship grain of any kind, and providing penalties for violation of the same,

Have had the same under consideration and submit the same without recommendation.

Also,

House Bill No. 256,

A bill for an act defining the duties of railways in regard to station houses,

And submit the same without recommendation.

R. J. JOHNSON,  
Chairman.

Mr. Palmer moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

FRED FALLEY,  
Secretary.

## SIXTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1893.

The Senate met pursuant to adjournment.

The Lieutenant Governor presiding.

Prayer by the Chaplain.

Roll called.

All members present except Mr. McCormack, excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns.

Also,

Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works,

Which have passed the House unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to read and correct the same,

Which motion prevailed.

Mr. President appointed as such committee Messrs. Lamb and Patch.

Mr. Sorley moved

That the rules be suspended and further consideration of concurrent resolution relating to World's Fair exhibit be indefinitely postponed,

Which motion prevailed.

Mr. Worst presented the following concurrent resolution:

CONCURRENT RESOLUTION.

*Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring:*

That at the close of the World's Columbian Exposition the Board of World's Fair Managers, together with the Governor, shall apportion among the several institutions of the State, as in their judgment may seem just and proper, all of North Dakota's exhibit that remains the property of the State.

Mr. Worst moved

To adopt the resolution,  
Which motion prevailed.

Mr. Worst moved

That the vote by which concurrent resolution relating to North Dakota's exhibits to the World's Columbian Fair was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Kinter moved

That the vote by which House Bill No. 129 was passed be reconsidered.

Mr. Little moved

That House Bill No. 129 be recalled from the House,  
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The Committee on Education made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred  
House Bill No. 102,

A bill for an act to provide free and uniform text books throughout the several counties of the State,

Have had the same under consideration and recommend that the same be amended as follows: To strike out sections 2, 3, 4, 5, 6, 7, 8, 9 and 10; and when so amended recommend that the same do pass.

J. H. WORST,  
Chairman.

Mr. Young moved

That the report be adopted,  
Which motion prevailed.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 233,

A bill for an act to amend section 91 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relating thereto,"

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

Mr. Kinter moved  
That the report be adopted,  
Which motion prevailed.

The Committee on Agriculture made the following report:

MR. PRESIDENT:

Your Committee on Agriculture, to whom was referred  
House Bill No. 260,

A bill for an act to regulate the working of highways in civil townships,

Have had the same under consideration and recommend that the same do not pass.

N. B. PINKHAM,  
Chairman.

Mr. Lamb moved  
That the report be adopted,  
Which motion prevailed.

House Bill No. 212,

A bill for an act to amend section 2 of chapter 107 of the Session Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils, for the purpose of raising the tests of oils,"

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

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Fuller,  
Regory,

Messrs—

Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McGillivray,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle, McCarten,	McCormack, Palmer,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Bidlake moved

That the vote by which House Bill No. 212 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Burke moved

That the vote by which House Bill No. 149 was lost be reconsidered,

Which motion prevailed, and  
House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the district courts of this State and prescribing their duties and compensation, and repealing chapter 52 of the Laws of 1879, being sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887 in relation thereto,

Was re-read and placed upon its final passage.

Mr. Burke moved

To amend the bill by striking out section 6,  
Which motion prevailed.

The question recurring upon the final passage of the bill, as amended.

The roll being called there were ayes 25, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold, Bidlake, Brynjolfson, Burke, Day, Engle, Fuller, Gregory, Haggart,	Hillier, Ink, Kinter, Little, LaMoure, McCarten, McGillivray, Miller,	Palmer, Patch, Pinkham, Sorley, Stevens, Svensrud, Worst, Young.

Messrs. Enger and Lamb voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel, Johnson,	McCormack,	White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 149 was passed be reconsidered and that the motion to reconsider be laid upon the table, Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each.

Also,

Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of the General Laws of 1885, and section 10 of chapter 69 of the General Laws of 1889, relating to the publication of insurance statements,"

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

The President announced his signature to  
Substitute for House Bill No. 30,

A bill for an act to fix the terms of the District Court in the Third Judicial District.

Also,

House Bill No. 119,

A bill for an act to amend section 1 of chapter 42 of the Session Laws of 1889, being an act authorizing and empowering organized counties of North Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of the principal and interest of such bonds.

Also,

House Bill No. 120,

A bill for an act to amend sections 1, 6, 8, 13 and 14 of chapter 161 of the Session Laws of 1890, creating an institute for the education of the deaf and dumb of North Dakota, and providing for its support and management.

Also,

House Bill No. 200,

A bill for an act to re-enact section 779 and subdivision 5 of section 2594 of the Civil Code.

Also,

House Bill No. 232,

A bill for an act to amend an act entitled "An act to provide for taxation of real and personal property situated in unorganized counties."

Also,

Substitute for House Bill No. 43,

A bill for an act providing for an appropriation for the payment of the salary of the secretary and the mileage and expenses of the Commissioners of the Soldiers' Home for the two years ending December 31, 1892.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Concurrent Resolution,

Thanking Major-General N. A. Miles for prompt action during Indian outbreak, 1890 and 1891.

Also,

Memorial, Etc.,

Regarding Government control of telegraph lines.

Also,

Senate Bill No. 42,

A bill for an act defining the boundaries of the Second Judicial District, subdividing the same and fixing the terms of court to be held therein.

Also,

Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish in suitable localities public scales and regulating the appointment and duties of public weighmasters.

Also,

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to

cure any alleged defect of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890.

Also,

Senate Bill No. 177,

A bill for an act authorizing corporations to change their names,  
And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

The message from the Governor, vetoing Senate Bill No. 19, was read, at the request of the Senate, and

Mr. McGillivray moved

That Senate Bill No. 19 be placed upon its final passage, notwithstanding the Governor's veto,

Which motion prevailed, and

Senate Bill No. 19,

A bill for an act to change the boundaries of the counties of Stark and Mercer,

Was placed upon its final passage.

The roll being called there were ayes 15, nays 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Sorley,
Day,	Lamb,	Svensrud,
Gregory,	Little,	Worst,
Haggart,	McGillivray,	White,
Hillier,	Palmer,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Kinter,	Miller,
Brynjolfson,	LaMoure,	Patch,
Burke,	McCarten,	Stevens.
Engle,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cashel,	Fuller,	McCormack,
Enger,	Johnson,	Pinkham.

Mr. McCormack being excused.

So the motion to pass over the veto was lost.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 94,



A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for other purposes relative thereto."

Also,

Senate Bill No. 167,

A bill for an act constituting boards of audit for cities and to provide for the presentation and auditing of claims,

Which have passed the House unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

The President announced his signature to Memorial and Concurrent Resolution relating to the Western Union Telegraph Company.

Also,

Concurrent Resolution expressing thanks to General Miles.

Also,

Senate Bill No. 42,

A bill for an act defining the boundaries of the Second Judicial District, subdividing the same and fixing the terms of court to be held therein.

Also,

Senate Bill No. 110,

A bill for an act to confirm the sale of 71,809.67 acres of university and school lands located in the counties of Pembina, Walsh, Grand Forks, Traill, Cass and Richland, of this State, to cure any alleged defects of title that may arise from the said sales having been made in April, 1892, instead of between April 15, 1891, and June 1, 1891, as required by chapter 146 of the Session Laws of 1890.

Also,

Senate Bill No. 11,

A bill for an act authorizing county commissioners to establish, in suitable localities, public scales and regulating the appointment and duties of public weighmasters.

Also,

Senate Bill No. 177,

A bill for an act authorizing corporations to change their names.

Mr. Miller moved

That the vote by which Senate Bill No. 19 was lost be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has refused to concur in the Senate amendments to House Bill No. 149, and request a Committee of Conference, and that the House has appointed the following conferees on the part of the House: Messrs. Newman, Wishek and Bentley.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

The President appointed as a committee to jointly consider House Bill No. 149, Messrs. Burke, Patch and Young.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Substitute for Senate Bills Nos. 1 and 17,

A bill for an act to amend sections 1, 2, 4, 5, 16, 17, 18 and 24 of chapter 66 of the Laws of 1891, known as the "Australian Ballot Law,"

Which have passed the House unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment,

Which the House has amended.

The amendments are attached to the bill.

J. G. HAMILTON,  
Chief Clerk.

Amend the title of Senate Bill No. 84 by inserting the word "any" in the place of "every" in line 7 of the title, and by inserting in said line seven (7) of the title between the words "State" and "where" the words "from which grain is shipped or."

Also, amend section 2 by erasing the letter "s" from the end of the word "platforms" in line 6, written copy.

Also, insert the words "railroad company shall" between the words "petition" and "erect" on next to last line of section, and after the word "platform" at the end of section, add the words "for public use."

Also, add at the end of section 3 these words: "*Provided*, That in case it appears from the petition hereinbefore mentioned that a platform is desired differing in height or length, or both, from that specified in this section, not to exceed seven feet above the track or one hundred and twenty feet in length, exclusive of the approaches, it shall be the duty of said railroad company or corporation to so construct said platform so as to conform to the dimensions required in said petition, unless a showing can be made to the court that the requirement is beyond the needs of the station or siding."

Also, change the word "wishing" in line 1 on page 4, written copy, to the word "within."

Also, insert the words "station or siding" after the word "railroad," and before the words "is located," in line 5, above page.

Also, after the word "complaint" in line 8, page 4, written copy of bill, insert the words "against said railroad company."

Also, in line 5, section 5, printed copy of bill, erase the words "and especially."

The President announced his signature to

House Bill No. 22,

A bill for an act entitled "An act exempting volunteer firemen from jury duty and from paying poll tax."

Also,

House Bill No. 191,

A bill for an act to amend section 60 of chapter 86 of the Laws of 1891, entitled "An act to provide a military code for the State of North Dakota."

Also,

House Bill No. 41,

A bill for an act to amend section 7 of chapter 25 of the General Laws of 1890, entitled "An act providing for the organization and fixing and defining the powers and duties of the Board of University and School Lands," and making an appropriation therefor.

Also,

House Bill No. 133,

A bill for an act to amend and re-enact sections 2, 6 and 7 of article 9 of chapter 73 of the Laws of 1887, being sections 917, 921 and 922 of the Compiled Laws.

Also,

House Bill No. 131,

A bill for an act to amend and re-enact chapter 140 of the Laws of 1890.

Also,

House Bill No. 78,

A bill for an act to enable county commissioners to present the listing, assessment, advertisement and selling at tax sales of lots according to their subdivisional description in certain cases.

Also,

Substitute for House Bill No. 2,

A bill for an act to provide a procedure for the condemnation of public warehouse sites on the right of way of railways.

Mr. LaMoure objected to considering amended bills that had not been reported upon by the Enrolling Committee.

The President ruled the objection invalid.

Mr. Kinter moved

To concur in the House amendments to

Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain, such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment.

Mr. Burke moved

That Senate Bill No. 84 be referred to the Engrossing Committee, Which motion prevailed.

Mr. Ink moved

That House Bill No. 124 be taken up and read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 124,

A bill for an act to prevent the spread of contagious and infectious diseases among domestic animals,

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

The roll being called there were ayes 19, nays 5.

Those who voted in the affirmative were:

Messrs—

Burke,  
Cashel,  
Enger,  
Gregory,  
Hillier,  
Ink,  
Johnson,

Messrs—

Little,  
McCarten,  
McGillivray,  
Miller,  
Palmer,  
Patch

Messrs—

Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Engle,	Pinkham.
Brynjolfson,	Haggart,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Kinter,	LaMoire,
Day,	Lamb,	McCormack.
Fuller,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 138,

A bill for an act to authorize boards of County Commissioners in counties that contain a population of less than six thousand, as shown by the census of 1890, to dispose of and tear down buildings owned by the county and not used for county purposes, when petitioned therefor by one hundred or more of the voters of the county, when the public interest and public safety will thereby be promoted,

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

The roll being called there were ayes 25, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Palmer,
Bidlake,	Haggart,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoire,	Worst,
Engle,	Miller,	Young.
Fuller,		

Mr. White voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	McCarten,	McGillivray.
Lamb,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House

has acceded to the request of the Senate to return House Bill No. 149, and returns the same herewith.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Kinter moved

That the vote by which House Bill No. 149 was passed be reconsidered,

Which motion prevailed, and  
House Bill No. 149,

A bill for an act authorizing the appointment of stenographers for the District Courts of this State and prescribing their duties and compensation, and repealing chapter 52 of the Laws of 1879, being sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887, in relation thereto,

Was taken up for consideration.

Mr. Burke moved

That the amendment to the bill made this morning be amended so as to read "that section 6 of the printed bill be stricken out,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 26, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gregory,	Palmer,
Bidlake,	Haggart,	Patch.
Brynjolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst,
Engle,	McCarten,	White.
Fuller,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hillier,	McCormack,	Young.
Ink,	McGillivray,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Kinter moved

That House Bill No. 129 be recalled from the Governor for the purpose of putting in the emergency clause,

Which motion prevailed.

House Bill No. 123,

A bill for an act to legalize and confirm town site proceedings,

and to limit the time within which the validity thereof may be questioned,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,

Messrs—

Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Hillier,  
Ink,

Messrs—

McCarten,  
McCormack,  
McGillivray,

Messrs—

Palmer,  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 184,

A bill for an act to amend divisions 1 and 2 of section 16 of an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,"

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

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs--

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Ink,  
Johnson,  
Kinter,  
Little,  
LaMoure,

Messrs—

McCarten,  
Miller,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Lamb,  
McCormack,

Messrs--

McGillivray,  
Palmer,

Messrs--

White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Gregory moved

That the vote by which House Bill No. 184 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

## House Bill No. 233,

A bill for an act to amend section 91 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Miller,
Bidlake,	Haggart,	McCarten,
Brynjolfson,	Hillier,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Kinter,	Stevens.
Day,	Little,	Svensrud,
Enger,	LaMoure,	Worst.
Engle,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gregory,	McCormack,	Patch,
Ink,	McGillivray,	White,
Lamb,	Palmer,	Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 233 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

## House Bill No. 32,

A bill for an act to amend section 5, chapter 100, of the Session Laws of 1890, providing for the collection of city and school taxes,

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

Mr. Pinkham moved

To amend by striking out after the word "month" in line 9 of the printed bill "together with interest and penalty accrued thereon,"

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McCarten,
Bidlake,	Gregory,	Miller,
Brynjolfson,	Haggart,	Patch,
Burke,	Hillier,	Pinkham,
Cashel,	Johnson,	Sorley,



Messrs—  
Day,  
Enger,  
Engle,

Messrs—  
Kinter,  
Little,  
LaMoure,

Messrs—  
Stevens,  
Svensrud.

Absent and not voting:

Messrs—  
Ink,  
Lamb,  
McCormack,

Messrs—  
McGillivray,  
Palmer,  
Worst,

Messrs—  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Burke moved

That the vote by which House Bill No. 32 was passed be reconsidered and that the motion to reconsider be laid upon the table, Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 27,

A bill for an act to amend section 1 of chapter 35 of the Laws of 1887, relating to corporations, being section 2900 of the Compiled Laws, as to purposes for which private corporations may be formed.

Also,

Senate Bill No. 164,

Concurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota.

Also,

Senate Bill No. 167,

A bill for an act constituting boards of audit for cities and to provide for the presentation and auditing of claims.

Also,

Senate Bill No. 163,

A bill for an act constituting the Commissioner of Irrigation and Forestry the Fish and Game Commissioner of North Dakota, And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer,  
Which the House has passed unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

The President announced his signature to  
Senate Bill No. 167,  
A bill for an act constituting boards of audit for cities and to provide for the presentation and auditing of claims.

Also,  
Senate Bill No. 164,  
Concurrent Resolution to amend subdivision 8 of section 215 of article 19 of the Constitution of the State of North Dakota.

Also,  
Senate Bill No. 27,  
A bill for an act to amend section 1 of chapter 35 of the Laws of 1887, relating to corporations, being section 2900 of the Compiled Laws, as to purposes for which private corporations may be formed.

Also,  
Senate Bill No. 163,  
A bill for an act constituting the Commissioner of Irrigation and Forestry the Fish and Game Commissioner of North Dakota.

Mr. LaMoure moved  
That the Senate do now take a recess of one hour and that immediately upon reassembling the Senate go into executive session,  
Which motion prevailed.  
Senate reassembled.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }  
March 3, 1893. }

*To the Honorable Senate:*

GENTLEMEN:

I have the honor to inform you, that reposing confidence in the integrity and ability of the following named gentlemen, I do hereby nominate, and with the advice and consent of the Senate, do appoint each of them to the position and office hereinafter named:

Members of the Board of Management of the Normal School at Mayville—  
Fred Dietz, Northwood, Grand Forks county.

Anton Froslid, Hatton, Traill county.

Each for the term of four years from this date, as per Sections 3 and 6, Chapter 89, Session Laws of 1891.

Members of the Board of Management of the Normal School at Valley City—

Frank Wright, Valley City, Barnes county.  
 Joshua Parkhouse, Valley City, Barnes county.  
 E. H. Bakke, Valley City, Barnes county.

Each for the term of four years from this date, as per Sections 3 and 6, Chapter 89, Session Laws of 1891.

Members of the Board of Directors for the North Dakota Agricultural College at Fargo—

Thomas Bolton, Park River, Walsh county.  
 A. E. Gardiner, Edgeley, LaMoure county.  
 K. N. Hesgard, Belmont, Traill county.

Each for the term of four years from this date, as per Section 3, Chapter 5, Session Laws of 1891.

For Trustees of the University of North Dakota—

N. G. Larimore, of Larimore, Grand Forks county, to fill the unexpired term of Hon. W. N. Roach, resigned, expiring February 26, A. D. 1895.  
 Sever Serumgard, Devils Lake, Ramsey county.  
 J. T. Langemo, Edinburg, Walsh county.

Each for the period of four years from February 26, A. D. 1893, as per Section 1, Chapter 93, of the Laws of 1889.

For Members of the State Board of Equalization—

From First Judicial District, W. E. DeLong, Osnabrock, Cavalier county.  
 From Second Judicial District, Thomas Heskett, Rolla, Rolette county.  
 From Third Judicial District, A. P. Guptill, Fargo, Cass county.  
 From Fourth Judicial District, Mott T. Stevens, Wahpeton, Richland county.  
 From Fifth Judicial District, William Dwyer, Napoleon, Logan county.  
 From Sixth Judicial District, Louis Connelly, Hensler, Oliver county.

Each for the term of two years from March 1, A. D. 1893, as per Section 4, Chapter 100, Laws of 1891.

For Trustees of the Deaf and Dumb Asylum—

Chas. F. Springer, Devils Lake, Ramsey county, for the period of four years.  
 James McCormick, Penn, Ramsey county, for the period of four years.  
 O. H. Aaberg, Devils Lake, Ramsey county, for the period of two years.  
 John S. Conyers, Cando, Towner county, for the period of two years.  
 C. D. Moores, Crary, Ramsey county, for the period of four years.  
 From March 2, A. D. 1893, as per Section 1, Chapter 133, Laws of 1891.

For Trustees of the North Dakota Hospital for the Insane—

Halvor Johnson, LaMoure, LaMoure county.  
 S. K. McGinnis, Jamestown, Stutsman county.

For the term of four years each from February 26, A. D. 1893, as per Section 1, Chapter 93, Laws of 1889.

Trustees of the Penitentiary at Bismarck, N. D.—

W. O. Ward, Bismarck, Burleigh county.  
 Job B. Taylor, Bismarck, Burleigh county.

For the term of four years each from February 26, A. D. 1893, as per Section 1, Chapter 93, Laws of 1889.

For Members of State Board of Agriculture—

For First Judicial District, John R. Parsons, Grand Forks, Grand Forks county.  
 For Second Judicial District, John A. Ely, Towner, McHenry county.  
 For Third Judicial District, J. W. Burnett, Cummings, Traill county.  
 For Fourth Judicial District, Jens Pedersen, Milnor, Sargent county.

For Fifth Judicial District, John Hogenson, Jamestown, Stutsman county.

For Sixth Judicial District, Oscar H. Will, Bismarck, Burleigh county.

For the term of two years each from March 2, A. D. 1893, as per Section 1, Chapter 24, of the Laws of 1890.

For Members of Board of Trustees for the North Dakota Reform School, Mandan, N. D.—

Elijah Boley, Mandan, Morton county.

A. E. Flynn, Mandan, Morton county.

J. H. Hager, Sweet Briar, Morton county.

T. C. Kennelly, Mandan, Morton county.

W. L. Yeater, Williamsport, Emmons county.

Each for the term of two years from this date, as per Section 2 of Chapter 164, Laws of 1890.

For Public Examiner—

Kemper Peabody, Sargent County.

For the period of two years from March 2, 1893, as per Section 117, Compiled Laws of 1887.

For State Inspector of Oils—

Ira S. Lampman, Valley City, Barnes County.

For the term of two years from March 2, 1893, as per Section 1, Chapter 107, Laws of 1890.

For State Veterinarian—

Isadore Turcott, Minto, Walsh County.

For the term of two years from March 2nd, 1893, as per Sections 1 and 11, Chapter 125, Laws of 1891.

Superintendent of Public Health for the State of North Dakota—

Dr. F. H. DeVaux, Valley City, Barnes County.

For the term of two years from this date, as per Section 192, Compiled Laws of 1887.

As Members of the Board of Commissioners of the Soldier's Home at Lisbon, North Dakota—

S. G. Roberts, Fargo, Cass County.

Chairman during his term of office as Commander in Chief of the Grand Army of the Republic of North Dakota, not exceeding one year from this date.

G. B. Vallandingham, Valley City, Barnes County.

For the term of two years from March 2nd, 1893.

Henry Cramer, Lisbon, Ransom County.

For the term of three years from March 2nd, 1893.

R. H. Hankinson, Hankinson, Richland county.

For the term of four years from March 2, 1893.

W. W. McIlvane, Sheldon, Ransom county.

For the term of five years from March 2, 1893.

As per act passed at the session of the Legislative Assembly, approved February 18, 1893.

For Board of Education of Academy of Science at Wahpeton—

John X. Wilson, Carrington, Foster county.

For term of six years, as per Section 3, Chapter 158 of the Laws of 1890.

Very respectfully,

E. C. D. SHORTRIDGE,  
Governor.

All of the nominations were confirmed, except the members of the Penitentiary board and Agricultural College.

The Judiciary Committee made the following report:

MR. PRESIDENT:

Your Judiciary Committee, to whom was referred  
House Bill No. 221,

A bill for an act to amend the law relating to exemption by amending section 322 of the Code of Civil Procedure,

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The Committee on Ways and Means made the following report:

MR. PRESIDENT:

Your Committee on Ways and Means, to whom was referred  
House Bill No. 243,

A bill for an act to amend section 3 of chapter 91 of the Session Laws of 1891, for the purpose of including all lands in its provisions and requiring a judgment to be obtained to make the expense a tax on the land,

Have had the same under consideration and recommend that the same do pass.

C. E. GREGORY,  
Chairman.

The Committee on State Affairs made the following report:

MR. PRESIDENT:

Your Committee on State Affairs, to whom was referred  
House Bill No. 155,

A bill for an act defining the duties of engrossing and enrolling clerks of the Legislative Assembly and providing necessary assistants for engrossment and enrollment of bills,

Have had the same under consideration and recommend that the same do pass.

A. SVENSRUD,  
Chairman.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of the General Laws of 1885 and section 10 of chapter 69 of the General Laws of 1889, relating to the publication of insurance statements."

Also,  
Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works.

Also,  
Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns,

And find the same correctly engrossed and enrolled.

R. N. INK,  
Chairman.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota,

Which the House has passed unchanged.

I have the honor to inform your Honorable Body that the House has concurred in the Senate amendments to House Bills Nos. 124 and 32.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 172,

A bill for an act to amend sections 1 and 3 of chapter 86 of the Laws of 1890,

Which the House has amended by striking out sections 2, 4 and 7,

And your concurrence therein is respectfully requested.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 108,

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers,

Which the House has passed unchanged.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 49,

A bill for an act prescribing the compensation of the Lieutenant Governor while acting as Governor,  
Which the House has passed unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the Senate do not concur in the House amendments to Senate Bill No. 84 and that a committee be appointed to meet with a committee from the House for the purpose of considering the amendments.

Mr. Kinter moved

As a substitute that the Senate do concur in the amendments.

Mr. Kinter moved

A call of the Senate,  
Which was ordered.

Mr. Little moved

That further proceedings under the call of the Senate be dispensed with,  
Which motion was lost.

Mr. Kinter moved

That further proceedings under call of the Senate be dispensed with,  
Which motion prevailed.

The question recurring on the motion to concur in the amendments of the House to Senate Bill No. 84.

Objection being made to Senators voting who have not been present when the question was put,

The President of the Senate said: The President decides that, while this is a rule of the Senate, we cannot deprive any Senator of the right to vote on any question that may come before the Senate.

Mr. Gregory objected to any gentleman voting who was not present when the question was stated, his objection being under rule 6 of the Senate.

The roll being called there were ayes 20, nays 8.

Those voting in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Day,  
Enger,  
Fuller,  
Hillier,

Messrs—

Johnson,  
Kinter,  
Lamb,  
Little,  
LaMoure,  
McCarten,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Burke,	Gregory,	Miller,
Cashel,	Haggart,	Worst.
Engle,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack,	White.

Mr. McCormack being excused.

Mr. Gregory objected to the votes of Messrs. Enger, Fuller, Hillier, Johnson, Palmer, Pinkham and Lamb being recorded on the question before the Senate.

Mr. Svensrud moved

That the Senate reconsider the vote by which House amendments were concurred in,

Which motion prevailed.

The question recurring on the motion to concur in House amendments to Senate Bill No. 84.

The roll being called there were ayes 28, nays 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Bidlake,	Hillier,	Miller,
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Fuller,	McCarten,	Young.
Gregory,		

Mr. Palmer voting in the negative.

Messrs. McCormack and White being absent and not voting.

Mr. McCormack being excused.

So the amendments were concurred in.

Mr. Kinter moved

That the vote by which House amendment to Senate Bill No. 84 was concurred in be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Cashel moved

That House Bill No. 243 be taken up and read the third time and placed upon its final passage,

Which motion was lost.

The Committee on Enrolled and Engrossed Bills made the following report:



MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat and the regulation thereof, and to appropriate money for that purpose.

Also,

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890.

Also,

Senate Bill No. 123,

A bill for an act to establish a school of mines at the city of Grand Forks and to provide for its support and management and creating the office of State Geologist,

And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

The committee appointed to correct the Journal of the fifty-ninth day made the following report:

MR. PRESIDENT:

Your committee appointed to correct the Journal of the fifty-ninth day of the session have examined the same and find that in last line of page 20 the figures "15" should be substituted for the figures "25." It will then read, "ayes 15, nays 11." With this correction we find the Journal to be correct.

J. M. PATCH,  
J. P. LAMB,  
Committee.

Mr. Little presented the following resolution:

WHEREAS, The Secretary of the Senate and Clerk of the House estimate that at the close of this session of the Legislative Assembly there will remain some three hundred or more pages of the Senate and House Journals to record in long hand on the permanent Journal; *Therefore,*

*Be it resolved by the Senate, the House concurring:*

That the Secretary of the Senate and Clerk of the House be allowed twenty days extra time in which to complete the recording of the Journals of the Senate and House with the per diem now allowed them by law.

Mr. Worst moved

The adoption of the resolution,

Which motion prevailed, and

The concurrent resolution was adopted.

House Bill No. 139,

A bill for an act to amend section 62 of chapter 132 of the Laws

of 1890, and to add another section thereto, regulating fees of officers under said act,

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

The roll being called, there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	McCarten,
Brynjolfson,	Gregory,	McGillivray,
Burke,	Ink,	Sorley,
Cashel,	Johnson,	Stevens,
Day,	Kinter,	Worst,
Enger,	Little,	White,
Engle,	LaMoure,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCormack,	Patch,
Haggart,	Miller,	Pinkham,
Hillier,	Palmer,	Svensrud.
Lamb,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That House Bill No. 92 be substituted for House Bill No. 102 and be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 92,

A bill for an act to regulate the terms of district court to be held in the several counties constituting the Fourth Judicial District,

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

The roll being called there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Fuller,	LaMoure,
Brynjolfson,	Gregory,	McCarten,
Burke,	Haggart,	McGillivray,
Cashel,	Ink,	Patch,
Enger,	Kinter,	Sorley,
Engle,	Little,	Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCormack,	Stevens,
Day,	Miller,	Svensrud,
Hillier,	Palmer,	Worst,
Johnson,	Pinkham,	White.
Lamb,		

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which House Bill No. 92 was passed be reconsidered and the motion to reconsider be laid upon the table,  
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each.

Also,

Senate Bill No. 49,

A bill for an act prescribing the compensation of the Lieutenant-Governor while acting as Governor,

And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

House Bill No. 108,

A bill for an act to provide for the collection of vital statistics,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 19, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Ink,	Pinkham,
Burke,	Johnson,	Sorley,
Cashel,	Little,	Stevens.
Day,	LaMoure,	Svensrud,
Engle,	Palmer,	Worst,
Fuller.	Patch,	White.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Kinter,	McCarten.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Lamb,	Miller,
Bidlake,	McCormack,	Young.
Gregory,	McGillivray,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 108 was passed be reconsidered and the motion to reconsider be laid upon the table, Which motion prevailed.

House Bill No. 198,

A bill for an act to appropriate the sum of \$146.10 for services and expenses as member of investigation committee, appointed by the Governor, in accordance with concurrent resolution of this Legislative Assembly,

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

The roll being called there were ayes 23, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynolfson,	Haggart,	Palmer,
Burke,	Hillier,	Patch,
Cashel,	Ink,	Pinkham,
Day,	Johnson,	Sorley,
Enger,	Kinter,	Stevens,
Engle,	Little,	Worst,
Fuller,	McGillivray,	White.
Gregory,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Svensrud,
Bidlake,	McCarten,	Young.
Lamb,	McCormack,	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 166,

A bill for an act naming a uniform title for the governing boards of the State educational institutions and designating certain ex-officio members of State boards,

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Ink,	Patch,
Brynolfson,	Johnson,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Little,	Stevens,
Day,	LaMoure,	Svensrud,
Fuller,	Miller,	Worst,
Gregory,	Palmer,	White.
Hillier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCormack,
Enger,	Lamb,	McGillivray,
Engle,	McCarten.	Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 18,

A bill for an act to amend chapter 26 of the General Laws of 1889, entitled "An act to give publicity to chattel mortgage sales, as amended by chapter 40 of the General Laws of 1890, by adding after section 9 of said chapter 26 the following sections as sections 10, 11 and 12 of said chapter 26,"

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

Mr. LaMoure moved a call of the Senate,  
Which motion prevailed.

Mr. Kinter moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The motion recurring upon the final passage of House Bill No. 18.

Mr. Miller moved to amend House Bill No. 18 by adding in section 12, line 7, the following:

*Provided*, That the provisions of this act shall not apply to mortgagors who remove the mortgaged property from the county where the mortgaged property is located, without the written consent of the mortgagee.

Which motion was lost.

The question recurring upon the final passage of the bill.

The roll being called there were ayes 23, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Ink,	Patch,
Burke,	Johnson,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	Svensrud,
Engle,	McCarten,	White,
Gregory,	McGillivray,	Young.
Hillier,	Palmer,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	Miller.
Fuller,	LaMoure,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCormack,	Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Day moved

That the vote by which House Bill No. 18 was passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

The President announced his signature to  
House Bill No. 241,

A bill for an act to revise and consolidate the Laws of this State providing for the drainage of swamps, marshes and other low lands and to repeal the act of March, one thousand eight hundred eighty-three (Laws of 1883, chapter 75, page 177), and all amendments thereof.

Also,

House Bill No. 40,

A bill for an act to reimburse Lieut. Leon S. Roudiez for room rent.

Also,

House Bill No. 246,

A bill for an act authorizing the refunding of outstanding city bonds and warrants.

Also,

House Bill No. 98,

A bill for an act providing for the removal of obstructions to natural waterways.

Also,

House Bill No. 186,

A bill for an act entitled "An act to provide for and establish an industrial school and school for manual training at Ellendale, in the county of Dickey and State of North Dakota, as provided for in subdivision 3 of section 16 of the Constitution of this State.

Also,

House Bill No. 177,

A bill for an act making an appropriation to pay certain expenses incurred by the Third Legislative Assembly of the State of North Dakota.

Also,

House Bill No. 62,

A bill for an act providing an appropriation for the manufacture of potato starch in the State of North Dakota.

Also,

House Bill No. 34,

A bill for an act to encourage the development of the coal mines of the State, and to determine the kind of coal that shall be used in the various State institutions, county buildings and public schools of the State.

Also,  
 Substitute for House Bill No. 182.  
 A bill for an act appropriating money to reimburse the messengers of the House and Senate.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
 Senate Bill No. 158,

A bill for an act entitled an act granting the right of suffrage to women,

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
 Chief Clerk.

House Bill No. 201,

A bill for an act providing for a State bounty for the destruction of wolves,

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

The roll being called, there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Engle,  
 Hillier,  
 Ink,

Messrs—

Kinter,  
 Lamb,  
 Little,  
 LaMoure,  
 McCarten,  
 McGillivray,  
 Miller,  
 Palmer,

Messrs—

Patch,  
 Pinkham,  
 Stevens,  
 Svensrud,  
 Worst,  
 White,  
 Young.

Absent and not voting:

Messrs—

Bidlake,  
 Enger,  
 Fuller,

Messrs—

Gregory,  
 Haggart,  
 Johnson,

Messrs—

McCormack,  
 Sorley.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

That the Senate do concur in House amendments to Senate Bill No. 172.

The question being upon concurring in the amendments.

The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—

Brynjolfson,  
Burke,  
Cashel,  
Engle,  
Hillier,  
Ink,  
Kinter,

Messrs—

Lamb,  
Little,  
McCarten,  
McGillivray,  
Miller,  
Palmer,  
Patch,

Messrs—

Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Arnold,  
Bidlake,  
Day,  
Enger,

Messrs—

Fuller,  
Gregory,  
Haggart,

Messrs—

Johnson,  
LaMoure,  
McCormack,

Mr. McCormack being excused.

So the amendments were concurred in.

The President announced his signature to  
Senate Bill No. 93,

A bill for an act to amend section 9 of chapter 24 of the Political Code, being section 1030 of the Compiled Laws, as to the incorporation of towns.

Also,

Senate Bill No. 127,

A bill for an act to amend chapter 126 of the Session Laws of 1890, being an act entitled "An act to provide for a transfer of freight at railroad crossings, and the maintenance of depots at the same." The purpose of this amendment being to do all proceedings in court and to limit such act to the purpose of building Y's and proper connecting tracks between all railways crossing each other in this State and to require transportation from one road to another over such Y's or connections at \$1 per car and to equally apportion the freight rate between the different railways of the State where such connections are made on the basis of the rules of transit by each.

Also,

Senate Bill No. 49,

A bill for an act prescribing the compensation of the Lieutenant Governor while acting as Governor.

Also,

Senate Bill No. 66,

A bill for an act relating to the sale of city, town and village water works.

Also,

Senate Bill No. 141,

A bill for an act to amend section 1 of chapter 78 of the General Laws of 1890, entitled "An act to amend section 16 of chapter 69 of the General Laws of 1885, and section 10 of chapter 69



of the General Laws of 1889, relating to publication of insurance statements.

Also,

Senate Bill No. 109,

A bill for an act to amend section 45 of chapter 62 of the General Laws of 1890.

Also,

Senate Bill No. 124,

A bill for an act to provide for the changing and relocating of county seats.

Also,

Senate Bill No. 103,

A bill for an act to provide for the purchase of a site and for the erection of a State elevator at Duluth, Minnesota, or West Superior, Wisconsin, for public storage and the shipment of wheat, and the regulation thereof, and to appropriate money for that purpose.

House Bill No. 174,

A bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota,

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

Mr. McGillivray moved

That further consideration of the bill be indefinitely postponed.

Mr. Svensrud moved

A call of the Senate.

The roll being called the following members were found to be absent without excuse: Messrs. Bidlake, Gregory, White and Johnson.

Mr. Kinter moved

That further proceedings under call of the Senate be dispensed with,

Which motion prevailed.

Mr. Svensrud moved

To amend section 1 by striking out line 1 and balance of section and insert in lieu thereof the following:

(Maximum Coal Rates.) All railroad companies doing business as common carriers within the State of North Dakota shall not charge for the transportation of coal mined within the State from station or siding within the State to any station or siding within the State a greater rate per ton than the following: For the first fifty miles or fractional part thereof, seventy-five (75) cents per ton; for any distance over fifty miles and not to exceed 100 miles, ninety-five (95) cents per ton; for any distance over 100 miles and not to exceed 150 miles, one dollar and fifteen cents (\$1.15) per ton; for any distance over 150 miles and not to exceed 200 miles, one dollar and thirty-five cents (\$1.35) per ton; for any distance over 200 miles and not to exceed 250 miles, one dollar and fifty-five cents (\$1.55) per ton; for any distance over 250 miles

and not to exceed 300 miles, one dollar and seventy-five cents (\$1.75) per ton; for any distance over 300 miles and not to exceed 350 miles, one dollar and ninety-five cents (\$1.95) per ton; for any distance over 350 miles and not to exceed 400 miles, two dollars and fifteen cents (\$2.15) per ton.

Which motion prevailed.

The question recurring upon the final passage of the bill as amended.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Miller,
Brynjolfson,	Ink,	Palmer,
Burke,	Johnson,	Patch,
Cashel,	Kinter,	Pinkham,
Day,	Lamb,	Svensrud,
Enger,	Little,	Worst,
Engle,	McCarten,	White,
Fuller,	McGillivray,	Young.
Gregory,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bidlake,	LaMoure,	Sorley,
Haggart,	McCormack,	Stevens.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House by vote requests the return of Senate Bill No. 158.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure objected to the request of the House for the return of Senate Bill No. 158, stating as such objection that the House stated no sufficient reason for the request.

Mr. Little moved

That the request of the House be granted.

Roll call demanded.

The roll being called there were ayes 15, nays 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Gregory,	McGillivray,
Burke,	Haggart,	Miller,

Messrs—  
Cashel,  
Engle,  
Fuller.

Messrs—  
Johnson,  
Lamb,  
Little,

Messrs—  
Svensrud,  
Worst,  
White.

Those who voted in the negative were:

Messrs—  
Arnold,  
Brynjolfson,  
Day,  
Enger,  
Hillier,

Messrs—  
Ink,  
Kinter,  
LaMoire,  
McCarten,  
Palmer,

Messrs—  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Young.

Mr. McCormack absent and not voting.

Mr. McCormack being excused.

The vote being a tie, the motion was lost.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 158,

A bill for an act entitled "An act granting the right of suffrage to women."

Also,

Senate Bill No. 97,

A bill for an act to amend section 1 of chapter 62 of the Laws of 1891.

Also,

Senate Bill No. 185,

A bill for an act authorizing and providing the manner of amending or changing the articles of incorporation of private corporations,

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

Mr. Svensrud moved

That the vote by which House Bill No. 174 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 64,

A bill for an act providing for the appointment of notaries pub-

lic and providing a penalty for violation of the provisions thereof,  
Which the House has passed unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

House Bill No. 239,

A bill for an act to amend section 79 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relative thereto,"

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

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Cashel,	Johnson,	Patch,
Day,	Kinter,	Pinkham,
Enger,	Little,	Stevens,
Fuller,	LaMoure,	Svensrud,
Gregory,	McCarten,	Worst,
Hillier,	Miller,	White.
Ink,	Palmer,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Engle,	McGillivray,
Bidlake,	Haggart,	Sorley,
Brynjolfson,	Lamb,	Young.
Burke,	McCormack.	

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 4,

A bill for an act entitled "An act creating the office of State Board of Auditors, and prescribing the duties thereof,"

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

The roll being called there were ayes 20, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Hillier,	Patch,
Burke,	Ink,	Pinkham,
Cashel,	Kinter,	Sorley,
Day,	Lamb,	Stevens,
Enger,	Little,	White,
Fuller,	McCarten,	Young.
Gregory,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	LaMoure,	Worst.
Engle,	McGillivray,	

Absent and not voting:

Messrs—  
Haggart,  
Johnson,

Messrs—  
McCormack,  
Palmer,

Messrs—  
Svensrud.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure objected to the President signing any more House Bills until Senate Bills that have been sent to the House are signed.

Mr. LaMoure moved  
That the Senate adjourn *sine die*,  
Which motion was lost.

Mr. LaMoure moved  
A call of the Senate,  
Which motion prevailed.

Mr. Little moved  
That further proceedings under call of the Senate be dispensed with.

Roll call demanded.

The roll being called there were ayes 16, nays 12.

Those who voted in the affirmative were:

Messrs—  
Bidlake,  
Burke,  
Cashel,  
Engle,  
Fuller,  
Gregory,

Messrs—  
Haggart,  
Johnson,  
Little,  
McGillivray,  
Miller,

Messrs—  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Those who voted in the negative were:

Messrs—  
Arnold,  
Brynjolfson,  
Day,  
Enger,

Messrs—  
Hillier,  
Ink,  
Kinter,  
LaMoure,

Messrs—  
McCarten,  
Palmer,  
Patch,  
Pinkham.

Absent and not voting:

Messrs—  
Lamb,

Messrs—  
McCormack,

Messrs—  
Stevens.

Mr. McCormack being excused.

So the motion prevailed and the call was dispensed with.

Mr. Little moved  
That Senate Bill No. 158 be recalled from the Governor.

Mr. LaMoure demanded a call of the Senate.

A call was ordered.

The roll being called the following members were found to be absent without excuse:

Messrs. Fuller, Gregory, Lamb, Stevens.

Mr. Johnson moved

That further proceedings under the call be dispensed with.

Roll call demanded.

The roll being called there were ayes 17, nays 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Gregory,	Sorley,
Burke,	Haggart,	Svensrud,
Cashel,	Johnson,	Worst,
Day,	Little,	White,
Enger,	McGillivray,	Young.
Engle,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Palmer,
Brynjolfson,	Kinter,	Patch,
Fuller,	LaMoure,	Pinkham.
Hillier,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Lamb,	McCormack,	Stevens.

Mr. McCormack being excused.

So the motion prevailed.

Mr. Little moved

The previous question.

A committee from the House appeared and asked why Senate Bill No. 158 had not been returned.

The question being,

Shall the previous question be put?

Roll call demanded.

The roll being called there were ayes 16, nays 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs.
Bidlake,	Haggart,	Miller,
Burke,	Johnson,	Sorley.
Cashel,	Lamb,	Svensrud,
Engle,	Little,	Worst,
Fuller,	McGillivray,	White.
Gregory,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Ink,	Patch,
Brynjolfson,	Kinter,	Pinkham,
Day,	LaMoure,	Stevens,
Enger,	McCarten,	Young.
Hillier,	Palmer,	

Mr. McCormack being absent and not voting.

Mr. McCormack being excused.

So the motion was declared lost, there not being a two-thirds vote in the affirmative.

Mr. President called the attention of the Senate to the rules in "Roberts' Rules of Order" requiring a two-thirds vote to carry the previous question, and declared the motion lost.

Mr. Little appealed from the decision of the chair.

Mr. President ruled that any appeal would be out of order.

Mr. Palmer moved

That the Senate do now adjourn till 7:30 this evening,  
Which motion was lost.

The question being on the motion of Mr. Little to recall Senate Bill No. 158 from the Governor.

Mr. LaMoure moved

To lay the motion to recall upon the table.

Roll call demanded.

The roll being called there were ayes 15, nays 14.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Day,  
Enger,  
Hillier,

Messrs—

Ink,  
Johnson,  
Kinter,  
LaMoure,  
McCarten,

Messrs—

Patch,  
Pinkham,  
Stevens,  
Svensrud,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Burke,  
Cashel,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Lamb,  
Little,  
McGillivray,

Messrs—

Miller,  
Sorley,  
Worst,  
White.

Messrs. McCormack and Palmer being absent and not voting.

Mr. McCormack being excused.

So the motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has concurred in the Senate amendments to

House Bill No. 139,

A bill for an act to amend section 62 of chapter 132 of the

Laws of 1890, and to add another section thereto regulating fees of officers under said act.

Also,

Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax paid by fire insurance companies upon premiums received in any such city, town or village."

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railroad in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment.

Also,

Senate Bill No. 64,

A bill for an act providing for the appointment of notaries public and providing a penalty for violation of the provisions thereof,

And find the same correctly enrolled and engrossed.

R. N. INK,  
Chairman.

Mr. Gregory moved

That the report be adopted,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 129, re-



called from the Governor, which the House has amended by inserting an emergency clause, and your concurrence therein is respectfully requested.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Worst moved  
That the Senate do concur in House amendment to House Bill No. 129.

The question being upon the motion to concur.

The roll being called there were ayes 23, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Brynjolfson,	Ink,	Pinkham,
Burke,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	Little,	Svensrud,
Engle,	LaMoure,	Worst,
Fuller,	McCarten,	Young.
Gregory,	Miller,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Haggart,	McGillivray.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCormack,	White.
Johnson,	Palmer,	

Mr. McCormack being excused.

So the amendment was concurred in.

House Bill No. 94,

A bill for an act to establish city boards of health,  
Was read the third time and placed upon its final passage.

The roll being called there were ayes 16, nays 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Ink,	Patch,
Burke,	Kinter,	Pinkham,
Cashel,	Little,	Sorley,
Day,	McCarten,	Stevens,
Engle,	Miller,	Worst.
Hillier,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Enger,	McGillivray.

Absent and not voting:

Messrs—  
Arnold,  
Fuller,  
Gregory,  
Haggart,

Messrs—  
Johnson,  
Lamb,  
LaMoure,  
McCormack,

Messrs—  
Palmer,  
Svensrud,  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Sorley moved

That the vote by which Substitute for House Bills Nos. 4 and 94 were passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 9,

A bill for an act regulating the liability of railroad companies or corporations for damages caused by fire escaping from their cars or engines, and the rules of evidence relating thereto,

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

The roll being called there were ayes 17, nays 3.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,

Messrs—  
Engle,  
Haggart,  
Hillier,  
Johnson,  
Kinter,  
Little,

Messrs—  
McCarten,  
Patch,  
Pinkham,  
Stevens,  
Worst.

Those who voted in the negative were:

Messrs—  
Enger,

Messrs—  
LaMoure,

Messrs—  
Miller.

Absent and not voting:

Messrs—  
Fuller,  
Gregory,  
Ink,  
Lamb,

Messrs—  
McCormack,  
McGillivray,  
Palmer,  
Sorley,

Messrs—  
Svensrud,  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 199,

A bill for an act to appropriate the sum of \$170.20 for services and expenses as member of investigation committee, appointed by the Governor, in accordance with concurrent resolution of this Legislative Assembly,

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

The roll being called there were ayes 21, nays none.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Bidlake,

Messrs—  
Hillier,  
Ink,

Messrs—  
Miller,  
Patch,

Messrs—  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Day,  
 Enger,

Messrs—  
 Johnson,  
 Kinter,  
 Little,  
 LaMoure,  
 McCarten,

Messrs—  
 Pinkham,  
 Sorley,  
 Stevens,  
 Svensrud,  
 Worst.

Absent and not voting:

Messrs—  
 Engle,  
 Fuller,  
 Gregory,  
 Haggart,

Messrs—  
 Lamb,  
 McCormack,  
 McGillivray,

Messrs—  
 Palmer,  
 White,  
 Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the motion to recall Senate Bill No. 158 be taken from the table.

Mr. LaMoure raised the point of order that the Senate had disposed of a similar motion and therefore the motion was out of order.

The President decided the point of order well taken.

Mr. LaMoure moved

That the Senate do now take a recess till 7 o'clock this evening.

Roll call demanded.

The roll being called there were ayes 12, nays 16.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Brynjolfson,  
 Day,  
 Enger,

Messrs—  
 Hillier,  
 Ink,  
 Johnson,  
 Kinter,

Messrs—  
 LaMoure,  
 McCarten,  
 Pinkham,  
 Stevens.

Those who voted in the negative were:

Messrs—  
 Bidlake,  
 Burke,  
 Cashel,  
 Engle,  
 Fuller,  
 Gregory,

Messrs—  
 Haggart,  
 Lamb,  
 Little,  
 McGillivray,  
 Miller,

Messrs—  
 Patch,  
 Sorley,  
 Svensrud,  
 Worst,  
 Young.

Absent and not voting:

Messrs—  
 McCormack,

Messrs—  
 Palmer,

Messrs—  
 White.

Mr. McCormack being excused.

So the motion was lost.

Mr. LaMoure moved

That the Senate do now adjourn till 7:30 this evening,  
 Which motion was lost.

Mr. Sorley moved  
That the motion to recall Senate Bill No. 158 be taken from the table.

Mr. LaMoure moved to lay the motion on the table,  
Which motion was lost.

The President announced his signature to  
House Bill No. 223,

A bill for an act to provide for the destruction of weeds and grasses upon public highways.

Also,  
House Bill No. 212,

A bill for an act to amend section 2 of chapter 107 of the Session Laws of 1890, entitled "An act to provide for the inspection of illuminating oils manufactured from pretroleum or coal oils, for the purpose of raising the tests of oils."

Also,  
House Bill No. 114,

A bill for an act for the acquisition of land for township cemeteries.

Also,  
House Bill No. 7,

A bill for an act to require the county treasurers to deposit the county funds in designated depositories.

Also,  
House Bill No. 138,

A bill for an act to authorize boards of county commissioners in counties that contain a population of less than six thousand, as shown by the census of 1890, to dispose of and tear down buildings owned by the county and not used for county purposes, when petitioned therefor by one hundred or more of the voters of the county, when the public interest and public safety will thereby be promoted.

Also,  
Senate Bill No. 84,

A bill for an act to repeal chapter 123 of the Laws of 1890, entitled "An act to facilitate the shipment of grain, live stock and other commodities," and to repeal the amendment to the above act, approved June 3, 1892, entitled "An act to amend sections 1 and 2 of chapter 123 of the Laws of 1890," and provide in lieu thereof that every railway in the State shall be required to build and maintain suitable platforms at every station or siding in the State where there is an established elevator or warehouse for the receiving of grain; such platform to be for the public convenience to facilitate the loading of grain and other commodities from wagons into cars for shipment.

Also,  
Senate Bill No. 64,

A bill for an act providing for the appointment of notaries public and providing a penalty for violation of the provisions thereof.

Also,  
Senate Bill No. 158,

A bill for an act entitled "An act granting the right of suffrage to women."

The question being upon the motion of Mr. Sorley to take from the table the motion to request the Governor to return Senate Bill No. 158,

The motion prevailed.

Mr. LaMoure moved

That the Senate do now take a recess till 7 o'clock this evening,  
Which motion prevailed.

At 7 o'clock p. m. the Senate reassembled.

The question being upon the motion of Mr. Little to request the Governor to return Senate Bill No. 158.

Mr. LaMoure moved

As a substitute, that the Secretary be instructed to inform the House that when the order of the House instructing the Speaker not to sign any more Senate Bills is rescinded, their request relating to the return of Senate Bill No. 158 will be granted.

Mr. Kinter moved

That the substitute and the original motion be laid upon the table.

Roll call demanded.

The roll being called there were ayes 13, nays 13.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Enger,  
Fuller,  
Hillier,

Messrs—

Johnson,  
Kinter,  
LaMoure,  
McCarten,

Messrs—

Patch,  
Pinkham,  
Stevens,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Burke,  
Cashel,  
Engle,  
Gregory,

Messrs—

Haggart,  
Little,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Sorley,  
Svensrud,  
Worst.

Absent and not voting:

Messrs—

Day,  
Ink,

Messrs—

Lamb,  
McCormack,

Messrs—

White.

Mr. McCormack being excused.

The vote being a tie, the President voted aye.

So the motion to lay on the table prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 166,

A bill for an act authorizing cities to levy and collect an annual poll tax.

Also,

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891,

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 64,

A bill for an act to amend chapter 128 of the Laws of 1889,

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

The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,

Messrs—

Fuller,  
Hillier,  
Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
White,  
Young.

Messrs. Gregory and Palmer voted in the negative.

Absent and not voting:

Messrs—

Engle,  
Haggart,  
Ink,

Messrs—

Lamb,  
McCormack,  
McGillhvray,

Messrs—

Miller,  
Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

## Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor.

Also,

## Senate Bill No. 108,

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers.

Also,

## Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer.

Also,

## Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the Laws of 1887, relating to the support of fire departments.

Also,

## Senate Bill No. 94,

A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessment, and the levy and collection of taxes, and for the purposes relative thereto."

Also,

## Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota,  
And find the same correctly enrolled.

C. B. LITTLE,

Chairman pro tem.

## House Bill No. 179,

A bill for an act entitled "An act to reimburse certain persons for labor performed and for other purposes,"

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

The roll being called there were ayes 22, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Hillier,

Messrs—

Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
White,  
Young.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Engle,	Haggart,	McCormack,
Fuller,	Ink,	Svensrud,
Gregory,	Lamb,	Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 39,

A bill for an act to amend section 778 of the Civil Code, being  
section 3401 of the Compiled Laws, relating to the succession of  
real and personal property,

Which the House has amended and passed.

The amendments are attached to the bill.

Also,  
Senate Bill No. 185,

A bill for an act authorizing and providing the manner of amend-  
ing or changing the articles of incorporation of private corpora-  
tions,

Which the House has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Mr. Sorley moved

That the Senate concur in the House amendments to  
Senate Bill No. 39,

A bill for an act to amend section 3401 of chapter 3 of the  
Compiled Laws of 1887, relating to the succession of real and  
personal property.

The question being upon the motion to concur.

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Patch.
Bidlake,	Hillier,	Pinkham,
Brynjolfson,	Kinter,	Sorley,
Burke,	Little,	Stevens,
Cashel,	LaMoure,	White,
Day,	McCarten,	Young.
Engle,	Palmer,	

Absent and not voting:



Messrs—

Enger,  
Gregory,  
Haggart,  
Ink,

Messrs—

Johnson,  
Lamb,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Svensrud,  
Worst.

Mr. McCormack being excused.

So the amendment was concurred in.

Mr. Gregory moved  
A call of the Senate.

A call of the Senate was ordered.

Mr. Kinter moved

That further proceedings under the call of the Senate be dispensed with.

Roll call demande

The roll being called there were ayes 13, nays 10.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Day,  
Enger,  
Hillier,

Messrs—

Johnson,  
Kinter,  
LaMoure,  
McCarten,

Messrs—

Patch,  
Pinkham,  
Stevens,  
Young.

Those who voted in the negative were:

Messrs—

Bidlake,  
Burke,  
Cashel,  
Gregory,

Messrs—

Haggart,  
Little,  
Miller,

Messrs—

Palmer,  
Svensrud,  
White.

Absent and not voting:

Messrs—

Engle,  
Fuller,  
Ink,

Messrs—

Lamb,  
McCormack,  
McGillivray,

Messrs—

Sorley,  
Worst.

Mr. McCormack being excused.

So the motion prevailed.

House Bill No. 126,

A bill for an act to define the powers and duties of county and city boards of health and for the prevention and suppression of contagious, infectious and epidemic diseases,

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

The roll being called there were ayes 21, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,

Messrs—

Haggart,  
Hillier,  
Kinter,  
Lamb,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,

Messrs—

Day,  
Enger,  
Gregory,

Messrs—

Little,  
LaMoure,  
McCarten,

Messrs—

Svensrud,  
Worst,  
Young.

Messrs. McGillivray and Palmer voting in the negative.

Absent and not voting:

Messrs—

Bidlake,  
Engle,  
Fuller,

Messrs—

Ink,  
Johnson,  
McCormack,

Messrs—

Miller,  
White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

The President announced his signature to  
Senate Bill No. 94,

A bill for an act to amend sections 1 and 30 of chapter 132 of the Session Laws of 1890, being an act entitled "An act prescribing the mode of making assessment, and the levying and collection of taxes, and for the purposes relative thereto."

Also,

Senate Bill No. 96,

A bill for an act to amend section 3 of chapter 53 of the General Laws of 1887, entitled "An act to appropriate for the support of fire departments in each city, town or village a part of the tax paid by fire insurance companies upon premiums received in any such city, town or village."

Also,

Senate Bill No. 108;

A bill for an act to regulate the sale and redemption of transportation tickets of common carriers.

Also,

Senate Bill No. 60,

A bill for an act defining the powers and prescribing the duties of the State Treasurer.

Also,

Senate Bill No. 73,

A bill for an act to amend all of chapters 25, 146, 147 and 148 of the Laws of 1890; and to provide for the management, control and disposal of university, school and all other public lands of the State, and the management of the funds arising therefrom, and making an appropriation therefor.

Also,

House Bill No. 32,

A bill for an act to amend section 5, chapter 100, of the Session Laws of 1890, providing for the collection of city and school taxes.

Also,

House Bill No. 55,

A bill for an act providing for a State Examiner, defining his duties and fixing his compensation and bond.

Also,

House Bill No. 92,

A bill for an act to regulate the terms of district court to be held in the several counties constituting the Fourth judicial district.

Also,

House Bill No. 198,

A bill for an act to appropriate the sum of one hundred and forty-six and 10-100 dollars for services and expenses as a member of the investigation committee appointed by the Governor in accordance with concurrent resolution of this Legislative Assembly.

Also,

House Bill No. 184,

A bill for an act to amend first and second divisions of section 16, chapter 132, Laws of 1890.

Also,

House Bill No. 233,

A bill for an act to amend section 91 of chapter 132 of the Laws of 1890, being an act entitled "An act prescribing the mode of making assessment and the levy and collection of taxes and for other purposes relating thereto."

Also,

Senate Bill No. 169,

A bill for an act for the preservation, propagation and protection of game and fish in the State of North Dakota.

Also,

Senate Bill No. 62,

A bill for an act appropriating money from the State Treasury not otherwise appropriated to recompense the county auditor of the county of Ward for services in making out and extending the tax lists and making abstracts of the same, and in doing and performing all the other acts that the law provides that he shall do and perform in the assessment and collection of the State tax in the unorganized counties of Buford, Montraille, Flannery and Renville in the years 1890, 1891 and 1892.

Also,

House Bill No. 54,

A bill for an act to amend sections 3 and 4 of chapter 22 of the Political Code of 1887, being sections 1387 and 1388 of the Compiled Laws.

Also,

Senate Bill No. 79,

A bill for an act to amend section 13 of article 5 of chapter 73

of the Laws of 1887, being section 702, Compiled Laws, as to compensation of certain city officers.

**House Bill No. 121,**

A bill for an act to provide for the formation of school districts comprising less than a civil or congressional township:

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

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,

Messrs—

Fuller,  
Hillier,  
Kinter,  
LaMoure,  
McCarten,  
Miller,  
Patch,

Messrs—

Pinkham,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Engle,  
Gregory,  
Haggart,  
Ink,

Messrs—

Johnson,  
Lamb,  
Little,  
McCormack,

Messrs—

McGillivray,  
Palmer,  
Sorley.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

**House Bill No. 71,**

A bill for an act to provide for the preservation of official bonds of township and school officers and facilitate the safe transmission of funds of civil townships and school districts from the county treasury,

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

The roll being called there were ayes 24, nays none.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Hillier,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
Miller,  
Palmer,

Messrs—

Patch,  
Pinkham,  
Sorley,  
Stevens,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Arnold,  
Haggart,  
Ink,

Messrs—

Johnson,  
Lamb,

Messrs—

McCormack,  
McGillivray.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Worst moved

To suspend the rules and that the Senate concur in the House amendments to Senate Bill No. 128,  
Which motion prevailed.

Mr. Palmer moved

That the Senate take a recess of fifteen minutes,  
Which motion prevailed, and  
The Senate took a recess.  
The Senate reassembled.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, )  
Bismarck, March 3, 1893. )

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 97,

A bill for an act to amend section 1 of chapter 62 of the Laws  
of 1891, relating to the salary of superintendent of schools,  
Which the House has amended and passed.

The amendments are attached to the bill.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. Sorley moved

That the rules be suspended for the purpose of concurring in  
the House amendments to Senate Bill No. 97,  
Which motion prevailed.

The question being on the motion to concur.

The roll being called there were ayes 25, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Hillier,  
Johnson,  
Kinter,  
Little,  
McCarten,  
Miller,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Absent and not voting:

Messrs—

Ink,  
Lamb,  
LaMoure,

Messrs—

McCormack,  
McGillivray,

Messrs—

Stevens.

Mr. McCormack being excused.

So the amendments were concurred in.

Mr. Little moved

That the motion to request the recall of Senate Bill No. 158 from the Governor be taken from the table.

Mr. President stated that the Senate having transacted the business for which the rules were suspended, the third reading of bills was in order.

Mr. Little appealed from the decision of the chair, and Demanded a roll call.

The President refusing to put the question, the President pro tem. put the question appealing from the decision of the President.

The roll being called there were ayes 1, nays 16.

Mr. LaMoure voted in the affirmative.

Those who voted in the negative were:

Messrs—

Bidlake,  
Brynjolfson,  
Burke,  
Cashel,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Little,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Sorley,  
Svensrud,  
Worst,  
White.

Absent and not voting:

Messrs—

Arnold,  
Day,  
Enger,  
Hillier,  
Ink,

Messrs—

Johnson,  
Kinter,  
Lamb,  
McCarten,  
McCormack,

Messrs—

Patch,  
Pinkham.  
Stevens,  
Young.

Mr. McCormack being excused.

So the decision was not sustained.

The question being upon the motion of Mr. Little to take from the table the motion to recall Senate Bill No. 158 from the Governor.

Roll call demanded.

The roll being called there were ayes 17, nays 9.

Those who voted in the affirmative were:

Messrs—

Bidlake,  
Burke,  
Cashel,  
Day,  
Engle,  
Fuller,

Messrs—

Gregory,  
Haggart,  
Johnson,  
Little,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Sorley,  
Svensrud,  
Worst,  
White.

Those who voted in the negative were:

Messrs—

Arnold,  
Enger,  
Hillier,

Messrs—

Kinter,  
LaMoure,  
McCarten,

Messrs—

Pinkham,  
Stevens,  
Young.

Absent and not voting:

Messrs—

Brynjolfson,  
Ink,

Messrs—

Lamb,  
McCormack,

Messrs—

Patch.

Mr. McCormack being excused.

So the motion prevailed.

Mr. Little moved

That the Senate do now grant the request of the House by recalling Senate Bill No. 158 from the Governor.

Mr. Kinter moved

A call of the Senate.

A call of the Senate was ordered.

Mr. Sorley moved

That further proceedings under the call of Senate be dispensed with,

Which motion prevailed.

Mr. Little moved

That the request of the House for the return of Senate Bill No. 158 be granted,

Which motion prevailed.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 187,

A bill for an act to provide for an election to locate the School of Forestry of North Dakota.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 145,

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of connection.

Also,

Senate Bill No. 61,

A bill for an act fixing the time for the commencement and ending of the fiscal year for the State of North Dakota.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 88,

A bill for an act to provide protection from fire within the Capitol Building,

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891.

Also,

Senate Bill No. 166,

A bill for an act authorizing cities to levy and collect an annual poll tax.

Also,

Substitute for Senate Bills Nos. 1 and 17,

A bill for an act to amend sections 1, 2, 4, 5, 16, 17, 18 and 24 of chapter 66 of the Laws of 1891, known as the "Australian ballot law,"

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

Mr. President announced his signature to

Concurrent resolution relating to the proposed Turtle Mountain National Park reservation.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 188,

A bill for an act to amend sections 1 and 3 of chapter 86 of the Laws of 1890,

Which the House has passed unchanged.

Also,

I have the honor to inform your Honorable Body that Senate



Bill No. 158 did not accompany the message from the Senate stating that the Senate had granted the request of the House for the return of Senate Bill No. 158.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Burke moved

That the concurrent resolution providing for an amendment to the Constitution, relating to prohibition, be recalled from the House.

Mr. Little moved

A call of the Senate.

A call of the Senate was ordered.

The roll being called Senators Day, Engle, Ink and Stevens were found to be absent without excuse.

Mr. Little moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

In reply to the communication from the Secretary of the Senate to the Governor asking for the return of Senate Bill No. 158, the following reply was received:

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE, }  
March 3, 1893. }

*To the Senate:*

GENTLEMEN:

I have the honor to inform you that Senate Bill No. 158 has not been received at this office.

Very respectfully,  
E. C. D. SHORTRIDGE,  
Governor.

Mr. J. F. Wallace, Superintendent of the Capitol building, entered the Senate chamber with Senate Bill No. 158.

On motion of Mr. Little, Mr. Wallace was granted the courtesies of the floor to explain where he found it.

He explained that he found it after it had been dropped at the bottom of the stairs by the Postmaster of the Senate.

Mr. Worst moved

That the postmaster be called before the bar of the Senate to make an explanation,

Which motion prevailed.

Senator Stevens: I wish to explain what I know about the bill. Mr. Ink, this afternoon, after the bill was completed except the signing by the Chairman of the House, delivered me the bill to approach the Chairman of the House with it to have it signed, and deliver it to the Governor. I took the bill, went down to the House and presented it to the chair, and he said he could not sign it because the Senate had sent no word why the bill had not been returned, or words to that effect. I then returned to the Senate chamber and went to the Secretary of the Senate and stated the case to him and he wrote out a statement in regard to what had transpired here touching the bill. One of the clerks went with me to Mr. Walsh again and I handed him the bill. A motion was made immediately in the House instructing Mr. Walsh to refuse to sign it. A subsequent motion was made immediately in the House that a committee of three be appointed to appear before the Senate and find out why it had not returned the bill. I kept the bill in my possession and when I went out of the Capitol, about 15 or 20 minutes since, some one accosted me on the steps at the west end and called my name, and said he had orders to arrest me. I turned on my heel and walked back and he said he was deputy something. I then walked up into the Senate chamber, and as I was going up the steps, the bill was in my coat pocket here (inside breast pocket) and it worked out, so. I took it in my hand, and the gentleman by the side of me, I think was the Postmaster of the Senate. I put the bill out this way and never said a word to him before or since, and he took it. I marched up the stairs and took off my coat and took my seat. You have got the whole thing, verbatim, so far as I know anything about the bill.

Mr. Svensrud moved

That the report of Mr. Stevens be accepted,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 41,

A bill for an act fixing the fees to be charged for filing, renewing and releasing chattel mortgages,

Which the House has passed unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. Burke renewed his motion that the concurrent resolution providing for an amendment to the Constitution relating to prohibition be recalled from the House.

Mr. Little moved

That the vote by which the Senate approved the Journal of yesterday be reconsidered.

Roll call demanded.

Mr. Burke withdrew his motion.

The question being upon the motion to reconsider the vote by which the Journal was approved.

The roll being called there were ayes 14, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Gregory,	Miller,
Brynjolfson,	Haggart,	Palmer,
Burke,	Lamb,	Worst,
Cashel,	Little,	White.
Fuller,	McGillivary,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Johnson,	Pinkham,
Day,	Kinter,	Stevens,
Enger,	LaMoure,	Svensrud,
Engle,	McCarten,	Young.
Hillier,	Patch,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ink,	McCormack,	Sorley.

Mr. McCormack being excused.

The vote being a tie the motion was lost.

Mr. LaMoure moved

That the Senate proceed with the regular order.

Mr. Burke moved

As a substitute that the concurrent resolution providing for an amendment to the Constitution relating to prohibition be recalled from the House.

Roll call demanded.

The roll being called there were ayes 14, nays 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Bidlake,	Gregory,	Miller,
Brynjolfson,	Haggart,	Palmer,
Burke,	Lamb,	Worst,
Cashel,	Little,	White.
Fuller,	McGillivray,	

Those who voted in the negative were:

Messrs—  
 Arnold,  
 Day,  
 Enger,  
 Engle,  
 Hillier,

Messrs—  
 Johnson,  
 Kinter,  
 LaMoure,  
 McCarten,  
 Patch,

Messrs—  
 Pinkham,  
 Stevens,  
 Svensrud,  
 Young.

Absent and not voting:

Messrs—  
 Ink,

Messrs—  
 McCormack,

Messrs—  
 Sorley.

Mr. McCormack being excused.

The vote being a tie, the motion was lost.

Mr. LaMoure moved

That the Senate proceed with the regular order,  
 Which motion prevailed.

House Bill No. 86,

A bill for an act to amend section 201 of the Code of Civil Procedure, in relation to attachment,

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

The roll being called there were ayes 18, nays none.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Brynjolfson,  
 Burke,  
 Cashel,  
 Enger,  
 Haggart,

Messrs—  
 Hillier,  
 Johnson,  
 Kinter,  
 Lamb,  
 Little,  
 LaMoure,

Messrs—  
 McCarten,  
 Miller,  
 Patch,  
 Pinkham,  
 Sorley,  
 Young.

Absent and not voting:

Messrs—  
 Bidlake,  
 Day,  
 Engle,  
 Fuller,  
 Gregory,

Messrs—  
 Ink,  
 McCormack,  
 McGillivray,  
 Palmer,

Messrs—  
 Stevens,  
 Svensrud,  
 Worst,  
 White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 169,

A bill for an act to compel all companies or corporations operating any lines of railway, wholly or in part, within this State, to provide all necessary facilities for the unloading of grain from wagons and loading same into cars, and to furnish cars to all persons that want to ship grain of any kind, and providing penalties for violation of the same,

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

The roll being called there were ayes 16, nays 2.

Those who voted in the affirmative were:

Messrs—  
 Arnold,  
 Brynjolfson,

Messrs—  
 Johnson,  
 Kinter,

Messrs—  
 Palmer,  
 Patch,

Messrs—

Cashel,  
Day,  
Fuller,  
Hillier,

Messrs—

Lamb,  
Little,  
McCarten,

Messrs—

Stevens,  
Svensrud,  
White.

Messrs. LaMoure and McGillivray voting in the negative.

Absent and not voting:

Messrs—

Bidlake,  
Burke,  
Enger,  
Engle,  
Gregory,

Messrs—

Haggart,  
Ink,  
McCormack,  
Miller,

Messrs—

Pinkham,  
Sorley,  
Worst,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the chair appoint a committee of three to notify the House that the Senate will adjourn *sine die* in one hour, and to inform the Governor to the same effect, and ask him if he has any message to transmit to the Senate,

Which motion prevailed.

House Bill No. 221,

A bill for an act to amend the law relating to exemptions by amending sections 322 and 325 and repealing section 324 of the Code of Civil Procedure,

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

Substitute for House Bills Nos. 35 and 63,

A bill for an act amending sections 15 and 16, chapter 67 of the Laws of 1887, being sections 3097 and 3098 of the Compiled Laws, relating to county mutual insurance companies and changing the time for the annual meeting thereof,

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

The roll being called there were ayes 14, nays 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,  
Cashel,  
Engle,

Messrs—

Fuller,  
Gregory,  
Hillier,  
Johnson,  
Kinter,

Messrs—

Little,  
LaMoure,  
Patch,  
Stevens.

Messrs. Lamb and Palmer voting in the negative.

Absent and not voting:

Messrs—

Burke,  
Day,  
Enger,  
Haggart,  
Ink,

Messrs—

McCarten,  
McCormack,  
McGillivray,  
Miller,  
Pinkham,

Messrs—

Sorley,  
Svensrud,  
Worst,  
White,  
Young.

Mr. McCormack being excused.

So the bill was lost, not having received a constitutional majority.

House Bill No. 256.

A bill for an act defining the duties of railways in regard to station houses,

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

The roll being called there were ayes 12, nays 7.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Bidlake,	Hillier,	McCarten,
Cashel,	Johnson,	Patch,
Day,	Kinter,	Pinkham,
Enger,	Lamb,	Stevens.

Those who voted in the negative were:

Messrs--	Messrs--	Messrs--
Brynjolfson,	McGillivray.	Palmer,
Engle,	Miller,	Worst.
Gregory,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Arnold,	Ink,	Sorley,
Burke,	Little,	Svensrud,
Fuller,	LaMoure,	White,
Haggart,	McCormack,	Young.

Mr. McCormack being excused.

So the bill was lost, not receiving a constitutional majority vote.

Mr. President appointed as the committee to wait upon the Governor and House Messrs. LaMoure, Burke and Lamb.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 128,

A bill for an act to amend section 4 of chapter 65 of the Session Laws of 1891, being an act entitled "An act to amend sections 2, 5, 6 and 11 of chapter 146 of the General Laws of 1890, entitled 'An act to provide for the leasing and sale of the common school lands of North Dakota,'" for the purpose of making specific appropriation by the Legislature to meet expenses that were therefor taken out of the interest and income of the permanent school fund, because the section so amended is in violation of the constitution,

Which the House has amended and passed.

The amendments are attached to the bill.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.

House Bill No. 163,

A bill for an act prescribing the duties of county commissioners in relation to township landmarks and fixing a penalty for removing or defacing the same,

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

The roll being called there were ayes 15, nays 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch
Bidlake,	Johnson,	Pinkham,
Brynjolfson,	Kinter,	Sorley,
Cashel,	Lamb,	Stevens,
Day,	McCarten,	Young.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Fuller,	McGillivray,	Palmer.
Little,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Haggart,	Svensrud,
Enger,	Ink,	Worst,
Engle,	LaMoure.	White.
Gregory,	McCormack,	

Mr. McCormack being excused.

So the bill was lost, not receiving a constitutional majority vote.

House Bill No. 217,

A bill for an act to authorize cities to empty sewerage into rivers within this State,

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

The roll being called there were ayes 17, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hillier,	Patch,
Bidlake,	Johnson,	Pinkham,
Brynjolfson,	Kinter,	Stevens,
Day,	Lamb,	White,
Enger,	McCarten,	Young.
Fuller,	Miller,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Burke,	Ink,	Palmer,
Cashel,	Little,	Sorley.
Engle,	LaMoure,	Svensrud,

Messrs—

Gregory,  
Haggart,

Messrs—

McCormack,  
McGillivray,

Messrs—

Worst.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 172,

A bill for an act to amend sections 1 and 3 of chapter 86 of the Laws of 1890.

Also,

Senate Bill No. 88,

A bill for an act to provide for fire protection in Capitol.

Also,

Senate Bill No. 61,

A bill for an act fixing time of fiscal year.

Also,

Senate Bill No. 188,

A bill for an act defining the duties of justices of the peace and describing their powers.

Also,

Senate Bill No. 41,

A bill for an act fixing fees for filing mortgages.

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 165,

A bill for an act to provide for the division of civil townships containing two or more Congressional townships by the creation of new townships therein,

Which the House has passed unchanged.

Respectfully,  
J. G. HAMILTON,  
Chief Clerk.



Mr. Kinter called attention to the disappearance of Senate Bill No. 84, and demanded its production.

Mr. President explained that he had signed Senate Bill No. 84, and handed it to the Secretary for his signature and transmission to the Speaker of the House, and read a telegram from Mr. Ink, chairman of the enrolling and engrossing committee, stating that he had turned over bills in his possession to Mr. Little at 5:20 p. m., and that in his opinion Senate Bill No. 84 was not among them.

Mr. Secretary explained that he could not say to whom he had delivered the bill, but thought it was to Mr. Morris, clerk of the Enrolling Committee.

Mr. Tuttle being called upon stated that he had not had the bill in his possession and knew nothing about its disappearance.

Mr. Little stated that he had never had the bill in his possession.

Mr. Morris, committee clerk, being called upon, said he could not tell whether he had ever had Senate Bill No. 84 in his possession or not, and if so, it must have been taken from his desk by some person to him unknown.

The explanation was accepted as satisfactory.

#### MESSAGES FROM THE HOUSE.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 91,

A bill for an act to amend section 4 of chapter 70 of the Laws of 1891, being an act entitled "An act defining the boundaries of the Fifth Judicial District, subdividing the same and fixing the time for holding the terms of District Court therein,

Which has passed the House unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Also,

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 79,

A bill for an act to amend section 13 of article 5 of chapter 73 of the Laws of 1887, being section 902 of the Compiled Laws, as to compensation of certain city officers,

Which has passed the House unchanged.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

House Bill No. 53,

A bill for an act to amend section 6 of chapter 62 of the Laws of 1890, relating to the University of North Dakota,

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

The roll being called there were ayes 15, nays 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Patch,
Burke,	Hillier,	Pinkham,
Day,	Kinter,	Sorley,
Enger,	Little,	Stevens,
Fuller,	McCarten,	Young.

Messrs. Bidlake and McGillivray voting in the negative.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brynjolfson,	Johnson,	Palmer,
Cashel,	Lamb,	Svensrud,
Engle,	LaMoure,	Worst,
Gregory,	McCormack,	White.
Ink,	Miller,	

Mr. McCormack being excused.

So the bill was lost, not receiving a constitutional majority.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 39,

A bill for an act to amend section 778 of the Civil Code.

Also,

Senate Bill No. 187,

A bill for an act to provide for an election to locate the School of Forestry of North Dakota,

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

House Bill No. 203,

A bill for an act to provide for the ascertaining and giving notice of the lands of the heirs of deceased persons,

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

The roll being called there were ayes 20, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Burke,  
Day,  
Engle,  
Gregory,  
Haggart,

Messrs—

Johnson,  
Kinter,  
Little,  
LaMoure,  
McCarten,  
McGillivray,  
Miller,

Messrs—

Palmer,  
Patch,  
Sorley,  
Stevens,  
Worst,  
Young.

Absent and not voting:

Messrs—

Brynjolfson,  
Cashel,  
Enger,  
Fuller,

Messrs—

Hillier,  
Ink,  
Lamb,  
McCormack,

Messrs—

Pinkham,  
Svensrud,  
White.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

House Bill No. 56,

A bill for an act to amend section 1 of chapter 20 of the Political Code of 1887, being section 487 of the Compiled Laws,

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

The roll being called there were ayes 18, nays none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brynjolfson,  
Burke,  
Cashel,  
Day,  
Enger,

Messrs—

Fuller,  
Gregory,  
Haggart,  
Hillier,  
Kinter,  
McCarten,

Messrs—

Palmer,  
Patch,  
Pinkham,  
Sorley,  
Stevens,  
Worst.

Absent and not voting:

Messrs—

Bidlake,  
Engle,  
Ink,  
Johnson,  
Lamb,

Messrs—

Little,  
LaMoure,  
McCormack,  
McGillivray,

Messrs—

Miller,  
Svensrud,  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

Mr. Brynjolfson moved

That the vote by which House Bill No. 256 was lost be reconsidered,

Which motion prevailed, and

The bill was placed upon its final passage.

The roll being called there were ayes 16, nays 10.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Bidlake,  
Brynjolfson,

Messrs—

Engle,  
Fuller,  
Hillier,

Messrs—

McCarten,  
Patch,  
Pinkham,

Messrs—  
Burke,  
Cashel,  
Day,

Messrs—  
Johnson,  
Kinter,

Messrs—  
Stevens,  
Svensrud.

Those who voted in the negative were:

Messrs—  
Gregory,  
Haggart,

Messrs—  
Little,  
McGillivray,

Messrs—  
Worst.

Absent and not voting:

Messrs—  
Enger,  
Ink,  
Lamb,  
LaMoure.

Messrs—  
McCormack,  
Miller,  
Palmer,

Messrs—  
Sorley,  
White,  
Young.

Mr. McCormack being excused.

So the bill passed and the title was agreed to.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Senate Bill No. 91,

A bill for an act to amend section 4 of chapter 79, Laws of 1891,

And find the same correctly enrolled.

Also,

Senate Bill No. 145,

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of connection,

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

The President announced his signature to  
House Bill No. 4,

A bill for an act entitled "An act creating the office of State Board of Auditors, and prescribing the duties thereof."

Also,

House Bill No. 64,

A bill for an act to amend chapter 128 of the Laws of 1889.

Also,

House Bill No. 71,

A bill for an act to provide for the preservation of official bonds of township and school officers and facilitate the safe transmission

of funds of civil townships and school districts from the county treasury.

Also,

House Bill No. 179,

A bill for an act entitled "An act to reimburse certain persons for labor performed and for other purposes."

Also,

House Bill No. 217,

A bill for an act to authorize cities to empty sewerage into rivers within this State.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. PRESIDENT:

Your Committee on Enrolled and Engrossed Bills have examined

Substitute for Senate Bill No. 79,

A bill for an act to amend section 13 of article 5 of chapter 73 of the Laws of 1887, being section 902 of the Compiled Laws, as to compensation of certain city officers.

Also,

Senate Bill No. 35,

A bill for an act to amend chapter 23, Laws of 1890, entitled "Organization and Government of State Banks,"

And find the same correctly enrolled.

C. B. LITTLE,  
Chairman pro tem.

Mr. Brynjolfson presented the following resolution:

WHEREAS, Under Section 31 of the Constitution of the State of North Dakota, it becomes necessary to elect a President *pro tempore* at the close of each regular session, therefore be it

*Resolved*, That the Senate do hereby elect Senator John Burke to fill such position until the next regular session.

Mr. LaMoure moved

The adoption of the resolution,

Which motion prevailed, and

Mr. Burke was declared elected.

The President announced his signature to

Senate Bill No. 61,

A bill for an act fixing the time for commencement and ending of the fiscal year for the State of North Dakota.

Also,

Senate Bill No. 78,

A bill for an act to amend paragraph 40 of chapter 68 of the Laws of 1891.

Also,

Senate Bill No. 88,

A bill for an act to provide protection from fire within the Capitol Building.

Also,

Senate Bill No. 145,

A bill for an act to require one railroad to permit another railroad to cross it and connect with it and to require both companies to pay the expense of connection.

Also,

Senate Bill No. 91,

A bill for an act to amend section 4 of chapter 70 of the Laws of 1891, being an act entitled "An act defining the boundaries of the Fifth Judicial District, subdividing the same, and fixing the time for holding the terms of district court therein."

Also,

House Bill No. 9,

A bill for an act regulating the liability of railroad companies or corporations for damages caused by fire escaping from their cars or engines, and the rules of evidence relating thereto.

Also,

House Bill No. 201,

A bill for an act providing for a State bounty for the destruction of wolves.

Also,

House Bill No. 18,

A bill for an act to amend chapter 26 of the General Laws of 1889, entitled "An act to give publicity to chattel mortgage sales, as amended by chapter 40 of the General Laws of 1890, by adding after section 9 of said chapter 26, the following sections as sections 10, 11 and 12 of said chapter 26."

Also,

House Bill No. 108,

A bill for an act to provide for the collection of vital statistics.

Also,

House Bill No. 174,

A bill for an act fixing the maximum rates that railroad companies may charge for the transportation of coal mined within the State of North Dakota.

Also,

House Bill No. 139,

A bill for an act to amend section 62 of chapter 132 of the Laws of 1890, and to add another section thereto regulating fees of officers under said act.

Also,

House Bill No. 166,

A bill for an act naming a uniform title for the government

boards of State educational institutions and designating certain ex-officio members of State boards.

Also,

House Bill No. 199,

A bill for an act to appropriate the sum of one hundred and seventy and 20-100 dollars for services and expenses as member of the investigation committee appointed by the Governor in accordance with concurrent resolution of this Legislative Assembly.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Bismarck, March 3, 1893. }

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 137,

A bill for an act to declare certain mills in this State public custom mills, and to regulate the rates of toll and exchange thereof.

Also,

Senate Bill No. 161.

A bill for an act entitled "An act to amend sections 1 and 3 of chapter 50 of the Session Laws of 1890, of an act entitled 'An act to fix compensation of judges of the county courts and provide a fund to reimburse the county for the same,'" approved March 18, 1890.

Also,

Senate Bill No. 99,

A bill for an act regulating the State law library and making an appropriation for the incidental expenses thereof,  
Which were lost on their final passage.

Also,

Senate Bill No. 4,

Concurrent Resolution to amend sections 82, 83 and 84 of article 3 of the Constitution of the State of North Dakota,  
Which was indefinitely postponed.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. Svensrud moved

That this Senate donate to the President the chair he has occupied during the session.

Mr. Gregory moved to present the gavel and the Capitol building to Attorney General Standish.

The question being on Mr. Svensrud's motion,  
The motion prevailed.

Mr. Gregory moved  
That the Senate do now adjourn *sine die*,  
Which motion prevailed, and  
The Senate stood adjourned *sine die*.

FRED FALLEY,  
Secretary.



## SENATE BILLS.

Number.	Introduced by	Title.	Introduced.
1	Mr. Ink	Amend Chapter 66, Laws of 1891.....	20
2	Mr. Svensrud	Repeal Sub-division 11, Section 1, Chapter 100, Laws of 1891.....	20
3	Mr. Haggart	Regulating Building Railroads, Prevent Damages to Property Owners Thereby.....	20
4	Mr. Cashel	Amending Sections 82, 83, 84, Constitution.....	20
5	Mr. Miller	Joint Resolution Asking Donation of Fort Abra- ham Lincoln Reservation for State Reform School Purposes.....	21
6	Mr. McCormack	Regulating Practice of Veterinary Surgery and Dentistry.....	21
7	Mr. Svensrud	To Amend Section 324, Code of Civil Procedure 1877.....	21
8	Mr. Svensrud	To Amend Section 2, Chapter 184, Session Laws of 1890.....	21
9	Mr. Miller	Authorizing County Commissioners to Correct As- sessment Errors.....	25
10	Mr. Miller	Compilation of Statistics of Births, Marriages and Deaths.....	25
11	Mr. Day	Establishing Public Scales.....	25
12	Mr. Day	Relating to the Institute for the Deaf and Dumb of North Dakota.....	25
13	Mr. Cashel	To Amend the Constitution.....	26
14	Mr. Kinter	Regulating the Appointment of Deputy Sheriffs, Marshals and Policemen.....	26
15	Mr. Kinter	To Indemnify Residents for Stock Slaughtered.....	26
16	Mr. Kinter	Vacating Town Plats.....	26
17	Mr. Kinter	Amending Australian Election Law.....	26
18	Mr. Kinter	To Create a Fund to Pay for Sheep Killed by Dogs.....	26
19	Mr. McGillivray	To Change the Boundaries of the Counties of Stark and Mercer.....	27
20	Mr. Arnold	Maintenance of State University.....	29
21	Mr. Haggart	Appropriation Agricultural College at Fargo.....	29
22	Mr. Sorley	Relating to Reprieves and Pardons.....	29
23	Mr. Day	Relating to the Management of the Deaf and Dumb School.....	29
24	Mr. McCormack	Boiler House for University.....	29
25	Mr. Miller	Appropriation for North Dakota Reform School.....	30
26	Mr. Cashel	Relating to First Judicial District.....	30
27	Mr. Cashel	Relating to Corporations.....	30
28	Mr. Cashel	Amend Chapter 146, Laws of 1890.....	30
29	Mr. Gregory	Amend Section 6490, Compiled Laws.....	30
30	Mr. Brynjolfson	Designating County Depositories.....	30
31	Mr. Day	Providing for Statements for County Auditors by Persons or Corporations Buying Grain or Stock.....	39
32	Mr. Lamb	Leasing and Sale of School Lands.....	36
33	Mr. Gregory	Relating to Levying and Collection of Taxes.....	36
34	Mr. Little	Appropriation for the Penitentiary.....	36
35	Mr. Cashel	Organization of State Banks.....	36
36	Mr. Engle	Appropriation for Soldiers' Home.....	36
37	Mr. Hillier	Reimbursing Gov. Burke.....	40

SENATE BILLS.

First Reading.	Second Reading.	Reference.	Reported Back.	Amended.	Amend Adopted.	Miscellaneous.	Third Reading.	Passed.	Lost.	Reconsidered.	Other Actions.	Received From House	Amended.	Unchanged.	Amend Concurred in Conference Committee	Enrolled.	To Governor.	Approved.	Further Action.
20	20	20	333	333	333	333	333	333		334	334								
20	20	20	48				57	58	57	58									
20	20	20	32			41	41	41		41	41								
20	20	20	32				43	43	568			568							
21	21	21	31			108	36	36								176			
21	21	21	102		45	45	177	60											
21	21	21	45				168												
							83												
							60												
21	21	21	63	63															
25	25	25																	
25	25	25	309	300	300		401	401	401	401									
25	25	25	148	185	185		185	186				484	291	484	292		564		506
25	25	25	32	48	48			42	42									403	
26	26	26	48				59	60											
26	26	26	220	220	220	55	309	309											
26	26	26	33		58		42	42											
26	26	26	46																
26	26	26	333	333	333	333	333	333		334	334	507				507	553		
26	26	26	174	174	174														
27	27	27	58	50	39	39	51	58											
27	27	27	39				50	50											
27	27	27	44			505	59	505		505		288	289		292		335		461
27	27	27	213			506	256	256				289		289			318		402
29	29	29	214				257	257				291	291		291		318		404
29	29	29																	404
29	29	29																	
29	29	29	298																
30	30	30	232	232	232		257	257				290		290			318		403
30	30	30	46	116	117	104	116	117				288		288			318		403
				103	103	102	103												
						83													
						60													
30	30	30	45	45	45	492	60	60				492	492		492		514		515
30	30	30	202																
30	30	30	51	173			196	196											
				38			51												
30	30	30	75	53	53	54	30												
						119													
40	40	40	194			194													
			40																
36	36	36	202																
36	36	36	304			400	399		400										
36	36	36	214				257	257				290		290			476		497
																			489
36	36	36	184	189	315	189	315	315											566
			36	173	174	174													
36	36	36	215				253	258				290		290			318		472
40	40	40	52			161	80	80				153				176		162	

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39	Mr. Sorley.....	Relating to the Succession of Real and Personal Property.....	40
40	Mr. Johnson.....	Providing for the Management of the Mayville Normal School.....	40
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42	Mr. Gregory.....	Defining Boundaries of Second Judicial District.....	40
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45	Mr. Hillier.....	Relating to the Manufacture of Butter and Cheese.....	48
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47	Mr. Cashel.....	Amend the Boiler Inspection Law.....	49
48	Mr. Little.....	Fixing Minimum Time for Which Offenders May be Confined in Penitentiary.....	49
49	Mr. Little.....	Compensation of Lieutenant Governor While Acting as Governor.....	49
50	Mr. White.....	Maintenance of Valley City Normal School.....	49
51	Mr. Worst.....	Providing for Garnishment.....	49
52	Mr. Miller.....	Prevention of Prairie Fires.....	49
53	Mr. Arnold.....	Redistricting Commissioner Districts.....	55
54	Mr. Day.....	Appropriation for Building of Deaf and Dumb School.....	55
55	Mr. Day.....	Maintenance of Deaf and Dumb School.....	55
56	Mr. Sorley.....	Reprieves and Pardons.....	55
57	Mr. Little.....	Duty of the Attorney General as to Escheats.....	56
58	Mr. Burke.....	Regulating appeals from District Courts.....	56
59	Mr. Young.....	To Protect Laborers on Farms.....	56
60	Mr. Worst.....	Relating to State Treasurer.....	56
61	Mr. Worst.....	Defining Fiscal Year.....	56
62	Mr. Gregory.....	Reimbursing Ward County.....	64
63	Mr. Gregory.....	Coroner's Inquests in Ward County.....	65
64	Mr. Gregory.....	Appointment of Notaries Public.....	65
65	Mr. Sorley.....	Incorporation of Cities.....	65
66	Mr. Sorley.....	Sale of City Water Works.....	65
67	Mr. Burke.....	Amending Australian Law.....	65
68	Committee on State Affairs.....	Defining Usury.....	65
69	Mr. Lamb.....	Reducing Salaries of Railroad Commissioners.....	66
70	Mr. Cashel.....	Relating to Abduction.....	66
71	Mr. Cashel.....	Memorial to Congress, Etc.....	66
72	Mr. McCormack.....	Amend Chapter 24, Laws of 1890.....	66
73	Mr. Worst.....	Management, Control and Disposal of Public Lands.....	66
74	Mr. Miller.....	Prohibition Amendment.....	75
75	Mr. Eager.....	Defining Usury.....	75
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77	Mr. Fuller.....	New Buildings for Hospital for Insane.....	75
78	Mr. Miller.....	Amend Chapter 68, Laws of 1891.....	79
79	Mr. Haggart.....	Relative to the General Incorporation Act.....	79
80	Mr. Little.....	Jury Fee in Civil Cases.....	79
81	Mr. Day.....	Purchase and Importation of Thoroughbred Stock.....	79
82	Mr. Arnold.....	Relating to Label.....	80



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84	Mr. Kinter	Platform Bill	86
85	Mr. McGillivray	Recompensing Treasurer of Stark County	87
86	Mr. Cashel	Fees of Register of Deeds	87
87	Mr. Miller	To Suppress Intemperance	88
88	Mr. McCormack	Fire Protection for Capitol Building	89
89	Mr. Patch	Free and Uniform Text Books	92
90	Mr. Worst	Punishment for Murder	92
91	Mr. Kinter	Defining Fifth Judicial District	92
92	Mr. Cashel	Amend Chapter 62, Laws of 1890	93
93	Mr. Cashel	Incorporation of Towns	93
94	Mr. Cashel	Amend Chapter 132, Laws of 1890	93
95	Mr. Sorley	Salaries of District Court Judges	93
96	Mr. Sorley	Support of Fire Departments	94
97	Mr. Johnson	Amend Chapter 62, Laws of 1891	99
98	Mr. Sorley	Relating to Unlawful Transfers	104
99	Mr. Gregory	Regulating the State Law Library	104
100	Mr. Svensrud	Compensation of County Judges	104
101	Mr. Burke	Relating to Warehouses and Elevators	104
102	Mr. Burke	Firemen's Association	104
103	Mr. Hillier	Purchasing Elevator Site at Duluth Minn or Superior, Wis.	108
104	Mr. Hiller	Requiring Security for Costs in Criminal Prosecution	109
105	Mr. McCarten	Maintenance of Militia	109
106	Mr. Gregory	Robbery—First and Second Degrees	109
107	Mr. Svensrud	Amend Chapter 62, Laws of 1891	109
108	Mr. McGillivray	Anti-Scalpers Bill	143
109	Mr. McCormack	Amend Chapter 62, Laws of 1890	118
110	Mr. Sorley	Confirming Certain Land Sales	122
111	Mr. Sorley	Relating to Bonds of State Officers	122
112	Mr. Burke	Amend Section 2012, of the Civil Code	123
113	Mr. LaMoure	Reimbursing Pembina County, Small Pox Quarantine	123
114	Mr. Kinter	To Compel Husbands and Wives to Support Needy Companions and Children	126
115	Mr. Day	To Pay County Officers Salaries Monthly	131
116	Mr. Kinter	Cruelty to Animals	140
117	Mr. Miller	Relating to the Purchase of Blank Books and Stationary by State and County Officers	149
118	Committee on Fire Breaks	Prevention of Prairie Fires	157
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120	Mr. Kinter	Clerk Hire for State Officers	157
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122	Mr. Engle	Funding Indebtedness Soldier's Home	157
123	Mr. McCormack	Establishing School of Mines	157
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140	Mr. Sorley.....	Election of County Superintendent of Schools.....	228
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142	Mr. Burke.....	Defining Duties of Railroads.....	229
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159	Mr. Stevens.....	Regulating Fees of Clerk of District Court.....	272
160	Mr. Brynjolfson.....	Relating to Poison.....	272
161	Mr. Sorley.....	Compensation of County Judges.....	273
162	Mr. Little.....	Amend Section 7046, Compiled Laws.....	273
163	Mr. Little.....	Fish and Game Commissioner.....	173
164	Mr. Cashel.....	Concurrent Resolution.....	273
165	Mr. Ink.....	Division of Civil Townships.....	273
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167	Mr. Haggart.....	Boards of Audit for Cities.....	274
168	Mr. Sorley.....	Appropriations to Return the World's Fair Exhibit	274
169	Mr. Bidlake.....	Game and Fish Law.....	279
170	Mr. Day.....	Amend Section 1455, Compiled Laws.....	308
171	Mr. Arnold.....	Necessary Buildings for University.....	309
172	Mr. Worst.....	Amend Sections 1 and 3, Chapter 88, Laws of 1890..	309
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177	Mr. Haggart.....	Authorizing Corporations to Change Their Names.....	339
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179	Mr. Stevens.....	Separate Ballot Boxes for Women.....	339
181	Mr. Kinter.....	Taxing Sleeping and Dining Cars.....	339
181	Mr. Bidlake.....	Inspection of Oils.....	339
182	Mr. Patch.....	Sale of School Land.....	339
183	Mr. White.....	Amending Incorporation Articles.....	340
184	Mr. Gregory.....	Relating to Transfer of Personal Property.....	340
185	Mr. White.....	Incorporation of Private Corporations.....	340
186	Mr. Svensrud.....	Amends Chapter 132, Laws of 1890.....	37
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189	Mr. Arnold.....	Public Debt and Public Works.....	



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2	Elevators on Right of Way.....	346	360	360	387	482	.....	481	482	.....	.....	509
4	An Act Creating the Office of State Board of Auditors.....	237	249	249	380	381	380	533	533	.....	.....	565
7	Proposals for Loaning County Funds.....	269	280	280	489 381	496 489 481 476 381	489 381	475	475	.....	.....	541
9	Liability of Railroad Companies for Fire...	396	452	452	.....	.....	.....	539	539	.....	.....	567
12	Regulating grain Warehouses.....	345	358	358	379	379	399	.....	.....	.....	.....	.....
13	Qualifications of State and County Deputies..	78	128 82	128	221	.....	234	234	234	.....	.....	.....
14	Amend and Re-enact Sections 248 and 249, Code Civil Procedure..	213	249	249	388	487 496 389	486 388	486	487	.....	.....	.....
15	Relating to the Penal Code.....	62	128 81	128	342	.....	.....	226	226	342	.....	.....
16	To Amend Section 3, Civil Code of 1877.....	.....	.....	.....	417	.....	.....	.....	.....	.....	.....	.....
18	Publicity to Chattel Mortgage Sales.....	169	208	208	.....	527	.....	526	526	.....	.....	567
22	Exempting Firemen from Jury Duty.....	58	128 81	128	245 166	178 177	245	177	481	.....	.....	508
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24	Amend Section 3, Chapter 70, Laws of 1890...	243	359	359	382	382	.....	.....	.....	382	.....	.....
26	Publication of Insurance Statements.....	388	397	397	.....	.....	.....	.....	.....	.....	.....	.....
29	Establishing 32d Senatorial District.....	347	358	358	365	464	.....	464	464	.....	.....	.....
30	Fixing Terms of District Court, Third Judicial District.....	213	249	249	.....	458	.....	458	458	.....	.....	508
31	Amending Chapter 81, Laws of 1891.....	84	128	128	246	.....	.....	.....	.....	.....	.....	.....
32	Collection of School and City Taxes.....	371	392	392	434	519 513	513	513	513	.....	.....	547
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35	Relating to County Mutual Insurance Companies.....	.....	250	250	382	.....	.....	558	.....	558	.....	.....
36	Relating to Service of Sires.....	170	208	208	.....	251	.....	.....	.....	.....	.....	.....
40	Reimburse Lieutenant Roudiez.....	169	208	208	299	486	.....	486	486	.....	.....	527
41	Board of University and School Lands.....	346	359	359	379	468	.....	468	468	.....	.....	508
43	Appropriation Secretary and Commissioners Soldiers' Home...	269	280	280	477	.....	.....	477	477	.....	.....	504

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Number.	Title.	When Received.	First Reading.	Second Reading and Reference.	Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Action.
45	Jurisdiction of District Courts.....	78	128	128	199			236	236			
46	Amending Section 5066 Compiled Laws.....	169	208	208	343	460		459	460			
52	Amend Chapter 1 of the Political Code.....	444	452	452	472							
53	University of North Dakota.....	270	280	280	303			563		563		
55	Providing for State Examiner.....	316	359	359	378			482	483			547
56	Amend Section 1, Chapter 20, Political Code of 1887.....	227			382			564	564			
57	Duties of Secretary of State.....	350	358	358	378							
58	Repealing certain Chapters Relating to Education.....	183	208	208	222			234	236			
59	Amending Section 1386 Compiled Laws.....	84	128	128	372							
60	Prescribing the Duties of Governor.....	169	208	208	326							
61	Amending Civil Code.....	361	397	397								
62	Appropriation for the Manufacture of Potato-Starch.....	243	248	248	335			493	493			527
64	Amends Chapter 128, Laws of 1889.....	388	397	397	435			543	543			565
65	Amending Chapter 48, Laws of 1891.....	362	397	397	435			485		485		
66	Amending Sections 49, and 53, Chapter 132, Laws 1890.....	227	248	248	328		487 389	388				
67	Amend Chapter 132, Laws of 1890.....	350	359	359	378			465	466			
68	Amends Chapter 132, Laws of 1890.....	395										
69	Amending Section 69, Chapter 132, Laws of 1890.....	362	397	397	435			485		485		
71	Preservation of Official Bonds.....	184	210	210	330			549	549			585
72	Regulating Appeals From District Court.....	188	141	142	189			236	236			
74	Requiring Railroads to Run Trains.....	295	296	296		496	483	483	483			
76	Allowing Certain Persons Testify in Criminal Cases.....	188	141	142	199			233		233		
77	Admitting Books as Evidence.....	184	210	210	244					244		
78	Abating Tax Sales.....	347	359	359	379	484		484	484			509
80	Defining Powers and Duties State Auditor.....	184	209	209	327							
83	Alteration of County Boundaries.....	361	397	397	472							
84	Relating to University of North Dakota.....	170	208	208	246							
86	Relating to Attachments.....	138	141	142	305			557	557			
87	Executive Mansion.....	294	296	296	327	467		466	467			489
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94	City Boards of Health..	344	360	360	383	383	.....	538	539	.....	.....	.....
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99	Amending Sections 2, 5, and 13, Chapter 165, Laws 1890.....	212	212	212	223	241 212	.....	224	224	.....	.....	.....
100	Courts of Conciliation..	362	393	393	417	464	.....	463	463	.....	.....	.....
101	Transferring Real Estate by Corporations.....	156	210	210	221	.....	.....	226	226	.....	.....	.....
102	Uniform Text Books.....	396	477	477	500	477	500	.....	.....	.....	.....	.....
107	Amending Chapter 68, Laws of 1885.....	388	394	394	.....	.....	.....	.....	.....	.....	.....	.....
107	Amend Chapter 68, Laws of 1885.....	.....	249	249	416	.....	.....	.....	.....	.....	.....	.....
108	Collection of Vital Statistics.....	362	393	393	419	525	.....	524	525	.....	.....	567
109	Defining boundaries of Counties.....	227	249	249	301	.....	.....	.....	.....	.....	.....	.....
110	Premiums for Speeding Horses.....	350	357	357	373	.....	.....	.....	.....	.....	.....	.....
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