Journal of the House.

FIFTH SESSION.

FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 5, 1897.

At the hour of 12 o'clock meridian, the 5th day of January, A. D., 1897, being the day and hour designated by law for the convening of the Legislative Assembly of the State of North Dakota, the members-elect of the House of Representatives of the Fifth Session of the Legislative Assembly of the House of Representatives assembled in the House Chamber in the Capitol at Bismarck, and were called to order by H. E. Lavayea, Assistant Clerk of the Fourth Session of the Legislative Assembly of the State of North Dakota.

The session was opened with prayer by the Rev. W. J. Thornquist of Bismarck.

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

First District—John D. Wallace.

Third District—David E. Towle.

Fourth District—K. O. Brotnov.

Fifth District—P. N. Korsmo.

Seventh District—Andrew Offerdahl.

Eighth District—H. M. Williams, S. N. Heskin, H. D. Hurley and Gunder Howard.

Ninth District—O. W. Francis.

Tenth District—N. A. Colby and Treadwell Twichell.

Eleventh District—W. J. Hawk and E. C. Sargent.

Twelfth District—James B. Power, John S. Johnson and R. H Hankinson.

Thirteenth District—John Cryan.

Fourteenth District—Robert J. Mitchell and E. S. Lovelace.

Fifteenth District—Geo. W. Earl.

Sixteenth District—L. C. Goplerud and Nicolai Swenson.

Eighteenth District—John Butterwick.

Twentieth District—C. L. Lindstrom and C. A. Erickson.

Twenty-first District—C. A. Currier.

Twenty-second District—E. F. Porter and Hugh Peoples.

Twenty-third District—John McGinnis.

Twenty-fourth District—J. B. Sharpe.

Twenty-fifth District—Theo. Northrup.

Twenty-sixth District—W. Baker and W. L. Belden.

Twenty-seventh District—E. A. Williams and Thos. Richards.

Twenty-eighth District—F. M. Hammond.

Twenty-ninth District—J. S. Murphy,

Thirtieth District—Don Stevenson.

Thirty-first District—Alfred White.

The oath of office was then administered by the Hon. W. H. Winchester, judge of the Sixth Judicial District, to the members present.

The following named members being absent on account of trains being snowbound:

Messrs. Duncan, Joy, Guinan, Dougherty, Wirkus, Ebbighausen, McConnachie, Wood, Kinan, Gaulke, Cole, Gilbertson, Boyd of Cass, Boyd of Cavalier, Johnson, McPherson, Aas, Syvertson, Tanton, Lenz, Dunton.

The House proceeded to its organization.

Mr. Hurley nominated E. A. Williams, of Burleigh, for Speaker.

Messrs. Murphy, Belden, Stevenson, Hammond, Richards, Hankinson, Porter and Wallace seconded the nomination.

The roll being called there were thirty-six votes cast, of which Mr. E. A. Williams received thirty-five and was declared duly elected Speaker of the House.

Those who voted for Mr. Williams were:

Messrs. Baker, Belden, Colby, Currier, Earl, Erickson,

Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White, Williams, of Traill.

Mr. Williams voted for Mr. Hurley.

Absent and not voting:

Messrs. Aas, Boyd, of Cass, Boyd, of Cavalier, Cole, Carlin, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Kroeger, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:
Messrs. Brotnov, Butterwick, Cryan and Towle.

Messrs Cryan and Richards were appointed as a committee to escort the Speaker-elect to the chair.

The Speaker assumed the chair.

The oath of office to the Speaker-elect was administered by the Hon. W. H. Winchester, Judge of the Sixth Judicial District.

Mr. Hankinson moved

That the House proceed to the election of a Chief Clerk,

Which motion prevailed.

Mr. Korsmo nominated H. E. Lavayea of Grand Forks county for Chief Clerk.

The roll being called there was 40 votes cast of which Mr. Lavayea received 40 votes and was declared duly elected Chief Clerk.

Those voting for Mr. Lavayea were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard. Hurley, Johnson of Richland, Korsmo, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Wallace, White, Williams and Mr. Speaker.

Mr. Lavayea received 40 votes and was declared elected Chief Clerk of the House.

Absent and not voting were:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Kroeger, Lenz, McConnachie, McPherson, Syvertson, Tanton, Twichell, Wirkus and Wood.

The oath of office as Chief Clerk was administered to H. E. Lavayea by the Speaker.

Mr. Hammond nominated W. D. McClintock, of McHenry county, as Assistant Clerk.

Mr. Murphy seconded the nomination.

The roll being called there were forty votes cast, of which Mr. McClintock received forty votes and was declared the duly elected Assistant Clerk of the House.

Those who voted for Mr. McClintock were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White, Williams and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Cryan, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Kroeger, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

The oath of office as Assistant Clerk was then administered to W. D. McClintock by the Speaker.

Representative Herman Kroeger being present the oath of office was administered to him by the Speaker.

Mr. Korsmo moved that the election of an Assistant to the Chief Clerk be passed, which motion prevailed.

Mr. Twichell nominated Mr. W. Austin, of Cass, for Chief Enrolling and Engrossing Clerk.

Mr. Hankinson seconded the nomination.

The roll being called there were 37 votes cast for Mr. Austin.

Those voting for Mr. Austin were:

Messrs. Baker, Belden, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White, Williams and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:

Messrs. Brotnov, Butterwick, Cryan and Towle.

Mr. Austin was declared duly elected Chief Enrolling and Engrossing Clerk.

Mr. Baker nominated Mr. Thos. Allshouse for Bill Clerk.

Mr. Belden seconded the nomination.

The roll being called there were 37 votes cast, of which Mr. Allshouse received 37, and was declared duly elected Bill Clerk.

Those voting for Mr. Allshouse were:

Messrs. Baker, Belden, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White, Williams and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:

Messrs. Brotnov, Cryan, Butterwick and Towle.

The oath of office as Bill Clerk was administered to Thos. Allshouse.

Mr. Richards nominated Miss Bessie Waggoner for Stenographer.

Mr. Murphy seconded the nomination.

The roll being called there were 40 votes cast of which Miss Waggoner received 40 and was declared duly elected stenographer.

Those voting for Miss Waggoner were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White, and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Wood.

Mr. Williams being excused.

Mr. Hurley nominated O. B. Olson for Sergeant at Arms.

Mr. Hankinson seconded the nomination.

The roll being called there were 36 votes cast, of which Mr.

Olson received 36, and was declared duly elected Sergeant at Arms of the House.

Those voting for Mr. Olson were:

Messrs. Baker, Belden, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Cryan, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:

Messrs. Brotnov, Butterwick and Towle.

Mr. Williams being excused.

The oath of office to O. B. Olson was administered by the Speaker.

Mr. Mitchell nominated E. Gilbertson for Assistant Sergeant at Arms.

Mr. Hurley seconded the nomination.

The roll being called there were 37 votes cast, of which Mr. Gilbertson received 37 votes and was declared duly elected Assistant Sergeant at Arms.

Those voting for Mr. Gilbertson were:

Messrs. Baker, Belden, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Cryan, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Williams and Wood.

Present but not voting:

Messrs. Brotnov, Butterwick and Towle.

Mr. Williams being excused.

Mr. Northrup nominated Mr. E. R. Kennedy for Messenger for the House.

Mr. Earl seconded the nomination.

The roll being called there were 39 votes cast of which Mr. Kennedy received 39 and was declared duly elected Messenger of the House.

Those voting for Mr. Kennedy were:
Messrs. Baker, Belden, Butterwick, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting were:
Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Cryan, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:
Mr. Brotnov.

Mr. Williams being excused.

The oath of office was administered to Mr. E. R. Kennedy by Mr. Speaker.

Mr. Powers nominated Cassius Lisk for Postmaster.

Mr. Hankinson seconded the nomination.

The roll being called there were 40 votes cast of which Mr. Lisk received 40 and was declared duly elected Postmaster of the House.

Those voting for Mr. Lisk were:
Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Currier, Earl, Erickson, Francis. Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:
Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Cryan, Dougherty, Duncan, Dunton. Ebbinghausen, Gaulke, Gilbertson, Guinan, Joy. Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Wood.

Mr. Williams being excused.

Mr. Richards nominated Rev. W. J. Thornquist for Chaplain.

Mr. Stevenson seconded the nomination.

The roll being called there were 40 votes cast, of which Mr. Thornquist received 40 votes and was declared duly elected Chaplain of the House.

Those voting for Mr. Thornquist were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twitchell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Williams and Wood

Mr. Cryan present but not voting.

Mr. Williams being excused.

Mr. Mitchell nominated Maurice Valentine for Page.

The roll being called there were 40 votes cast of which Maurice Valentine received 40 votes and was declared duly elected Page.

Those voting for Valentine were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Mitchell nominated Bert Allen for Page.

The roll being called there were 41 votes cast, of which Bert Allen received 41, and was declared duly elected Page.

Those voting for Allen were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Mitchell nominated Will McConville for Page.

The roll being called there were 40 votes cast of which Will McConville received 40 votes and was declared duly elected Page.

Those voting for McConville were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Mitchell nominated Roy Veeder for Page.

The roll being called there were 40 votes cast, of which Roy Veeder received 40 and was declared duly elected Page.

Those voting for Roy Veeder were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Carlin, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Hankinson nominated Eddie Fisher for Page.

The roll being called there were 40 votes cast, of which Eddie Fisher received 40, and was declared duly elected Page.

Those voting for Eddie Fisher were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:
Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

The oath of office as Pages was administered to Masters Valentine, Allen, McConville, Veeder and Fisher by the Speaker.

Mr. Johnson nominated Mr. W. F. Marquardt for Janitor.

The roll being called there were 38 votes cast of which Mr. Marquardt received 38 votes and was declared duly elected Janitor.

Those voting for Mr. Marquardt were:
Messrs. Baker, Belden, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:
Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:
Mr. Brotnov.

Mr. Williams being excused.

Mr. White nominated Mr. W. B. Howe for Janitor.

The roll being called there were 39 votes cast, of which Mr. Howe received 39 and was declared duly elected Janitor.

Those voting for Mr. Howe were:
Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:
Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Earl nominated J. M. Boardman for Watchman.

The roll being called there were 39 votes cast, of which Mr. Boardman received 39 and was declared duly elected Watchman.

Those voting for Mr. Boardman were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchel, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twitchell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Wood.

Mr. Williams being excused.

Mr. Porter nominated Mr. L. K. Estabrook for Journal Clerk.

The roll being called there were 39 votes cast, of which Mr. L. K. Estabrook received 39, and was declared duly elected Journal Clerk.

Those voting for Mr. Estabrook were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Lindstrom nominated H. E. Hoadly, for Assistant Journal Clerk.

The roll being called there were 38 votes cast of which Mr. Hoadly received 38 votes and was declared duly elected Assistant Journal Clerk.

Those voting for Mr. Hoadly were:

Messrs. Baker, Belden, Brotnov, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Heskin, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Mr. Williams being excused.

Mr. Stevenson nominated Valentine Schmidt for Gallery Doorkeeper.

The roll being called there were 38 votes cast, of which Mr. Schmidt received 38, and was declared duly elected Doorkeeper.

Those voting for Mr. Schmidt were:

Messrs. Baker, Belden, Butterwick, Colby, Cryan, Currier, Earl, Erickson, Francis, Goplerud, Hammond, Hawk, Heskin, Howard, Hurley, Johnson, Korsmo, Kroeger, Lindstrom, Lovelace, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Towle, Twichell, Wallace, White and Mr. Speaker.

Absent and not voting:

Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus and Wood.

Present but not voting:

Mr. Brotnov.

Mr. Williams being excused.

The Speaker administered the oath of office to Messrs. Estabrook, Journal Clerk; Thornquist, Chaplain; Allshouse, Bill Clerk; Boardman, Watchman.

Mr. Colby moved

That the rules of the House of the Fourth Legislative Assembly be adopted as the rules of this House until the Committee on Rules be appointed and report new rules,

Which motion prevailed.

Mr. Mitchell offered the following resolution, and moved its adoption:

WHEREAS, The Committee on Appropriations, in order properly to recommend to the House the appropriations necessary for the maintenance of the state government and the various institutions of the state, must investigate closely the needs of each institution so that the appropriations may be judiciously distributed within the income of the state, and in order to accomplish these objects will need the services of a clerk; therefore,

Resolved, That the Speaker be and is hereby authorized and empowered to appoint a clerk for the Committee on Appropriations at the time he announces the appointment of the committee.

Which resolution was adopted.

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

RESOLVED, That the expeditious transaction of the business of the House requires the prompt appointment of nine (9) Assistant Enrolling and Engrossing Clerks, and that the Speaker be empowered and requested to appoint one such clerk from Stutsman, LaMoure, Pembina, Ransom and Richland counties respectively, and one each from the Second, Eleventh, Sixteenth and Twenty-ninth Legislative districts.

Which resolution was adopted.

Mr. Earl moved that a committee on Elections and Privileges be appointed as early as practical.

Which motion prevailed.

The following communication was received from the Secretary of State:

To the Honorable Speaker of the House of Representatives:

SIR: I have the honor to notify you that papers of contest and the testimony in connection therewith have been filed and are now on file in this office, from the following Legislative Districts, as shown by indorsements of packages and envelopes: The Twenty-seventh District, W. O. Ward, contestant, against Thos. Richards, contestee; and the Sixth District, James Ryan, contestant, against John Kinan, contestee.

These papers will be transmitted to the House of Representatives upon a proper request therefor, or otherwise, are at the disposal of the House of Representatives.

C. M. DAHL,
Secretary of State.

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

WHEREAS, News having just reached this body of the death of Miss Briggs, daughter of Governor Frank A. Briggs; therefore,

Resolved, That we tender Governor Briggs our heartfelt sympathy in this, his hour of bereavement; that an engrossed copy of this resolution, signed by the speaker and chief clerk, be transmitted to Governor Briggs, and that as a further mark of respect this house do now adjourn.

Which motion prevailed, and
The resolution was adopted.

And the House adjourned.

H. E. LAVAYEA,
Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 6, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present, excepting Messrs. Aas, Boyd of Cass, Boyd of Cavalier, Carlin, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Guinan, Joy, Kinan, Lenz, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Williams and Wood.

Mr. Williams being excused.

The Speaker appointed Messrs. Sargent, Murphy and Hankinson a special committee to correct the Journal.

INTRODUCTION OF BILLS.

Mr. Murphy introduced
House Bill No 1,
A bill for an act providing a bounty on certain stock destroying animals and a fund for the payment thereof.

Mr. Lindstrom introduced
House Bill No. 2,
A bill for an act to amend section 1237, article 6, of chapter 18, political code, laws of 1895.

Mr. Power introduced
House Bill No. 3,
A bill for an act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto.

Mr. Porter introduced
House Bill No. 4,
A bill for an act to amend sections 1256 and 1259 of the Revised Codes of North Dakota, fixing the time for the sale of real estate for taxes and for filing the report of county treasurer of such sales.

There being no objection the first reading of House bills was dispensed with.

Mr. Richards moved

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

Which motion prevailed, and

The Speaker appointed Messrs. Richards, Stevenson and Porter as such committee.

The Speaker appointed the following members as the committee on rules: Messrs. Hawk, Colby, Sharpe, Hurley, Francis, Hankinson, Erickson, White, Brotnov.

Mr. Hankinson moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 7, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Boyd of Cavalier, Carlin and Dunton.

The oath of office was administered by the Speaker to the following members:

Messrs. Aas, Boyd of Cass, Cole, Dougherty, Duncan, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Joy, Kinan, McConnachie, McPherson, Syvertson, Tanton, Wirkus, Wood and Lenz.

Mr. Hankinson moved

That Messrs. Lovelace, Earl, Kinan and Twichell be allowed to select their seats first,

Which motion prevailed.

Mr. Hurley moved

That the members proceed to draw for seats,

Which motion prevailed.

Mr. Murphy moved

That in the drawing of seats that all members first retire back of the seats, and as their number is called that they come forward, and select their seat and occupy it till the drawing is complete.

Which motion prevailed.

The commitee on correction of Journal not being ready to report, further time was granted.

MOTIONS AND RESOLUTIONS.

Mr. Hankinson offered the following resolution:

Resolved, That there be printed for the use of each of the members, to enable them to supply the press, the state officers and committees, five extra copies of the daily Journals of the two Houses and bills of the legislature, and that files of all bills and Journals be provided for the press correspondents' tables.

And moved its adoption,

Which motion prevailed,

And the resolution was adoped.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER }
Jan. 7, 1897. }

MR. SPEAKER:

I have the honor to inform the House that the Senate has organized by the election of the following officers, and is ready to receive any message or other communication from the House, viz:

President Pro-tem—C. B. Little.
Secretary—J. C. Gill.
Assistant Secretary—Charles W. Getchel.
Assistant to Secretary—S. B. Mahaney.
Chief Enrolling and Engrossing Clerk—C. P. Laurence.
Bill Clerk—Vivian Morgan.
Stenographer—R. M. Tuttle.
Sergeant at Arms—A. E. Wood.
Assistant Sergeants at Arms—J. L. Johnson and M. W. Spaulding.
Messenger—Richard Fallon.
Doorkeeper to Gallery—G. S. Brown.
Postmaster—C. C. Rourke.
Watchman—C. W. Salie.
Journal Clerk—A. H. Johnson.

Assistant Journal Clerk—M. B. Hanscom.
Clerk of Judiciary Committee—A. W. Clyde.
Chaplain—Rev. Roderick J. Mooney.
Pages—Arthur Stone, Roy Benedict, Harry McLain and Eddie Morris.

Very respectfully,
J. C. GILL,
Secretary.

The Speaker announced the following

STANDING COMMITTEES.

REVISION AND CORRECTION OF THE JOURNAL—Messrs. Sargent, chairman; Peoples, Northrop, Sharpe, Boyd of Cass, Swenson, Cryan.

ELECTIONS AND PRIVILEGES—Messrs. Lindstrom, chairman; Hawk, Earle, Baker, McGinnis, White, Stevenson, Cole, Guinan.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Ebbighausen introduced
House Bill No. 5,
A bill for an act to regulate the manner in which individuals and private corporations shall be authorized to construct. maintain and operate public warehouses and elevators on railroad rights of way in the state of North Dakota.

Mr. Sharpe introduced
House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury.

Mr. Stevenson introduced
House Bill No. 7,
A bill for an act to amend section 1794 of the Revised Codes of North Dakota.

Also,
House Bill No. 8,
A bill for an act governing the use of labels.

Mr. Baker introduced
House Bill No. 9,
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.

Mr. Hurley introduced
House Bill No. 10,
A bill for an act entitled "an act fixing the salary of clerks of the district courts in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes

of the state of North Dakota for the year 1895, the same being all of article 2 of chapter 27 of the political code therein."

The Speaker administered the oath of office to Warren D. Austin, chief enrolling and engrossing clerk; W. B. Howe, janitor; Valentine Schmidt, doorkeeper; Wm. Marquardt, janitor.

Mr. Hankinson moved that a committee of three be appointed to inform the Senate that the House is now to meet in joint session to receive the governor's message.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 5,

A bill for an act to regulate the manner in which individuals and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railroad rights of way in the state of North Dakota.

Mr. Twichell moved that first reading of House bills be dispensed with,

Which motion prevailed.

Mr. Hurley moved that the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 8, 1897.

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

Prayer by the chaplain.

Roll called.

All members present except Messrs. Carlin, Cryan, Dunton, Richards and Wood, who were excused.

The Speaker administered the oath of office to Mr. Boyd of Cavalier.

The Speaker administered the oath of office to Miss Bessie Waggoner, stenographer, Erick Gilberston, assistant sergeant-at-arms, and Cassius Lisk, postmaster.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

MR. SPEAKER:

Your committee on correction of the Journal of the first day, recommend the following corrections:

Wherever the name Robert Mitchell appears it shall be made to read Robert J. Mitchell, A. H. Hankinson shall read R. H. Hankinson, Woods shall be changed to Wood. H. D. McClintock to W. D. McClintock, the name Wickers to Wirkus, H. N. Williams to H. M. Williams, Lick to Lisk, Syverton to Syvertson, and that the initials E. R. be added to Mr. Kennedy's name.

On page 2, line 24, after the word present that the following be inserted:

The following named members are absent on account of trains being snowbound:

Messrs. Duncan, Joy, Guinan, Dougherty, Wirkus, Ebbighausen, McConnachie, Wood, Kinan, Gaulke, Cole, Gilbertson, Boyd of Cass, Johnson of Sargent, McPherson, Aas, Boyd of Cavalier, Syvertson, Taunton, Lenz, Dunton.

On page 4, after the word Speaker, in the 12th line, the following be inserted:

That Mr. Kroegger being present the oath of office was administered by Mr. Speaker.

That on page 3 Mr. Twichell be recorded as voting for Mr. Lavayea for chief clerk.

That on page 12 in the second resolution of Mr. Mitchell the the word Richland be inserted after the word Pembina.

And when so corrected,
Move its adoption.

E. C. SARGENT,
Chairman.

Which motion prevailed,
And the report was adopted.

MR. SPEAKER:

Your committee on correction of the Journal of the second day Recommend that wherever the name Syverton appeared it shall be changed to Syvertson.

That the name Wickers be changed to Wirkus.

That the name of Woods be changed to Wood.

And when so corrected shall be adopted.

E. C. Sargent,
Chairman.

Which motion prevailed,
And the report was adopted.

MOTIONS AND RESOLUTIONS.

The privileges of the floor was granted to J. F. Anderson of Cavalier.

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

Whereas, It is desirable that county auditors and other officers having to carry into effect the revenue laws of the state should have copies of all bills presented to the House on this subject, therefore be it

Resolved, That 150 extra copies of Bill No. 3 be printed for distribution to such officers.

Which motion prevailed and
The resolution was adopted.

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

Be it Resolved by the House, That the secretary of state be requested to forthwith transmit the record in the contes cases of Ward vs. Richards from the 27th district and Ryan vs. Kinan from the 6th district and such record when received be by the Speaker referred to the committee on elections and privileges for early consideration and report.

Which motion prevailed,
And the resolution was adopted.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your committee on rules make their report and move the adoption of the following rules for the Fifth Legislative session of the state of North Dakota:

W. J. HAWK,
Chairman.

RULES OF THE HOUSE.

1. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll

of the members called, and the names of the absentees shall be entered upon the Journal of the House.

2. Upon the appearance of a quorum the Journal of the preceding day shall be referred to the committee on revision and correction of the Journal. Any mistakes therein shall be corrected by the committee and reported to the House for action.

3. Any eleven members of the House may order a call of the House and cause absent members to be sent for, but a call must not be made after voting has commenced. A call being moved, the Speaker shall require those desiring the call to rise, and if eleven or more members shall rise, the call shall be ordered. The call being ordered, the sergeant-at-arms shall close the door and no member shall be allowed to leave the room. The clerk shall then call the roll and furnish the sergeant-at-arms with a list of those members absent without leave, and that officer shall proceed forthwith to find and bring in such absentees. While the House is under call no business shall be transacted except to receive and act upon the report of the sergeant at arms, and no motion shall be in order except a motion to suspend further proceedings under the call, and said motion shall not be adopted unless a majority of all members-elect vote in favor thereof. Upon the report of the sergeant-at-arms showing that all the members who were absent without leave, naming them, are present, the call shall be at an end, and the doors shall be opened and the business or motion pending at the time the call was made shall be proceeded with.

4. The Speaker shall preserve order and decorum, and shall decide questions of order subject to an appeal to the House.

5. The Speaker shall vote on all questions taken by ayes and nays (except on appeals from his own decision) and in all elections or decisions called for by any member.

6. When the House adjourns the members shall keep their seats until the Speaker announces the adjournment.

7. Every member, previous to his speaking, shall rise from his seat, and respectfully address "Mr. Speaker," and remain standing in his place, before proceeding to speak, until he is recognized by the chair.

8. When two or more members rise at once, the Speaker shall designate the member who is first to speak; but in all cases the member who shall first rise, and address the chair, shall speak first.

9. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the subject pending shall have spoken, nor shall any member occupy more than ten minutes at the first time, nor more than five minutes at the second time, without unanimous consent of the House.

10. No motion shall be debated, or put, unless the same be seconded. It shall be stated by the Speaker before debate, and any such motion shall be reduced to writing if the Speaker, or any member desire it.

11. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be withdrawn at any time, before amendment or decision, but all motions, resolutions or amendments shall be entered on the Journal, whether rejected, or adopted.

12. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely—which several motions shall have precedence in the order in which they stand arranged.

13. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay upon the table, shall be decided without debate.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

16. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

17. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker or by a member in his place.

18. Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same unless the House shall excuse him, or unless he is immediately interested in the question, in which case he shall not vote.

19. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse or pass between him and the chair.

20. If a question in debate contains several points, any member may have the same divided.

21. A member called to order shall immediately sit down unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the chair shall be submitted to. On appeal no member shall speak more than once, without leave of the House, except when a member is called to order for offensive language, in which case there shall be no debate.

22. Every bill shall be introduced on the report of a committee, or on a call for bills, or by a motion for leave.

23. Every bill, before being introduced, shall have indorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be indorsed thereon.

24. The first reading of a bill shall be for information, and the bill shall be presented and go to its second reading without further question. All bills shall be printed after the first and second reading thereof.

25. Every bill, memorial, order and resolution, requiring the approval of the governor, or a change in the constitution of the state of North Dakota, shall, after second reading, be referred to its appropriate committee, and if reported without amendment shall pass to its third reading, unless otherwise ordered, and when amended it shall go to committee of the whole House.

26. All bills shall be properly engrossed before their final passage.

27. The final question, after consideration in committee of the whole, of a bill or other paper originating in the House, shall be "Shall it be engrossed and read a third time?" and upon every such bill or paper originating in the Senate "Shall it be read a third time?"

28. No amendments shall be received on the third reading, except to fill blanks, without unanimous consent of the House, and all bills and resolutions may be re-committed at any time previous to their passage; and if any amendment be reported on such re-committment by any other than a committee of the whole, it shall be again read a second time and the question for third reading and passage then put.

29. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

30. In forming a committee of the whole House the Speaker shall appoint a chairman to preside.

31. Bills committed to the committee of the whole House shall, by committee of the whole thereon, be first read through unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing and reported to the House by the chairman.

32. All questions whether in committee or in the House, shall be put in the order they are moved except in the case of privileged questions, and in filling blanks the largest sum and the longest time shall be first put.

33. A similar mode of proceeding shall be observed with bills which have originated in and passed the Senate as with bills which have originated in the House, except that they shall not be printed.

34. No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be considered took place, nor unless one of the majority shall move a reconsideration.

35. When notice of intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made unless the same can previously be disposed of.

36. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority vote.

37. The rules of the House shall be observed in committee of the whole House so far as may be applicable, except that the ayes and nays shall not be called, the previous question enforced, nor the time of speaking limited.

38. A motion that the committee rise shall always be in order and shall be decided without debate.

39. All bills reported from standing or select committees or from the committee of the whole, whether amended or not, shall not come up for a third reading until the first day after such report, unless the House by a two-thirds vote otherwise orders.

40. Standing committees shall be appointed on the following subjects:

On rules to consist of nine members.
On mileage and per diem to consist of three members.

On judiciary to consist of fifteen members.
On ways and means to consist of eleven members.
On railroads to consist of fifteen members.
On appropriations to consist of fifteen members.
On engrossment to consist of nine members.
On enrollment to consist of nine members.
On education to consist of nine members.
On elections and privileges to consist of nine members.
On municipal corporations to consist of nine members.
On corporations other than municipal to consist of nine members.
On agriculture to consist of thirteen members.
On public printing to consist of nine members.
On irrigation to consist of nine members.
On insurance to consist of nine members.
On banking to consist of nine members.
On labor to consist of nine members.
On immigration to consist of nine members.
On apportionment to consist of a member from each senatorial district.
On schools and public lands to consist of nine members.
On public health to consist of nine members.
On military affairs to consist of nine members.
On warehouses, grain grading and dealing to consist of fifteen members.
On federal relations to consist of nine members.
On mines and mining to consist of nine members.
On temperance to consist of nine members.
On highways, bridges and ferries to consist of nine members.
On state affairs to consist of nine members.
On supplies and expenditures to consist of nine members.
On forestry to consist of nine members.
On public debt to consist of nine members.
On woman suffrage to consist of nine members.
On manufactures to consist of nine members.
On counties and county boundaries to consist of nine members.
On taxes and tax laws to consist of fifteen members.
On coal lands and mining to consist of nine members.
On sheep industry to consist of seven members.
On revision and correction of the Journal to consist of seven members.
Also joint committees on the following subjects:
On public buildings to consist of nine members.
On charitable institutions to consist of nine members.
On penal institutions to consist of nine members.
On educational institutions to consist of nine members.
On state library to consist of nine members.
On joint rules to consist of nine members.

41. The first named member of each committee shall be the chairman, and in his absence or being excused by the House, the next named member, and so on as often as the case shall happen, shall act as chairman.

42. The committee on engrossment shall examine all bills after they are engrossed and report the same to the House correctly engrossed before their third reading; said committee may report at any time.

43. The committee on enrollment shall examine all House bills and memorials which have passed the two Houses, and when reported correctly enrolled they shall be presented to the presiding officers of the House and Senate for their signatures, and when so signed, to the governor, for his approval; said committee may report at any time.

44. Select committees to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

45. In all cases where a bill, order or resolution, or motion shall be entered upon the Journal of the House, the name of the member moving the same shall be entered on the Journal.

46. No person shall be admitted within the bar of the House except the executive, members of the senate, state officers, judges of the supreme and district courts, members of congress, ex-members of the legislative assembly, delegates to the state constitutional convention, all federal officers of the state and reporters of newspapers except by vote of the House.

47. The Speaker shall cause the clerk of the House to make a list of all the bills, resolutions, reports of committees and other proceedings of the House, which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "the general order of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by a majority of the House; and the clerk shall also keep a book showing the situation and progress of bills.

48. After calling the House to order, the order of business for the day shall be as follows:

1. Prayer by the chaplain.
2. Calling the roll.
3. Reference of the Journal.
4. Presentation of petitions and communications.
5. Report of standing committees.
6. Reports of select committees.
7. Motions and resolutions.
8. Unfinished business.
9. Introduction of bills and memorials.
10. First reading of House bills and memorials.
11. Second reading of House bills and memorials.
12. Third reading of the same.
13. Consideration of messages from the Senate.
14. First reading of Senate bills and memorials.
15. Second reading of Senate bills and memorials.
16. Third reading of the same.
17. Consideration of general orders.

49. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

50. When the House has arrived at "the general orders of the day" it shall go into committee of the whole upon such orders, or a particular order designated by a vote of the House, and no other business shall be in order until the whole are considered or passed, or the committee rise; and unless a particular bill is ordered up the committee of the whole shall consider, act upon, or pass the general order, according to the order of reference.

51. The Speaker may leave the chair, appoint a member to preside, but not for a longer time than one day, except by leave of the House.

52. The rules of parliamentary practice adopted by the house of representatives of the United States shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the senate and house of representatives.

53. No rule of the house shall be suspended, altered or amended without the concurrence of two-thirds of the members of the whole House.

54. The hour of daily meeting of the House shall be 2 o'clock in the afternoon, until the House directs otherwise.

55. The ayes and nays shall not be ordered unless demanded by eleven members, except upon the final passage of bills, concurrent resolutions to amend the constitution and memorials, in which case the ayes and nays shall be had without any demand.

56. In case all the members of any committee, required or entitled to report on any subject referred to them, cannot agree upon any report, the majority and minority may each make a special report, and any member dissenting in whole or in part from the reasonings and conclusions of both majority and minority, may also present to the house a statement of his reasonings and conclusions; and all reports, if decorous in language and respectful to the House, shall be entered at length on the Journal.

57. No smoking shall be allowed in the House while in session.

58. No member or other person shall remain by the clerk's desk when the ayes and nays are being called.

59. In case of any disturbance or disorderly conduct in the lobby or gallery, the Speaker or chairman of the committee of the whole shall have power to order the same to be cleared.

60. No member or officer of the House, unless he from illness or other cause shall be unable to attend, shall absent himself from a session of the House during an entire day without having first obtained leave of absence, and no one shall be entitled to draw pay while absent more than one day without leave.

61. Neither the chief clerk nor his assistant shall permit any records or papers belonging to the House to be taken out of their custody, otherwise than in the regular course of business. The chief clerk shall report any bills, resolutions and missing papers to the Speaker; shall have general supervision of all clerical duties appertaining to the business of the House: shall perform, under the direction of the Speaker, all duties pertaining to his office, and shall also keep a book showing the situation and progress of all bills, memorials and joint resolutions.

62. It shall be the duty of the committee on supplies and expenditures to examine into the state of the accounts and expenditures of the state auditor, state treasurer, and all other state officers intrusted with the custody or disbursement of any portion of the public moneys; to inquire and report particularly on or before the 20th day of February next, whether the expenditures of each and all of said officers are justifiable, whether all claims from time to time satisfied and discharged by such officers are supported by sufficient vouchers, establishing their justice both as to character and amounts; whether all such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with the appropriation laws, and whether all moneys reported to be on hand are so on hand and to the credit of the various funds as reported; and the notes, bonds and securities in which any portion of the public moneys are reported to be invested are on hand as reported and whether the same are proper and secure investments and securely kept. And, it shall be moreover the duty of said committee to report from time to time whether any and what retrenchment can be made in the expenditures of any department or officer of the state without detriment to the public service and to report from time to time such recommendations and bills as may be necessary to add to the economy and accountability of any officer of the state; and said committee shall make such recommendations as to the investment of public moneys and exchange

or sale of any of the bonds or securities held by the state as in their judgment the public interest requires.

63 The chairmen of the different standing committees shall send to the chief clerk's desk to be read previous to adjournment, notice of the time and place of meeting of such committees.

64. The chief clerk shall cause to be printed each day for the use of the members a list of bills under the title or heading of "bills on third reading for today," and one under the title of "bills in general orders for today," and also to cause same to be printed in the Journal.

Mr. Hurley moved
That the report of committee on rules be adopted,
Which motion prevailed and
The report was adopted.

Mr. Hankinson moved
That the Senate be informed that the House is ready to receive the Senate in joint session,
Which motion prevailed and
The chief clerk informed the Senate.

COMMUNICATION FROM SECRETARY OF STATE.

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
BISMARCK, Jan. 8, 1897.

To the House of Representatives:

In accordance with the resolution of the House, I have the honor to transmit herewith the record in the contest cases of Ward vs. Richards and Ryan vs. Kinan.

Respectfully,
FRED FALLEY,
Secretary of State.

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

JOINT SESSION.

The joint session of the two Houses was called to order by the President of the Senate.

The roll of the members of the Senate was then called by the secretary of the Senate.

All members present except Mr. Wishek.

The roll of the members of the House was then called by the chief clerk of the House.

All members present except Messrs. Carlin, Dunton, Richards and Wood, who were excused.

Mr. Rourke moved that a committee be appointed to inform the governor that the joint session is ready to receive his message.

The President of the joint session appointed as such committee Messrs. Rourke, Hankinson and Sharpe.

The committee return and report that they have notified the governor.

The sergeant at arms of the joint session announced a message from the governor.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE CHAMBER,
BISMARCK, N. D., JAN. 5, 1897.

To the Senate and House of Representatives:

GENTLEMEN: I have the honor to transmit herewith my final message as governor of the state of North Dakota.

I have the honor to be,

Very respectfully yours,
ROGER ALLIN.

MESSAGE OF GOVERNOR ALLIN.

Gentlemen of the Senate and House of Representatives:

It devolves upon me as retiring executive to deliver to you this message, dealing with the conditions of the state at the close of the present administration. It is almost a mere matter of form, as the policy of the outgoing administration is now of the past and not of the future. To the future that policy may not be applicable, and even did I deem it so, I would be lacking in courtesy to my successor to seek to fasten it upon his administration, or to urge your honorable body to give it serious consideration. Our government is so constituted that it may meet new conditions by new policies and revised methods.

It is useless, therefore, and inconsistent for me to place before you a series of recommendations when those recommendations may be foreign to the policy of this legislative assembly, and which another will be required to put into execution. I shall confine myself to but two recommendations, and those I deem necessary to the completion of the work of the last two years, and not pertaining to the future.

The detailed operations of the various departments are found in

the reports of the state officers and boards. I do not deem it advantageous to call your attention to all of them and mention them in every instance, being satisfied with a reference to such as contain statements so pertinent as to be of immediate importance.

STATE FINANCES.

In order that the expenditures of the state government might be kept within its revenues, I found it necessary, after the adjournment of the Fourth Legislative assembly, to veto items in all the appropriation bills left on my desk, to the amount of $122,640.00. In so doing the administration kept the pledges of the party, to give to the state a policy that would keep the expenditures within its revenues. That it worked hardships, none deny, but today the state is confronted by no deficiency, or no funds overdrawn. Of the $210,000.00 borrowed in 1895 for the purpose of meeting past due obligations and legislative expenditures, the state officers have been able to make good their promise that it would be taken care of before the expiration of their term. You, therefore, start with no increased indebtedness, either bonded or otherwise; with no institutions closed, but with a credit unimpaired, and second to none among the states of the great northwest.

The reports of the state treasurer and state auditor merit careful attention and consideration, disclosing, as they do, the fiscal operations of the state. Their observations and recommendations are not made hastily, but are the results of the application of business methods to the management of the state's finances. That no provision exists for taking up the bonded indebtedness *now* and soon to fall due; that the question of the payment of the interest on the Soldiers' Home bonds is important; that complications and discrepencies exist in the laws governing revenue and taxation, and are in need of remedial legislation, are some of the questions which have been officially brought to my attention by these officers.

CONSTITUTION.

The Fourth Legislative assembly, by concurrent resolution, submitted the question of holding a constitutional convention to a vote of the people. While the majority vote was largely in the negative, yet the minority vote was large enough to warrant calling attention to some arguments advanced in support of the proposition. It was contended that elevators, express and sleeping car companies, telegraph and telephone corporations and life insurance companies are escaping their share of taxation.

It is within the province of the legislative assembly to determine whether the corporations and companies above referred to,

and other interests, are being taxed according to the provisions of the constitution. If the constitution does not permit taxing them the same as other properties and franchises, then the constitution should be so amended at the earliest possible date as to permit them bearing their share of the public burden.

COMPILATION COMMISSION.

As the revising commission appointed by my predecessor, Hon. E. C. D. Shortridge, ceased to exist when their duties were performed in accordance with chapter 74, laws of 1893, no report was required from the said commission. Soon after the adjournment of the Fourth Legislative Assembly the commission advertised for bids for the printing of the Revised Codes, and on opening the bids submitted, after some delay, the contract for the printing was awarded to the Bismarck Tribune company, which company executed a bond in the sum of $10,000 which was approved by me.

The secretary of state having certified that the Bismarck Tribune company had delivered to him the requisite number of copies of the Revised Codes, and the same having been approved by the revising commission, on December 2, 1895, I issued a proclamation providing that thirty days thereafter the Revised Codes would be received as provided by said chapter 74, of the laws of 1893.

REPORTS.

The same trouble has arisen during this administration with reports that has existed prior—a lack of uniformity as to the time and the making of them. Some important boards and officers are not required to make reports either to the governor or any other state officer. As a matter of economy, whenever I have had occasion to call for reports, or have advised regarding them, I have urged that the same be condensed wherever it would not be detrimental to the public welfare.

DEPARTMENT OF HEALTH.

The work of this department has been hindered by reason of the omission in the Revised Codes of any provision for the payment of salaries and expenses of the department. No branch of the state government is of greater benefit to the general public than this, and had it not been that the superintendent considered it due to the public to continue to discharge the duties of the office to which he was appointed, with no immediate prospect of remuneration for time, and expenses incurred by him, the public might have reason to complain of the inefficiency of this department. He has attended to every call, no matter in what remote part of the state, and is justly entitled to compensation. Many of those trips have been made at my direction, calls having been

made for the service of some member of the board through the executive department. The superintendent has filed a bill with the state auditor amounting to $1,406.60, which I respectfully urge the legislature to consider favorably.

REFORM SCHOOL, PLANKINTON, S. D.

No contract has ever been entered into with the state of South Dakota for the care of boys and girls by the industrial school at Plankinton. Under the first administration an agreement was made between the officials of that institution and Governor Miller that the state of North Dakota should pay the sum of $200 per annum for the keeping of such persons as might be committed to the institution. This agreement has been continued by each succeeding administration, and the custom has been to present bills for the biennial period. During the early part of this administration I was notified by the officials of the state industrial school that owing to the financial condition of the institution it would be necessary for the state of North Dakota to pay for the keeping of the inmates from North Dakota semi-annually, at least, or the institution would insist on the inmates from North Dakota being withdrawn at once.

By an agreement with the state auditor and the state treasurer the bills have been paid from time to time, the aggregate being $5,752.04. During the year 1895 there were 18 inmates, at a cost of $2,292.99 for keeping, and burial expenses of $30.50, making a total of $2,323.49. During the year 1896 there were 23 inmates, at a cost of $3,348.55 for keeping, and medical expenses and burial expenses amounting to $80, making a total of $3,428.55.

As these sums were paid with no appropriation therefor, I would ask that the same be approved by the legislative assembly.

COMMISSIONER OF DEEDS.

No provision existing in the political code for the appointment of commissioners of deeds resident in other states, as soon as the Revised Codes went into effect I declined to make any appointments on account of questions that might arise hereafter, wherein titles would be questioned, though the authority of such commissioners to take acknowlegments have been continued by the code.

RUSSIAN CACTUS.

Owing to the abundance of moisture during the years 1895 and 1896, this weed has ceased to be a menace to the farmers of the southern part of the state.

The act creating the executive relief board and prescribing their duties was made operative by the appointment of two members. The board has endeavored to carry out the intent of the law by prescribing methods for the extermination of the cactus

and French weed, and exercising precaution to prevent its spreading. The appropriation of $30,000 by the Fourth Legislative Assembly was not used as it did not become available until the first of January, 1896, and for the further reason that it was not considered expedient to draw from the general fund for this purpose.

STATE GAME WARDEN.

The enactment of the Fourth Legislative assembly creating the office of state game warden and prescribing his duties was made operative by the appointment of George E. Bowers, of Fargo. Owing to the fact that the duties of this official did not begin until the first of April the provisions of the law have not been operative for more than half of the year, but the experience of that period has demonstrated that our native game can be amply protected under the existing enactment, and that a very few changes in the law would be necessary.

I respectfully call the attention of the legislature to the report of the state game warden. There is nothing contained in the law providing for the payment of incidental expenses and furnishing office supplies, yet it was held by the attorney general that he was entitled to have the same furnished him the same as other branches of the state service.

COMMISSIONER OF INSURANCE.

By an omission in the Revised Codes, the tax heretofore levied on insurance companies doing business in the state was not provided for. The commissioner of insurance was under the necessity of asking such companies to continue paying on the same basis as was provided under the old law. His report shows that the companies complied with the request, and without delay or hesitancy. That department is one that is self sustaining, and yields a good revenue. I would especially ask the attention of this body to his report.

MILITIA.

I desire to call the attention of the legislative assembly to the report of the adjutant general, and his recommendations contained therein. Perhaps no other branch of the state government has required as much labor and been the source of so much anxiety to the administration as the militia. With the state owing large sums of money for the transportation of the guard to the Jamestown encampment, in arrears for armory rent, clothing allowance and minor purposes, the condition of the treasury would not warrant the issuance of an order for an encampment. As a consequence there seemed but very little to keep alive the interests in the guard, but notwithstanding, the officers and members of the

guard have proven loyal and ever ready and prompt to comply with every order and perform every duty required of them.

Permit me to mention one hindrance to the dispatch of the business connected with the militia, and that is the constant moving about the state of the office of the adjutant general. It were better that this official and his headquarters be at the seat of government, where suitable provisions could be made for the filing and preservation of the records of the guard.

The act creating the state military board passed by the fourth legislative assembly was made operative by the appointment of Major W. H. MaKee and Lieut. Col. W. C. Trueman as members of said board, Lieut. Col. H. M. Creel being a member ex-officio. The board has assumed charge and control of the military grounds at Devils Lake, and have derived some money from the sale of wood cut from the grounds. As there were no provisions other than the general statutes, which provided for the converting of all moneys derived from miscellaneous purposes into the general fund, the money coming into the possession of the board has not been used for the improvement of the grounds. According to the last report there is about $300 in the possession of the board, which should have been used for some military purpose. If it be practicable to hold the militia encampments on these grounds, then all sums of money derived from this source, coming into the possession of the board, should be expended in fitting and preparing the grounds for that purpose.

IMPROVEMENT OF CAPITOL AND GROUNDS.

During the past two years much labor has been performed on the capitol building and in beautifying and improving the grounds. The plumbing in the building was found inefficient, and the same has been repaired where practicable, and new fixtures supplied where necessary. About 400 trees have been planted on the grounds belonging to the capitol, which, if properly cared for, will in time be of great value. Concrete walks have been laid leading to the building. The board of trustees of public property have been enabled to do much of this by the provisions of chapter 86 of the session laws of 1895.

Some repairs have been made to the executive mansion, though not all that was necessary, on account of the insufficiency of the appropriation. The building has been painted, and the old furnace replaced by a new one. The property is not in as good condition or as well furnished as an executive mansion should be.

REQUISITIONS.

During my term of office I have issued nineteen inter-state requisitions for the extradition of fugitives, as follows:

Ten on the governor of Minnesota.

Two on the governor of Missouri.
Two on the governor of Wisconsin.
One on the governor of Indian Territory.
One on the governor of Montana.
One on the governor of New York.
One on the governor of South Dakota.
One on the governor of Michigan.

I have made application for and obtained three international extraditions.

Returns have been filed by agents in fourteen cases, the cost being $3,014.17 ; of this amount the three international extraditions have cost the state $1,354.18. To regulate that expense, for the entire expense is borne by the state in all cases, and the writs being issued on the advice of the states attorney, has been a serious question. In the matter of charging the expense of all requisitions to the state, it is clear to me that we have not pursued the best plan. Only in the apprehension of a certain class of fugitives should the expense have been borne by the state.

I have honored requisitions as follows:
Three by the governor of Illinois.
Two by the governor of Wisconsin.
Two by the governor of Minnesota.
One by the governor of Colorado.
One by the governor of Michigan.
One by the governor of Montana.

PARDONS, COMMUTATIONS AND REWARDS.

I annex hereto a list of all pardons, commutations and rewards which I have issued, ending December 31, 1896, together with reasons for my action in each case.

PARDONS.

Bateman, James; crime, grand larceny; sentenced July 30, 1892, Pembina county; term, three years; expiration of sentence, January 15, 1895; pardoned January 14, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of James Bateman, his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Lyon, C. C.; crime, selling intoxicating liquors contrary to law; sentenced November 17, 1894, Ramsey county; term, ninety days imprisonment in the county jail of Ramsey county and a fine of $200.00; expiration of sentence, February 15, 1895; pardoned January 22, 1895. It was clearly shown that Lyon was acting as bar tender, and that the person by whom he was employed was not punished. His petition was endorsed by Hon. D. N. Morgan,

John Barton, sheriff and T. C. Saunders, clerk of court, and numerous citizens of Ramsey county.

Walker, W. D.; crime, grand larceny; sentenced June 17, 1893, Grand Forks county; term, two years; expiration of sentence, February 17, 1895; pardoned February 16, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of W. D. Walker, his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Moore Chas. H.; crime, burglary; sentenced, December 23, 1893, Grand Forks county; term, one year, five months; expiration of sentence, February 28, 1895; pardoned February 7, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of the said Charles H. Moore, the application was granted for the purpose of restoring to him the rights of citizenship. No publication; governed by the thirty day provision waiving publication.

Collins, Martha J.; crime, adultery; sentenced May 3, 1894, Stutsman county; term, one year; expiration of sentence, March 3, 1895; pardoned March 2, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Martha J. Collins, her application was granted for the purpose of restoring to her the rights of citizenship; no publication; governed by thirty day provision waiving publication.

Vaughn, Jerome; crime, adultery; sentenced May 3, 1894, Stutsman county; term, one year; expiration of sentence, March 3, 1895; pardoned March 2, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Jerome Vaughn, his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Tomjack, John; crime, assault with intent to kill; sentenced July 14, 1893, Stutsman county; term, two years; expiration of sentence, March 14, 1895; pardoned March 14, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of John Tomjack, his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Rondeau, John; crime, escaping from prison; sentenced May 15, 1894, Burleigh county; term, one year; expiration of sentence, March 15, 1895; pardoned March 15, 1895.

Fassett, Ora; crime, grand larceny; sentenced December 23, 1893, Grand Forks county; term, one year, six months; expiration of sentence, March 23, 1895; pardoned March 22, 1895. The warden of the North Dakota penitentiary having certified to the good conduct of Ora Fassett, his application was granted for the

purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

McCrone, Walter; crime, grand larceny; sentenced September 20, 1894, Stutsman county; term, one year; expiration of sentence July 20, 1895; pardoned April 11, 1895. Hon. Roderick Rose, before whom Walter McCrone was sentenced, recommended the granting of this pardon. McCrone was accused of stealing a horse and buggy while intoxicated. His defense was that he had purchased the horse from a third party, paying a small sum of money therefor. Upon this statement, and the warden of the North Dakota penitentiary having certified to the uniformly good conduct of Walter McCrone, I deemed the case of Walter McCrone one meriting executive clemency, and his application was granted for the purpose of restoring to him the rights of citizenship.

Hrabik, Anton; crime, burglary; sentenced January 21, 1892, Walsh county; term, four years; expiration of sentence April 21, 1895; pardoned April 20, 1895.

The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Anton Hrabik his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision, waiving publication.

Allen, Archibald; crime, burglary; sentenced June 28, 1894, Sargent county; term, one year; expiration of sentence April 28, 1895; pardoned April 27, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Archibald Allen his application was granted to restore to him the rights of citizenship. Further, Allen was a mere boy, under seventeen years of age at the time of the commission of the crime and was not criminally inclined.

Robinson, J. F.; crime, forgery; sentenced November 17, 1893; Morton county; term, one year, nine months; expiration of sentence May 2, 1895; pardoned May 1, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of the prisoner his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision, waiving publication.

Rushford, Lewis; crime, escaping from prison; sentenced October 26, 1894, Burleigh county; term, one year; expiration of sentence, June 26, 1895; pardoned June 25, 1895. The warden of the North Dakota penitentiary certified to the good conduct of Lewis Rushford, and his application was endorsed by Hon. W. H. Winchester; no publication; governed by the thirty-day provision, waving publication.

Onstein, Leonard; crime, grand larceny; sentenced November 28, 1894, Stark county; term, one year, six months; expiration of sentence, February 28, 1896; pardoned August 6, 1895. The

application for the pardon of Leonard Onstein was filed May 11 and denied July 13, 1895. The case was reopened and the pardon granted on receiving the endorsement of Hon. W. H. Winchester, the trial judge. The application was signed by the states attorney, heriff and clerk of court of Stark county and numerous citizens.

Onstein was a newsboy on the Northern Pacific railroad. A passenger claimed to have lost a pocketbook containing a sum of money, which was found in Onstein's possession. Onstein maintained that he found the pocketbook and intended to deliver it to the authorities, awaiting its identification. The circumstances were very complicated, and as Onstein had served about ten months and had been an exemplary convict, I deemed the granting of this pardon justifiable.

O'Brien, John; crime, grand larceny; sentenced October 19, 1893, Steele county; term, three years, six months; expiration of sentence, August 21, 1896; pardoned October 10, 1895.

O'Brien was pardoned at the request of the board of trustees and the prison physician of the North Dakota penitentiary, which request was made owing to the poer health of O'Brien and the inability of the board of trustees to provide suitable hospital treatment for him. From the time of his incarceration he had suffered from an abcess on the back. The treatment he needed he could secure if released, by the assistance of friends. With the hope that his life might be spared, the request of the board of trustees was granted and the pardon issued.

Berg, John; crime, forgery second degree; sentenced November 12, 1894, Nelson county; term, five years; expiration of sentence, November 12, 1898; pardoned November 11, 1895. Petition signed by Hon. C. F. Templeton, judge; Fred H. Kelley, states attorney; Oliver Knudson, sheriff, and Charles Adler, clerk of court.

Warner, Henry; crime, burglary; sentenced October 28, 1893; Ramsey county; term, two years, six months; expiration of sentence, November 21, 1895; pardoned November 20, 1895. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Henry Warner, his application for pardon was granted to restore to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

McCoy, George W.; crime, escaping from penitentiary; sentenced July 26, 1896; pardoned February 14, 1896. George W. McCoy was committed to the North Dakota penitentiary from Cass county. In the summer of 1893, while serving the sentence imposed upon him by Hon. William B. McConnell, judge of the Third Judicial district, he with a number of others attempted to escape. At the expiration of his sentence he was committed to the county jail of Burleigh county where he was confined about forty days awaiting arraignment on the charge of escaping from the penitentiary. McCoy was sentenced to further imprisonment for the

term of two years. During his second imprisonment he was in every way an exemplary prisoner. Having been satisfied that he was not criminally inclined and being a young man, he had been sufficienty punished, and upon the recommendation of a number of citizens of Cass county and endorsement of Hon. William B. McConnell, I deemed his case one meriting executive clemency.

Moran, Lewis; crime, selling intoxicating liquors contrary to law; sentenced January 8, 1896, Pembina county; term, ninety days county jail of Pembina county, and payment of a fine of $300; expiration of sentence, April 6, 1896; pardoned, conditionally, March 5, 1896. The conditions were that Moran, prior to his release, pay the fine of $300 imposed upon him by sentence of the court. The petition of Moran was signed by the officers of the court of Pembina county, the board of county commissioners, the county auditor and county treasurer.

Steiner, Victor; crime, manslaughter; sentenced September 25 1888, Burleigh county; term, ten years; expiration of sentence, April 10, 1896; pardoned March 6, 1896. The granting of this pardon was recommended by Hon. Roderick Rose, who was territorial trial judge and sentenced Victor Steiner.

Steiner and a friend were traveling westward on the Northern Pacific railroad. While under the influence of liquor and without any motive whatever, Steiner shot and killed his companion. It was represented by Judge Rose that the sentence was too severe; it was also represented by the warden of the North Dakota penitentiary that Steiner had been an exemplary convict; and under these representations and the fact that for eighteen months previous to the granting of the pardon Steiner was in very poor health and with the possibility of being restored to health if given an opportunity to secure hospital treatment, I considered his case one meriting executive clemency.

Taylor, John; crime, grand larceny; sentenced December 30, 1895, Grand Forks county; term, one year; expiration of sentence, December 30, 1896; pardoned April 2, 1896.

Taylor and two other parties were threshers. Taylor's companions, it is represented, secured some wheat and turned it over to Taylor to sell, which he did and handed the money to one of his companions. Taylor was arrested and plead guilty to the charge for the purpose of shielding one of his companions who had a family dependent upon him and in poor health. The petition was signed by numerous citizens of Grand Forks and by the states attorney.

Reisner, Charles; crime, robbery; sentenced December 4, 1894, Grand Forks; term, natural life; pardoned April 9, 1896:

In November or December Charles Reisner, with two other companions, were arraigned on the charge of joint robbery. The amount the parties secured was small, being $7.49. Reisner's companions have, since his conviction, made satisfactory statements

exonoratlng Reisner from any complicity in the robbery, his only connection being in the spending of the money. Under the statutes in force at the time Reisner was convicted, the judge was allowed no discretion in fixing the term of imprisonment. In view of the statements made by Reisner's associates, and the fact that Hon. C. F. Templeton stated that the maximum sentence he would have imposed upon Reisner, had he been permitted to use his discretion in the matter, would have been one year, and as Reisner had been confined in the penitentiary for sixteen months, I deemed this case one meriting executive clemency.

Hendricks, Stephen A.; crime, adultery; sentenced, January 14, 1895, Stutsman county; term, one year, six months; expiration of sentence, April 14, 1896.

This application was first made on the 19th of May. 1895, and refused on the 8th of August, 1895. Was re-opened and pardon granted on the 18th of April, 1896.

Under provisions existing prior to the taking effect of the Revised Codes, Hendricks would have been discharged prior to the date his pardon was granted, but under the Revised Codes a change having been made in thc "good time" law his date of discharge was later. On this account and the fact that he had been an exemplary convict, the pardon was granted to restore to him the rights of citizenship.

Rielly, Thomas; crime, burglary; sentenced, November 8, 1895, Cavalier county; term, two years; expiration of sentence, November 8, 1897; pardoned, May 8, 1896. His application was signed by Hon. O. E. Sauter, judge of the seventh judicial district, the officers of the court and by all of the jurors.

Thomas Rielly was convioted under the alias of James Campbell. Rielly and one Edward M. Moore were threshers, and had been in the city of Langdon. When on their way home in company with other persons they stopped at the house of one Nellie Padden a notorious character, where the alledged burglary was said to have been committed. Affidavits by Ernest H. Clark and William Davis who were present at the time the robbery was said to have been committed by Thomas Rielly and Edward H. Moore were filed exhonorating Rielly and Moore from any complicity in the affair. These matters together with the questionable character of the complaining witness, made it appear that Thomas Rielly was entitled to executive clemency.

Moore, Edward H.; crime, burglary; sentenced November 8, 1895, Cavalier county; term, one year, eight months; expiration of sentence, July 8, 1897; pardoned May 8, 1896. Same petitioners, circumstances and considerations as in the case of Thomas Rielly.

Wilson, George W.; crime, grand larceny; sentenced July 6, 1895, Ransom county; term, one year; expiration of sentence, May 11, 1896; pardoned May 11, 1896. The warden of the North Dakota penitentiary having certified to the uniformly good con-

duct of George W. Wilson, his application was granted for the purpose of restoring to him the rights of citizenship, no publication; governed by the thirty day provision waiving publication.

Chapney, Robert; crime, shooting with intent to do bodily harm; sentenced June 6, 1895, Foster county; term, four years; expiration of sentence, ...; pardoned August 13, 1896. The complaining witness in this case was James Nelson. Robert Champney and James Nelson had some misunderstanding over some trivial matter, in the course of which Nelson was shot through the leg by a bullet discharged from a gun in the hands of Champney. James Nelson asks for the pardon of Champney. The petition is concurred in by numerous citizens of Foster county, and it was further represented that Champney had always born a good reputation by those who knew him best, and there being no doubts as to the intent to do Nelson bodily harm, the pardon was granted.

Gilhoole, Michael; crime, attempted robbery; sentenced October 18, 1895, Stutsman county; term, one year; expiration of sen tence, October 18, 1896; pardoned August 17, 1896. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of the said Michael Gilhooley, his application was granted for the purpose of restoring to him the rights of citizenship; no publication; governed by the thirty day provision waving publication.

Marshall, Edward; crime, robbery; sentenced September 26, 1892, Grand Forks county; term, ten years; pardoned August 17, 1896.

Edward Marshall and others were accused of the larceny of some jewelry. One of the parties turned state's evidence, and Marshall was convicted of the theft. From the fact that he had already served four years of his term; that he was an elderly man and had previously borne a good reputation, and his conduct was good during his term of confinement in the penitentiary, and the endorsement of his application by ten of the jurors, the states attorney and others, the petition was granted.

Stockman, Henry J.; crime, shooting with intent to kill; sentenced December 19, 1892, Grand Forks county; term, ten years; expiration of sentence, December 19, 1902; pardoned September 2, 1896.

Henry J. Stockman was tried, convicted and sentenced under the alias of Michael Ryan. The petition for Stockman's pardon was signed by Hon. Charles F. Templeton, ten of the jurors, the complaining witness and numerous persons of the city and county of Grand Forks. It was shown by the certificate of the physician of the North Dakota penitentiary that Ryan was almost an invalid, and in need of treatment which could not be furnished him at the penitentiary. Under these considerations the pardon was granted.

Beech, Mills; crime, assault with intent to commit a felony; sen-

tenced June 13, 1895, Burleigh county; term, three years; expiration of sentence June 13, 1898; pardoned October 27, 1896.

The application of Mills Beech was signed by Hon. W. H. Winchester and other court officers, four of the jurors, and numerous citizens of Bismarck and Burleigh county. The conduct of Mills Beech, an elderly man, during the term of his confinement was good.

Frenzen, Fred; crime, grand larceny; sentenced November 10, 1894, pardoned November 24, 1896; Morton county; expiration of sentence December 20, 1896.

The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Fred Frenzen, his application was granted to restore to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Laturno, George; crime, grand larceny; sentenced November 10, 1894, Morton county; term, two years; expiration of sentence, December 20, 1896; pardoned December 20, 1896. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of George Laturno, his application was granted to restore to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

Raeburn, Stanley L.; crime, grand larceny; sentenced November 10, 1894, Morton county; term, two years; expiration of sentence, December 20, 1896; pardoned December 19, 1896. The warden of the North Dakota penitentiary having certified to the uniformly good conduct of Stanley L. Raeburn, his application was granted to restore to him the rights of citizenship; no publication; governed by the thirty day provision waiving publication.

LaChapelle, Stanislaus; crime, rape in the second degree; sentenced June 29, 1894, Walsh county; term, eight years; pardoned December 31, 1896. The evidence upon which LaChapelle was convicted for the crime of rape was doubtful. His conduct having been good, and his petition numerously signed by citizens of Walsh county, to whom the circumstances that resulted in the conviction were known, I deemed the case meritorious.

Bell, J. C.; crime, seduction under promise of marriage; sentenced July 6, 1895, Walsh county; term, three years; pardoned December 31, 1896. The application for the pardon of J. C. Bell was signed by numerous citizens of the town in which he resided, and his application endorsed by Hon. O. E. Sauter, judge of the Seventh judicial district. The character of the complaining witness was such as to raise doubts as to Bell's guilt as charged, and it further being shown to me by affidavit that Bell was willing to make right any wrong he had done the complaining witness, but was not permitted to do so, operated in his favor.

Thorman, Fred, alias Frank Clark; crime, robbery; sentenced March 8, 1894, Pembina county; term, natural life; pardoned

December 16, 1896. Fred Thorman, alias Frank Clark, and Joseph German, alias James Young, whose sentence was commuted on the 29th of August, 1896, were tried in the District court of Pembina county for the crime of robbery, conjointly committed. Their sentences were for the term of their natural lives. The petition for the pardon of Fred Thorman was signed by Hon. C. F. Templeton, Hon. O. E. Sauter, N. C. Young, state attorney, the officers of the court and jurors. Upon these recommendations and the fact that the statute under which Fred Thorman was tried, convicted and sentenced allowed the judge no discretion in fixing the term of his sentence, the pardon was issued.

COMMUTATIONS.

Foley, William; crime, robbery; sentenced November 23, 1893, Grand Forks county; term, natural life; commuted June 15, 1896; to the term of five years from date of sentence with "good time" allowance.

William Foley and others were accused of taking money and valuables from the person of one James Dyer, and was convicted and under the statute was sentenced to life imprisonment. This application was first made for a pardon which was denied.

German, Joseph, alias James Young; crime, robbery; sentenced March 8, 1894, Pembina county; term, natural life; sentence commuted August 29, 1896, to a term of one year and seven months actual time from date of conviction.

The sentence of Joseph German was commuted upon the ground that the statute under which he was convicted and sentenced allowed the trial judge no discretion in pronouncing sentence, and upon the indorsement of Hon. C. F. Templeton and Hon. O. E. Sauter, the jurors and other officers of the court.

Pancoast, William Wiley; crime, murder; sentenced August 21, 1896, Cass county; date of execution, November 12, 1896. Sentence commuted to imprisonment in the North Dakota penitentiary for the term of his natural life, November 17, 1896. William Wiley Pancoast was informed against as Myron R. Kent; was convicted of the crime of murder and was sentenced therefor to hang. Application was made for the commutation of sentence to life imprisonment, which was denied, and the judgment of the court allowed to stand October 17, 1896. November 10, 1896, Pancoast, by his attorney, W. A. Hildreth, asked for a reprieve, which was granted November 10, 1896, staying the execution of sentence until November 10, 1896, for the purpose of conferring with the Hon. Wm. B. McConnell. On November 16, 1896, personally appeared before me, Hon. Wm. B. McConnell, making a voluntary statement in the case and asking for the commutation of the sentence to life imprisonment. November 17, 1896, the sentence of William Wiley Pancoast was commuted to life imprisonment for

the term of his natural life upon the request and recommendation of Hon. Wm. B. McConnell.

REWARDS.

A reward of $100 was offered for the apprehension and return of James Smith to the officers of the North Dakota penitentiary, who on the 31st day of July, 1895, escaped from the officers of said penitentiary. Said reward was offered on the 15th day of August, 1895, and paid on the 22d of October, 1895, to William Reed and Thomas Grozier, by whom the said Smith was apprehended.

A like reward and for the same purpose was offered for the apprehension and return of J. F. Watkins, who escaped with and at the same time with James Smith.

CONCLUSION.

No man can discharge the functions of governor for a term of two years and fail to appreciate the honor conferred upon him, and yet, as others of my predecessors have said, I lay aside the cares and responsibilities without hesitation. The public may regard this as a mere sentiment, and I am constrained to give some of the reasons that prompt this expression. When one is to be held responsible for the administration of the affairs of the state, he should be vested with that authority and power to put into immediate operation adequate remedies to check public abuses on their first appearance. In so many instances he is hedged about by technicalities, that before the necessary machinery can be put into operation the close of his official career is reached. Evils multiply while the remedies are being sought for and determined. Again, in government building there seems to be an overtowering distrust of the power vested in the executive, while at the same time there is an equal desire to make certain the degree of responsibility which he must assume, without placing in his power swift and certain means to meet the requirements imposed upon him. Other state officers have their duties restricted practically to one branch of the public service, and are thus enabled to master it in every detail. The executive is not permitted to devote any considerable time to a particular function of his high office, but is confronted by duties innumerable, which prevent the general interests of the state from receiving that careful attention and consideration which he is expected to give. I know that this is not the popular idea, but brief experience has convinced me, as it has my predecessors, that such is the case. But with these observations and difficulties surrounding the executive department, I have done. There is a bright side to it all, and that is the higher and nobler qualities of citizenship, which I now appreciate more than ever in my fellow man. For a time our selfish instincts may seem to dominate, but at intervals other great questions present

themselves that call forth the nobler attributes of our nature, subordinating those sordid propensities to the nobler qualities of manhood and womanhood.

I cherish many pleasant recollections of the past two years, and know that from this time forward I have a higher appreciation of my fellowmen and am better equipped to discharge intelligently the duties of a citizen.

Though not born beneath the stars and stripes, I have no regrets for having chosen it as the flag of my allegiance, for I know that in this country, which it symbolizes, mankind enjoys the purest and best type of self-government.

I shall also take pride in the fact that I was the first of an alien race to be honored as governor of North Dakota, but that pride is not entirely personal, being in part a just appreciation of the conditions which have made it possible for an alien to aspire and be honored equally with those to the "manor born," My remaining years as a private citizen will be spent among the people of this state who have thus honored me, and whom I have tried to serve conscientiously and fearlessly.

To the God of Nations I commend you for strength to discharge the duties before you. To Him also I offer a fervent supplication that he who succeeds me may be blessed with renewed health and strength, and be permitted to once more gather around him an unbroken family to share with him the honors and maintain the dignity of the high office to which he has been chosen.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE CHAMBER,
BISMARCK, N. D., Jan. 5, 1897.

To the Senate and House of Representatives:

GENTLEMEN: I have the honor to transmit herewith my inaugural message, circumstances having made it such that I was unable to deliver to you in person. I have the honor to be,

Yours very respectfully,
FRANK A. BRIGGS,
Governor.

MESSAGE OF GOVERNOR BRIGGS.

Gentlemen of the Senate and House of Representatives:

I have the honor to address to you this my first official communication. The honor that has been conferred upon me is one that carries with it a great duty and responsibility. These duties I approach with hesitancy, and the responsibilities I assume with no thought of evading the slightest of them.

The governor, in some degree, takes the initiative in matters of legislation, for one of the first official acts required of him by the

constitution, is to communicate to the legislative assembly "information of the condition of the state and recommend such measures as he shall deem expedient." He is further made to participate in legislation by being required to give his approval of measures passed by the legislature before they become operative as laws. The extent to which the recommendations of a governor enter into the general scheme of legislation is unimportant, for in his capacity they are but the opinions of a single individual addressed to a larger body, vested with the authority to speak and act for a constituency of thousands.

The majority of this body was chosen by the same vote that selected me to take this initiative in legislation, and the same issues entered into your election that entered into mine. Hence, it must be presumed that on the greater questions, these two branches of the state government are in accord. Should there be differences, I trust that they may be honest differences of opinion, and not personal jealousies.

The vesting of the veto power in the executive places in his hands a great power, and one that should be used but seldom, and only when the interests of the state are in jeopardy. I do not desire to disapprove of any measures that may come to me from this body, but should my judgment be that any measure is unjust, I will not hesitate to use it.

I shall not make many recommendations to you, but such as I do make will be for the purpose of correcting things that I deem very essential to be corrected, or matters that have been neglected to the detriment of the best interests of the state.

ELECTION OF UNITED STATES SENATOR.

The term of the senior senator from this state being about to expire by constitutional limitation, it devolves upon this legislative assembly to select his successor.

The dignity of the office and the influence the incumbent exerts upon the political affairs of the state has gradually led to the discharge of this part of your duty as one of the most important in the estimation of the people. It is the general desire that this matter be disposed of as quickly as will be consistent with public interests, for a prolonged contest does not aid in the dispatch of business that awaits the attention of the assembly.

ELECTION LAWS.

The stability of our government depends upon the purity of the ballot and the ability of the voter to exercise the right of suffrage legitimately and intelligently. That our election laws are admirable is generally admitted. But recent experience has satisfied many that in some respects the law is not as clear as it should be. Authority should be vested in some official or tribunal to determine

quickly what names are entitled to be placed on the official ballot

That provision of the law relating to the counting of votes cast for the same person or persons whose names appear more than once on the ballot is in need of amendment. Much expense, ill feeling, and valuable time would be saved if that statute was made so plain as to admit of but one construction.

A law that would compel every man to register in person or by affidavit 30 days before any general election is held would be one of the most valuable enactments of this legislative session. But, if it would not be considered proper to make the law applicable to all precincts, it certainly is advisable to make it apply to all incorporated towns and cities for owing to the more frequent changing about of population in towns and cities, the man with no legal right to vote is the better enabled to escape detection. Unscrupulous persons depend upon this element to carry elections, and thus often thwart the will of the lawful majority. It is an evil that should be remedied at once, and I am of the opinion that one of the surest remedies is to be found in a rigid system of registration.

APPROPRIATIONS.

Perhaps no other subject consumes as much time of the legislative assembly as that of apportioning the revenues of the state among the various public institutions, and for its miscellaneous uses. It ought not to be a difficult question to settle, as the revenues can be very accurately determined, and the fixed appropriations are certainties. In no event should the aggregate exceed the revenues, for it works an injustice not only to the taxpayer, but to the institutions and purposes for which they are intended, as well as impairing the credit of the state. We begin the new year with no past due obligations on account of current expenditures and no perceptible decrease of revenues. The various branches of the state service can be amply provided for if business principles prevail in this matter.

There are certain items of expenditures that, under the existing laws, cannot be accurately determined, and I will call your attention to some of them. The amount paid for the transportation of convicts to the penitentiary for the fiscal year ending June 30, 1896, was $4,213.25; and that for transportation of insane persons to the hospital was $5,295.34. Another item that is equally as uncertain is that of apprehending fugitives from justice, which I will mention separately. A law under which all or part of the expense of the first two items would be borne by the counties from which the person is committed would receive the approval of the governor, and I doubt not would be acceptable to a majority of the counties when once well understood.

I trust that the appropriation bills may reach the executive office in ample time to receive that consideration they are entitled to before the adjournment of this assembly.

REQUISITIONS.

That some provision should be made whereby the expense of securing the return of fugitives from justice could be reduced is apparent to all who will examine the bills audited and paid during any administration for this purpose. Were the expense chargeable to the counties, there would be a less number of requisitions asked for, and those sought would be scrutinized very closely before they were authorized by the county officials. In several states none of the expense is borne by the state; in but a limited number is all the expense paid out of the state treasury. The more satisfactory arrangement, it seems to me, would be to make a distinction between those that would properly be a state charge and those that would be a county charge, and appropriate a definite amount out of which the expense of the first would be paid. I invite your earnest consideration of this subject.

REVENUE AND TAXATION.

One of the most important matters for the consideration of the present legislative assembly is that of revenue and taxation. It will be conceded by all that if any law should be free from verbiage and easily understood it should be that of the assesement and collection of the revenues of cities, counties and states. It is especially necessary that the laws should be reasonably plain, for the reason that the machinery of taxation is placed in the hands of all kinds and conditions of men. For the past year, or since the provisions of the present tax laws have been operative, I have found by practical experience, as state auditor, that it has been absolutely impossible for the several officials, to whom is delegated the power of putting into effect and enforcing our tax laws, to follow along the lines laid down.

The fact of the revising commission adding the following to their introductory remarks—found on page 7, Revised Codes—has not tended to reassure the public that our system of taxation is entirely perfect, viz: "Many changes were made by the committee and the legislative assembly in the report of the commission. The most important of these changes was the substitution of an entirely new system of revenue and taxation in the political code, which was made by the legislative assembly too late in the session for careful consideration."

It is unfortunate that our revenue laws have been changed so often and so radically. Untold litigation must necessarily result from these repeated changes, particularly in relation to the sale of realty for the non-payment of taxes. There are, of course, some excellent provisions that should be retained, and upon the other hand a number of dangerous features that should by all means be eliminated.

I would, therefore, recommend that a careful, painstaking and

entire revision of this part of the political code be made by the present assembly.

SOLDIER'S HOME CERTIFICATES.

The attention of the fourth legislative assembly was called to these certificates, which were issued to the amount of $10,000.00, but no provision was made for the payment of the interest. Under the act authorizing their issuance, the interest thereon was to be paid from the interest and incomes arising from the grant of lands to the said Home, or from any appropriations to be made for that purpose. There has been no interest paid on any of these bonds, and for the purpose of maintaining the credit of the state, if for no other reason, the matter should not be longer neglected. Suitable provision should be made for the payment of the interest, until such time as the income as above stated is sufficient to discharge the interest accumulations, and then re-imburse the general fund for the amounts advanced.

FUND FOR FEEBLE MINDED INSTITUTION.

At the last general election the proposed constitutional amendment to section 215 was defeated. There remains in the state treasury the sum os $26,370, which was paid to the state of North Dakota under the provisions of [an act of congress, approved August 23, 1894, for the erection of an institution for the feeble minded at the city of Grafton. The provisions of that act seem to be such that the sum of money thus passing to the state can be used for no other purpose, and it has been held that until it is used for that purpose it is merely a trust fund. I would recommend that, if it is competent to invest the amount, that authority be given the proper officers to so invest it that by interest accumulations the fund will be constantly increased until such time as it may be used for the purposes for which it was appropriated.

STATE BONDS AND WARRANTS.

The capitol building funding warrants issued in accordance with the provisions of chapter 24, session laws of 1889, became due on the 1st day of April, 1894, but the general fund being exhausted, they were extended until the 1st day of April, 1896, and subsequently until the 1st day of April, 1897. The principal and interest at that time will amount to about $62,000. It is necessary that some provision be made for their payment.

The four per cent university bonds—$20,000—mature May 1, 1897, and will likewise have to be taken care of. In view of the fact that the bonded indebtedness of the state will be falling due at intervals of a few years, it appears necessary that a sinking fund be created that the state may be enabled to take up the bonds as they fall due.

STATE BANKING LAWS.

The state examiner should be authorized to assume and take charge of any state bank, pending the appointment of a receiver, when by examination or report it is found that the bank is unsafe, or the interests of the depositors are endangered by a continuance of an unwise policy in its management. I would recommend suitable legislation for this purpose.

CONTINGENT FUND.

A small fund should be placed at the disposal of the governor, out of which he could authorize the payment of small expenditures that cannot be forseen by any legislative assembly or determined by any committee on appropriations. There have been numerous times when public interests have not been properly cared for on account of there being no appropriation out of which expenses could be paid that did not properly come under the head of some of the various departments or belong to some of the purposes included in appropriation bills. At times sums of money have been advanced, or payments guaranteed by the governor and other state officers.

A fund of this character would largely obviate the necessity of asking for special appropriation bills by each legislative assembly. It would also be of much benefit to the executive department, for there are many times when, in order to do justice to public interests, expenses are to be incurred that are not in the nature of expenses chargeable to the executive office.

I would recommend that an appropriation of $2,000 per annum be made, and the same placed at the disposal of the governor.

EXPENDITURES FOR MAINTENANCE AND OFFICES.

By the provisions of the Revised Codes, the separate statutes existing prior to January 1, 1896, for the maintenance of the capitol and grounds, maintenance of the executive mansion, and providing for office supplies and expenses were repealed and the three duties placed under the direction of the board of trustees of public property—sections 154, 155 and 338, Revised Codes. Under the old provisions the sums appropriated were unlimited, except that for the maintenance of the capitol, but under the codes the only appropriation is one of $7,000.00. I do not believe that it was the intention of the revising commission or the Fourth Legislative assembly that the small appropriation of $7,000 should cover all these expenditures. The board of trustees of public property have found this sum to be wholly insufficient and comparing the expenditures of the last year with those of previous years, the expense has not been excessive.

Under the new provisions the board of trustees of public property is required to submit an estimate of the amount necessary to

meet the expense of maintaining the capitol, executive residence, improving the grounds, and furnishing supplies and providing for the incidental expense of the offices, which I suppose will be laid before you soon

VETERINARIANS.

The act of the Fourth Legislative assembly placing the district veterinarians under the immediate direction of a chief state veterinarian was one that has benefited the stock interests of the state, by securing uniformity and a more rigid enforcement of the law.

Considering the stock interests of the second and sixth veterinarian districts, and the great extent of territory included in each of them, I would deem it advantageous to create two new districts by dividing each of them along such geographical lines as will make them as nearly equal as is consistent with public interests, and at the same time enable the officer in charge to reach every part easily and quickly.

Special quarantine stations for the inspection of live stock brought into the state from the west should be established at points on both the Great Northern and Northern Pacific railroads as near the western boundary line as possible. Under the existing conditions by far the greatest number of cases of infectious diseases have been communicated by animals that were brought in along these lines, for they are unloaded and distributed before knowledge of their shipment or entry can be made known to the proper officials. Some provision of this kind is certainly necessary to a proper enforcement of the laws relative to the importation of live stock, I therefore recommend such legislation as will make this practicable, and also the creation of two additional districts by dividing the second and sixth.

RUSSIAN THISTLE AND FRENCH WEED COMMISSION.

Your attention has been called by the retiring executive to the operations of the cactus commission, and the disappearance of that noxious weed to such an extent that it is no longer a menace to the farming interests of the state. Many objections have been raised to the law, and many of them are well founded. Under the circumstances I would recommend its repeal, and the enactment of a suitable statute for the destruction of all noxious weeds, or such amendments as may be necessary.

The same difficulties have arisen in levying the tax of one mill for the destruction of the Russian Thistle and French weed that were encountered in the creation of a fund for the suppression of pleura-pneumonia (called the stock indemnity fund.)

The boards of county commissioners in many instances have either declined or neglected to make the levy. On December 31 there was a balance in the treasury to the credit of this fund of

$21,594.07, and it would be competent to refund this to the counties that have made the levy and paid the amount into the treasury, first deducting any expense that the state may have been to in the extermination of the Russian Thistle and French weed in the several counties so contributing.

BOILER INSPECTION.

The fearful losses of life caused by negligence and inefficiency on the part of those operating boilers and engines should be guarded against. While there were fatalities during the period that such a law was in force, the number appears to have been greater since its repeal, and can be attributed to no other cause than a lack of proper precaution in the class of men placed in charge of them. To create the office of state boiler inspector, or a board of examiners, with suitable provisions for examinations and the issuance of licenses in every county or judicial subdivision need not be an item of great expense to the state.

REFORM SCHOOL.

Your attention has been called by Governor Allin to the absence of any contract between the state of North Dakota and the state industrial school at Plankinton, South Dakota, for the care of persons committed to a reform school, and that the inmates are kept under agreements that have received a legislative sanction from time to time by appropriating sums of money to pay the bills for biennial periods. If it be deemed best to continue to have them cared for outside of the state, it is advisable to authorize the state to contract for a term of years wherever the most favorable arrangements could be made.

Under the provisions of chapter 124, of the Session Laws of 1890, the board of trustees of the reform school acquired a valuable property on which to erect this institution. A considerable tract of land was donated to the state on the condition that the institution be completed within a specified time, which could not be done on account of the repeal of the appropriation. If the financial condition warrants, it would be expedient to make provision for retaining the interest donated.

CONCLUSION.

In making the foregoing recommendations and observations, I have not been actuated by other motives than to point out some of the most prominent necessities of the state. It may be that my solution of these questions is not the right solution. Should that be the case, I trust that you may regard my utterances as the utterances of but one individual, and leave you free to pursue whatever course you deem best.

I trust that your sessions may be productive of good to the state, and beneficial to each member socially and intellectually.

Mr. Twichell moved
That the reading of the message be dispensed with and 500 copies for each house be printed for the use of the members,
Which motion prevailed.

Mr. McGillivray moved
That the joint session do now dissolve,
Which motion prevailed, and
The joint session dissolved.

On motion of Mr. Porter the privilege of the floor were extended to Mr. H. E. Sunday of Stutsman county, also Daniel Manning of Dickinson and Mr. Devlin of Sargent county.

The Speaker excused Mr. Sharpe of LaMoure.

Mr. Belden offered the following resolution:

Be it resolved by the House:

That the secretary of state be requested to furnish for the use of the members of the House, including one copy for the chief clerk's desk, the Revised Codes of 1895, together with the House and Senate Journals of 1895.

Which motion prevailed, and
The resolution was adopted.

Mr. Hurley offered the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring:

The secretary of state is requested to prepare for the use of the state officers and membe s of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the Senate and House, officers of the respective bodies, the committees thereof, the rules of the respective bodies, the constitution of the state and such other information as may be necessary and useful for the state officers and members of the legislative assembly,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. White introduced
House Bill No. 11,
A bill for an act to amend section 515 of the Revised Codes of 1895 relating to the marking of official ballots.

Mr. Hammond introduced
House Bill No. 12,
A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Mr. Peoples introduced
House Bill No. 13,
A bill for an act to amend section 244 of the Revised Codes providing for the compensation of the state board of health.

Mr. Howard introduced
House Bill No. 14,
A bill for an act to amend sections 3231, 3254, 3255, 3256, and 3258 of chapter 20 of the revised civil code of 1895, relating to banking.

Mr. Francis introduced
House Bill No. 15,
A bill for an act providing for the taxation of insurance companies.

Mr. Twichell introduced
House Bill No. 16,
Being a concurrent resolution to amend section 76 of the constitution of the state of North Dakota.

Mr. Hankinson moved
That the first reading of House bills be dispensed with until printed
Which motion prevailed.

Mr. Lindstrom moved
That the Speaker of the House assign one of the clerks of the House to committee on elections and privileges,
Which motion prevailed.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 9, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cavalier, Cryan, Dunton, Hankinson and Carlin.

Messrs. Brotnov and Sharpe being excused.

REFERENCE OF THE JOURNAL.

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

MR. SPEAKER:

Your committe on correction of the Journal have had under consideration the Journal of the third day, and recommend the following correction,

That the name Syverton be changed to Syvertson.

Also, the Journal of the fourth day, and recommend the following correction,

That on page 10, in line 6, the words Boyd of Cass be stricken out, as he was present and answered to the roll call.

And when so corrected move their adoption.

E. C. SARGENT,
Chairman.

Which motion prevailed and
The report was adopted.

The privileges of the floor were extended to Messrs. Wade of Morton, Mayor Johnson of Fargo, G. E. Kermoll of Pembina, Ed Church of Inkster, John Tuhenes and O. G. Hanson of Northwood.

PETITIONS AND COMMUNICATIONS.

Mr. Currier presented the following petition:

To the Legislature of the State of North Dakota:

HONORABLE SENATORS AND REPRESENTATIVES: We, the members of the national guard of the state of North Dakota, hereby respectively petition your honorable body to make an appropriation for the purpose of defraying the expense of transportation of the guards of the state to the city of Washington, D. C., to take part in the inaugural ceremonies on the 4th of March. 1897.

We would respectfully call the attention of your honorable body to the fact that similar appropriations are being made for a like purpose by many of our sister states.

We beg further to remind your honorable body that there has been no encampment of the guards of the state since the year 1894. We believe that an opportunity of this kind, if realized, will revive an interest among the guards and would be a powerful incentive in the future for others to enlist.

We believe also that it would be of great benefit to the state guards to have this rare opportunity to mingle with, and, above all, to observe the efficiency of the many regiments of the other states that will be there on duty.

Dated Devils Lake, N. D., December 23, 1896.

Mr. Hurley moved
That the petition be laid on the table,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Lindstrom offered the following resolution:

Resolved, That the Speaker be and is hereby authorized to appoint a clerk for the committee on elections and privileges, who shall be subject to the call of the Speaker for assistance on other committees when required,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

The Speaker appointed Col. C. A. Lounsberry, of Cass county, as such clerk.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Johnson introduced
House Bill No. 17,
A bill for an act providing for filing of chattel mortgages, conditional sales and other indebtedness.

Mr. Gaulke introduced
House Bill No. 18,
A bill for an act providing for a lien upon threshing engines and separators for repairing done thereon.

Mr. Stevenson introduced
House Bill No. 19,
A bill for an act regulating the rates of toll of grist mills for grinding grain, fixing the liability and providing a penalty for a violation thereof.

FIRST READING OF HOUSE BILLS.

House Bill No. 1,
A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof,
Was read the first time.

House Bill No. 2,
A bill for an act to amend section 1237, article 6, of chapter 18. political code, laws of 1895,
Was read the first time.

House Bill No. 4,
A bill for an act to amend sections 1256 and 1259 of the Revised Codes of North Dakota, fixing the time for the sale of real estate for taxes and filing the report of the county treasurer of such sales,
Was read the first time.

House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
Was read the first time.

House Bill No. 7,
A bill for an act to amend section 1794 of the Revised Codes of North Dakota,
Was read the first time.

House Bill No. 8,
A bill for an act governing the use of labels,
Was read the first time.

House Bill No. 9,
A bill for an act to provide for the erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto,
Was read the first time.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
January 9, 1897.

MR. SPEAKER:
I have the honor to return herewith
House concurrent resolution providing for a legislative manual,

which the Senate has passed with an amendment, striking out the words, "the constitution of the state," and your concurrence in the amendment is respectfully requested.

Respectfully yours,
J. C. GILL,
Secretary.

Mr. Hurley moved
That the House concur in the Senate amendments,
Which motion prevailed, and
The amendment was concurred in.
Mr. Hurley asked unanimous consent to introduce a bill,
Which was granted.

Mr. Hurley introduced
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,
Was read the first time.

House Bill No. 17,
A bill for an act providing for filing of chattel mortgages, conditional sales and other evidences of indebtedness,
Was read the first time.

House Bill No. 18,
A bill for an act providing for a lien upon threshing engines and separators for repairing the same,
Was read the first time.

House Bill No. 19,
A bill for an act regulating rates of toll of grist mills for grinding grain, fixing the liability and providing a penalty for a violation thereof,
Was read the first time.

The oath of office was administered by the Speaker to Col. C. A. Lounsberry as clerk to committee on elections and privileges.

Mr. Wallace requested to be excused from the 11th to the 14th inst.,
Which was granted.

Mr. Hawk moved that the House do now adjourn,
Which motion prevailed and
The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 11, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cole, Ebbighausen, Lenz and Murphy.

Messrs. Francis and Wallace being excused.

The Speaker administered the oath of office to Representatives Carlin and Dunton, also to L. E. Hoadley, assistant journal clerk.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifth day and recommend its adoption.

E. C. SARGENT,
Chairman

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The Speaker presented the following petitions:

BOARD OF TRADE.
DALLAS, TEXAS, Jan. 7, 1897.

To the Speaker of the House of Representatives, Bismarck, North Dakota:

DEAR SIR: This board of trade has been impressed with the vital importance of the passage of a bankrupt bill, and has been in actual communication with the like commercial bodies over the country with the view of speeding the passage of some just and equitable bill. We find a general consensus of opinion that such an act is a necessity, and many commercial bodies have memoralized congress praying its passage, forwarding petitions similar substantially to the one inclosed from the Milwaukee chamber of commerce.

The deplorable condition of financial slavery resting upon thousands of our fellow-men, the loss to the state from a paralysis of their energies, the cruelty of forever keeping such men in bondage forcibly suggests to all men having in their hearts charity and kindness for these long-suffering men and their families, and that relief should be granted.

In view of this condition of affairs, and of the incomparable beneficence of a bankrupt bill, we venture to invoke your aid, and that the body over which you preside, in speeding the passage of such a bill through the Senate of the United States. The bill, as you know, has passed the House, and is now on the Senate's calendar awaiting its action. As there remains only some forty days of the present session we beg to suggest that the passage by your body of a joint resolution invoking immediate action on the part of the United States Senate would be most desirable. Such a resolution will be promptly introduced and passed by our legislature which convenes next Tuesday.

Very respectfully,

LEO WOLFSON,
Secretary.

CHAMBER OF COMMERCE,
MILWAUKEE, Dec. 28, 1896.

To the Honorable, the Senate of the United States:

The following resolutions were unanimously adopted at a meeting of the board of directors of the chamber of commerce of the city of Milwaukee, held on this date:

Resolved, That the chamber of commerce of the city of Milwaukee, through its board of directors, earnestly appeals to the Senate of the United States to promptly pass the Torry bankruptcy bill, which has already passed the House of Representatives, and only awaits the favorable action of the Senate to become a law, thus at once affording a measure of relief and protection of which the nation at the present time stands greatly in need—relief in "releasing from financial servitude thousands of able, energetic and experienced men whose restored energies could again be devoted to the upbuilding of the state," and protecting in removing one of the most fruitful causes of financial distrust and panics in the temptation which the absence of an equitable bankrupt law affords to any creditor in case of financial embarrassment of his debt or to seek his own advantage to the detriment of other creditors and the ruin of the debtor. "Neither common sense or justice demands the continued and helpless servitude of such a great number of our fellow-men," nor the continuance of this needless hindrance to the returning prosperity of our country. Failure to pass the bill by the Senate at this session will probably involve indefinitely delay in the passage of another bill, and such delay "simply means denial of relief for men now past the prime of life, who have but few years remaining to recuperate their fortunes."

Resolved, That a copy of this action be transmitted to the President of the United States Senate, and that the senators from Wisconsin be respectfully requested to use their best efforts to secure the passage of that beneficent measure, the Torry bankruptcy bill, at the present session.

Respectfully presented in behalf of the board of the chamber of commerce of the city of Milwaukee.

(Signed) CASSIUS N. PAINE,
President.
W. J. LANGSON,
Secretary.

REPORT OF SPECIAL COMMITTEE.

The committee appointed to secure committee rooms made the following report:

MR. SPEAKER:

Your committee appointed to secure committee rooms report

That they have secured the lower floor of the Capital National Bank building with the privilege of using one large room on the second floor when not occupied by a Senate committee for $200 for the session, fuel included.

Also,

The G. A. R. rooms for $100 for the session, fuel included.

Two janitors will be required for these rooms, and your committee would recommend the appointment of M. H. Weeks, an old soldier, and the choice of the G. A. R. boys, as one.

Respectfully submitted,

THOS. RICHARDS,
E. F. PORTER,
DONALD STEVENSON,
Committee.

Mr. Hankinson moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Hurley offered the following resolution:

Resolved, That the Speaker be empowered and authorized to appoint a clerk each for the following committees: Taxes and tax laws, railroads, state affairs and municipal corporations; and that when said clerks are not engaged as clerks of their respective committees they shall be assigned to the duties of enrolling and engrossing clerks,

And moved its adoption,
Which motion prevailed,
And the resolution was adopted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Power introduced
House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota.

Mr. Twichell introduced
House Bill No. 22,

A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal cases.

Mr. Erickson introduced
House Bill No. 23,

A bill for an act authorizing the building and construction of railway tracks at or near any station or terminus of any railroad to connect with elevators, warehouses and mills.

Mr. Goplerud introduced
House Bill No. 24,
A bill for an act providing for fees for sheriff in redemption.

Mr. Belden introduced
House Bill No. 25,
A bill for an act providing for the sale of grain at standard weight or measure, and providing a penalty for violation thereof.

FIRST READING OF HOUSE BILLS.

House Bill No. 21,
A bill for an act to amend section 200 of the Revised Codes of North Dakota,
Was read the first time.

House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,
Was read the first time.

House Bill No. 23,
A bill for an act authorizing the building and construction of railway tracks at or near any station or terminus of any railroad to connect with elevators, warehouses and mills,
Was read the first time.

House Bill No. 24,
A bill for an act providing fees for sheriff in redemption,
Was read the first time.

House Bill No. 25,
A bill for an act providing for the sale of grain at standard weight or measure and providing a penalty for violation thereof,
Was read the first time.

House Bill No. 11,
A bill for an act to amend section 515 of the Revised Codes of 1895, relating to marking of official ballots,
Was read the first time.

House Bill No. 12,
A bill for an act to provide for the establishment and government of the North Dakota school of forestry, and making an appropriation therefor,
Was read the first time.

House Bill No. 10,
A bill for an act entitled an act fixing the salary of clerks of the district courts in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes

of the state of North Dakota for the year 1895, the same being all of article 2, chapter 27, of the political code therein,

Was read the first time.

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes, providing for the compensation of the state board of health,

Was read the first time.

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the Revised Codes of 1895, relating to banking,

Was read the first time.

House Bill No. 15,

A bill for an act providing for the taxation of insurance companies,

Was read the first time.

The privileges of the floor were extended to Messrs. Gen. Harrison Allen, Hon. J. A. Johnson of Fargo, Randolph Holding of Sargent county, P. V. Lanquist of Casselton, N. H. Dyste of Sargent county, W. B. Andrus of Emmons county and J. C. Burns of Dickinson.

Mr. Cryan asked unanimous consent to return to the seventh order of business,

Which was granted.

MOTIONS AND RESOLUTIONS.

Mr. Aas introduced

House Bill No. 26,

A joint resolution in reference to the violation of the prohibitory law,

Was read the first time.

Mr. Mitchell asked unanimous consent to introduce a bill,

Which was granted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Guinan introduced

House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,

Was read the first time.

Mr. Mitchell introduced

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by the judges of the county courts in counties in which said courts have increased jurisdiction,

Was read the first time.

STANDING COMMITTEES.

The Speaker announced the following standing committees:

Rules—Messrs. Hawk, chairman; Francis, Hankinson, Hurley, Erickson, Colby, Sharpe, White and Brotnov.

Judiciary—Messrs. Francis, chairman; Mitchell, Sharpe. Power, Joy, Porter, Wood, Hurley, Peoples, Dunton, Twichell, Heskin, Cryan, Guinan and Lenz.

Ways and Means—Messrs. Lindstrom, chairman; Wallace. Boyd of Cass, Johnson, Sargent, Gilbertson, Lovelace, Tanton, Guinan, Dougherty and Brotnov.

Railroads—Messrs. Hankinson, chairman; Twichell, Porter, Murphy, Sargent, Sharpe, Wallace, Earl, Howard, Richards, White, Curier, Lenz, Cole and Kinan.

Appropriations—Hurley, chairman; Francis. Power, Wood, Lindstrom, Earl, Dunton, Currier, Stevenson, McGinnis, Hammond, Dougherty and Guinan.

Engrossment—Hawk, chairman; Joy, Lindstrom, Peoples, Porter, Sharpe, Tanton, Towle and Lenz.

Enrollment—Messrs. Mitchell, chairman; Murphy, Sargent, Hankinson, Joy, Lindstrom, Sharpe, Cryan and Boyd of Cavalier.

Education—Messrs. Murphy, chairman; Francis, Porter, Mitchell, Towle, Dougherty, Duncan, Butterwick and McPherson.

Elections and Privileges—Messrs. Lindstrom, chairman; Baker, Earl, Hawk, White, Stevenson, McGinnis, Cole and Guinan.

Municipal Corporations—Messrs. Twichell, chairman; Wood, Hankinson, Dunton, Baker, Cole, Dougherty, Boyd of Cavalier and Brotnov.

Corporations, Other Than Municipal—Messrs. Johnson, chairman; Wood, Gaulke, Mitchell, Boyd of Cass, Gilbertson, Heskin, Duncan and Guinan.

Agriculture—Messrs. Williams, chairman; Gilbertson, Lovelace, Richards, Duncan, Korsmo, Brotnov, Towle and Syvertson.

Public Printing—Messrs. Erickson, chairman; Porter, Murphy, Baker, Wallace, McGinnis, Currier, Cole and Ebbighausen.

Irrigation—Messrs. Heskin, chairman; Korsmo, Belden, Dunton, Erickson, Gaulke, Kroeger, Goplerud and Carlin.

Insurance—Messrs. Wood, chairman; Murphy, Offerdahl, Erickson, Currier, Boyd of Cass, Richards, White and Boyd of Cavalier.

Banking—Messrs. Joy, chairman; Hurley, Francis, Peoples, Gilbertson, Howard, Sharpe, Carlin and Aas.

Labor—Messrs. Currier, chairman; Earl, Williams, McGinnis, Francis, Kroeger, Kinan, Cole and Ebbighausen.

Immigration—Messrs. Power, chairman; Williams, Belden, Baker, Howard, Goplerud, Boyd of Cavalier, Aas and Brotnov.

Apportionment—Messrs Gaulke, chairman; Francis, Hurley, Hankinson, Wallace, Sharpe, Wood, Twichell, Sargent, Mitchell, Murphy, Porter, Joy, Erickson, Currier, Earl, Dunton, McConnachie, McGinnis, Richards, Belden, Hammond, Stevenson, White, Swenson, Boyd of Cavalier, Dougherty, Ebbighausen, Cryan, Aas and Syvertson.

Schools and Public Lands—Messrs Sharpe, chairman; Power, Mitchell, Offerdahl, Johnson, Williams, Kroeger, Gilbertson and Carlin.

Public Health—Messrs. Earl, chairman; Murphy, Peoples, Sargent, Erickson, McConnachie, White, Guinan and Ebbighausen.

Military Affairs—Messrs. Lovelace, chairman; Earl, Hankinson, Northrop, Kroeger, Kinan, Butterwick, Ebbighausen and Tanton.

Warehouses, Grain Grading and Dealing—Messrs. Belden, chairman; Currier, Erickson, Gaulke, Hawk, Howard, Johnson, Korsmo, Richards, Wallace, White, Tanton, McPherson, Ebbighausen and Butterwick.

Federal Relations—Messrs. McConnachie, chairman; Hammond, Lindstrom, Twichell, Kroeger, Lovelace, Wirkus, Syvertson and McPherson.

Mines and Mining—Messrs. Richards, chairman; Twichell, Colby, Offerdahl, Swenson, Baker, McGinnis, McPherson and Syvertson.

Temperance—Messrs. Colby, chairman; Northrop, Wallace, Hankinson, Heskin, Stevenson, Sargent, Ebbighausen and Wirkus.

Highways, Bridges and Ferries—Messrs. Gilbertson, Colby, Lovelace, Goplerud, Tanton, Syvertson, Duncan, Aas and Butterwick.

State Affairs—Messrs. Porter, chairman; Hawk, Northrop, Hankinson, Korsmo, Richards, Stevenson, Goplerud and Cryan.

Supplies and Expenditures—Messrs. Peoples, chairman; Offerdahl, Gaulke, Howard, Baker, McConnachie, Kinan, Tanton and Carlin.

Forestry—Messrs. Boyd of Cavalier, chairman; Dunton, Erickson, Gaulke, Goplerud, Hammond, McConnachie, Towle and Wirkus.

Public Debt—Messrs. Dunton, chairman; Wallace, McConnachie, Swenson, Gilbertson, Twichell, McPherson, Duncan and Syvertson.

Woman Suffrage—Messrs. Korsmo, chairman; Francis, Colby, Sargent, Hurley, Belden, Wirkus, Carlin and Aas.

Manufactures—Messrs. Swenson, chairman; Boyd of Cass, Johnson, McConnachie, Lovelace, Cole, Dougherty, Lenz and Wirkus.

Counties and County Boundaries—Messrs. Stevenson, chairman; Murphy, Heskin, Howard, White, Offerdahl, Williams, Lenz and Towle.

Taxes and Tax Laws—Messrs. Power, chairman; Hurley, Wood, Peoples, Joy, Northrop, Johnson, Goplerud, Hammond, Stevenson, Belden, Colby, Boyd of Cavalier, Dougherty and Cryan.

Coal Lands and Mining—Messrs. Kroeger, chairman; Richards, Heskin, Boyd of Cass, Stevenson, Swenson, Kinan, Aas and Butterwick.

Sheep Husbandry—Messrs. White, chairman; Baker, Stevenson, Williams, Korsmo, Hammond and Carlin.

Revision and Correction of the Journal—Messrs. Sargent, chairman; Boyd of Cass, Northrop, Peoples, Tanton, Syvertson and Cryan.

JOINT COMMITTEES.

Public Buildings—Messrs. Kinan, chairman; Mitchell, Francis, Hurley, Hankinson, Stevenson, Earl, McGinnis and Tanton.

Charitable Institutions—Messrs. McGinnis, chairman; Murphy, Wallace, Wood, Lovelace, Currier, Towle, Cole and Butterwick.

Penal Institutions—Messrs. Richards, chairman; Korsmo, Peoples, Gaulke, Sargent, Hawk, Stevenson, Boyd of Cavalier and Wirkus.

Educational Institutions—Messrs. Northrop, chairman; Porter, Murphy, Colby, Francis, Joy, Lindstrom, Aas and McPherson.

State Library—Messrs. Hurley, chairman; Francis, Sargent, Joy, Korsmo, Mitchell, Twichell, Lindstrom and Duncan.

Joint Rules—Messrs. Hankinson, chairman; Porter, Sharpe, Mitchell, Hawk, Hurley, White, Ebbighausen and Carlin.

The Speaker appointed the following clerks as authorized by resolution:

Clerk of Committee on Tax and Tax Laws—L. W. Schruth.

Clerk of Committee on Railroads—Henry Hancock.

Clerk of Committee on State Affairs—Anton Anderson.

Clerk of Committee on Municipal Corporations—H. Barnes.

Clerk of Committee on Appropriations—Charles Layman.

Assistant to Chief Clerk—George L. Ryerson.

Document Clerk and Assistant Postmaster—Ole Hanson.

Nine assistant enrolling and engrossing clerks, as follows:

Chas. G. Johnson, Ransom county.

M. St. Clair, Stutsman county.

Fred Buechler, LaMoure county.

J. H. Anderson, Pembina county.

August Nelson, Richland county.

T. H. Vatusdal, Second district.

Chas. D. Gray, Eleventh district.

Thos. E. Warner, Sixteenth district.

Miss F. M. Daley, Twenty-ninth district.

Pages—Harry Larson and Hurley Gibson.

The Speaker administered the oath of office to Henry Hancock, clerk to committee on taxes and tax laws; to Anton Anderson, clerk to committee on municipal corporations; to Charles Layman, clerk to committee on appropriations; George L. Ryerson, assistant to chief clerk; Ole Hanson, document clerk and assistant postmaster; also to the following assistant enrolling and engrossing clerks: M. St. Clair, Fred Buchler, J. H. Anderson, T. H. Vatusdal, C. D. Gray and T. E. Warner; and Harry Larson and Hurley Gibson, pages.

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

H. E. LAVAYEA,
Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 12, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Ebbighausen and Lenz.

Messrs. Wallace and Murphy being excused.

REFERENCE OF THE JOURNAL.

The Speaker made the following corrections in the committees appointed on the previous day:

Substitute Mr. Northrop as chairman of the joint committee on educational institutions in place of Mr. Dunton.

Mr. Northrop having resigned as chairman of the committee on woman suffrage, Mr. Korsmo was appointed as such.

Also,

Substitute the name of Mr. Baker for that of Mr. Belden as member of the committee on elections and privileges.

MOTIONS AND RESOLUTIONS.

Mr. Hurley moved

That the proceedings of the republican senatorial caucus be spread upon the Journal of the House and that 150 extra copies of the Journal be printed,

Which motion prevailed.

Mr. Hankinson moved

That the committee on taxes and tax laws be increased from fifteen to seventeen,

Which motion prevailed.

PROCEEDINGS OF THE SENATORIAL CAUCUS.

BISMARCK, N. D., Jan. 11, 1897.

The caucus of the republican members of the House and Senate of the Fifth General assembly of the state of North Dakota, met at the dining

rooms of the Sheridan house in response to the caucus committee call at 9 p. m., January 11, 1897.

The caucus was organized by the election of Hon. E. A. Williams of Burleigh county, as chairman, and Hons. H. D. Hurley of Traill and Thos. F. Marshall of Dickey counties, as secretaries.

Roll call showed every member present.

The chairman stated that the business of the caucus was to nominate a candidate for United States senator to succeed Hon. H. C. Hansbrough from March 4, 1897, to March 4, 1903.

Representative John S. Murphy of Ward, nominated H. C. Hansbrough, and the nomination was seconded by Representatives McGinnis of Stutsman, Northrop of Dickey, Currier of Ramsey and Hankinson of Richland, and by Senators Mansfield of Ward, Benedict of Richland, Valentine of LaMoure and Green of Morton.

Senator Hanna of Cass, nominated O. W. Francis, and Senator Strom of Traill, seconded the nomination.

Roll call was had with the following result:

For H. C. Hansbrough—Horace F. Arnold, Wesley Baker, William Belden, A. V. Benedict, C. G. Brown, Chas. A. Currier, D. F. Davis, E. F. Dunton, G. W. Earl, C. A. Erickson, Frank Gaulke, W. A. Gordon, John S. Green, F. M. Hammond, A. L. Hanscom, R. H. Hankinson, J. S. Johnson, H. N. Joy, Peter N. Korsmo, Herman Kroeger, Judson LaMoure, C. L. Lindstrom, C. B. Little, C. S. Lovelace, W. E. Mansfield, Thos. F. Marshall, John McConnachie, A. C McGillivray, John McGinnis, R. J. Mitchell, J. S. Murphy, Theo. Northrop, Andrew Offerdahl, H Peoples, E. F. Porter, Jas. B. Power, Thos. Richards, Patrick Rourke, J. B. Sharpe, Donald Stevenson, Nicolai Swenson, C. N. Valentine, Frank Viets, J. D. Wallace, Alfred White, Frank White, E. A. Williams, J. H. Wishek and W. B. Wood; total, 49 votes.

For O. W. Francis—R. B. Boyd, Geo. Clark, N. A. Colby, F. G. Enger, Egbert Gilbertson, L O. Goplerud, J. E. Haggart, L. B. Hanna, W. J. Hawk, S. N. Heskin, Gunder Howard, E. C. Sargent, H. H. Strom, D. C. Tufts and T. Twichell; to al, 15 votes.

For L. B. Hanna—O. W. Francis and H. M. Williams; total, 2 votes.

For J. E. Haggart—H. D. Hurley; total, 1 vote

The chairman declared that Mr. Hansbrough, having obtained a majority of the votes of the caucus, was nominated for senator.

O. W. Francis moved that the nomination be made unanimous. George Clark seconded the motion, and it was carried.

Senator Little made a motion that a committtee be appointed to escort Senator Hansbrough to the hall, and the chair appointed Messrs. Little, Viets, Mitchell, Francis and Green as that committee. They left the hall and in a few minutes returned with Senator Hansbrough, who made a brief speech of acceptance.

The caucus then adjourned.

E. A. WILLIAMS,
Chairman.

H. D. HURLEY,
THOS. F. MARSHALL,
Secretaries.

Mr. Hawk offered the following resolution:

Resolved, That the Speaker be and he is hereby authorized to appoint W. E. Clark of the 11th district and Ed Church of the 5th district as watchmen of the cloak rooms; S. A. Olsness of the 22d district as clerk of the committee on insurance, and Miss Rachael Foley of the 31st district as clerk of the committee on agriculture; such clerks to perform such other duties as the Speaker may designate from time to time,

And moved its adoption,

Which motion prevailed, and
The resolution was adopted.

Mr. Northrop moved
That three additional copies of the Journal be laid on the desk of each member,
Which motion prevailed.

Mr. Francis nominated A. J. Styles for clerk of the judiciary committee.

The roll being called there were 58 votes cast, of which Mr. Styles received 58, and was declared duly elected clerk to judiciary committee.

Those voting for Mr. Styles were:
Messrs. Aas, Baker, Belden, Boyd of Cass, Boyd of Cavalier, Brotnov, Butterwick, Carlin, Colby, Cole, Cryan, Currier, Dougherty, Duncan, Dunton, Earl, Ebbighausen, Erickson, Francis, Gaulke, Gilbertson, Goplerud, Guinan, Hammond, Hankinson, Hawk, Heskin, Howard, Hurley, Johnson, Joy, Kinan, Korsmo, Kroeger, Lindstrom, Lovelace, McConnachie, McGinnis, McPherson, Mitchell, Northrop, Offerdahl, Peoples, Power, Richards, Sargent, Sharpe, Stevenson, Swenson, Syvertson, Tanton, Towle, Twichell, White, Wirkus, Williams, Wood and Mr. Speaker.

Messrs. Lenz and Porter being absent.

Messrs. Murphy and Wallace being excused.

The Speaker administered the oath of office to Mr. Styles as clerk to the committee on judiciary.

Mr. Twichell offered the following concurrent resolution:

WHEREAS, There is a pronounced sentiment throughout the state that the present existing transportation rates on our staple products are unjust and out of accord with fairness or actual cost, and believing that the people of North Dakota expect from and demand of the Fifth Legislative assembly such remedial legislation as will reduce our freight rates to a basis of fairness, as compared with like service under similar conditions in other states; and,

WHEREAS, Owing to the fact that our products must either enter into or cross the state of Minnesota to find a market, and therefore, such legislation as will be beneficial to us, and serve the purpose for which it was intended, must be passed in conjunction with and by the aid of the legislative assembly of Minnesota; therefore,

Resolved, By the House of Representatives, the Senate concurring: That a committee consisting of three members of the House of Representatives, to be appointed by the Speaker, and two members of the Senate, to be appointed by the President of the Senate, be appointed to confer with a like committee to be appointed by the legislative assembly of the state of Minnesota, with a view of proposing suitable legislation for the purpose of securing lower freight rates.

Resolved further, That a copy of these resolutions be transmitted to the governor and legislative assembly of the state of Minnesota;

And moved its adoption.

Which motion prevailed, and
The resolution was adopted.

Mr. Power offered the following resolution:

Resolved, That the chief clerk be authorized and directed to procure and furnish for the use of the members of the House such postage stamps as may be needed by them in their correspondence with their constituencies,

And moved its adoption.

Roll call demanded.

The roll being called their were ayes 22, nays 36, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Dunton,	Northrop,
Boyd of Cavalier,	Hankinson,	Power,
Brotnov,	Joy,	Richards,
Carlin,	Kinan,	Sharpe,
Cole,	Lovelace,	Tanton,
Currier,	McPherson,	Wirkus,
Dougherty,	Mitchell,	Mr. Speaker.
Duncan,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Belden,	Hawk,	Peoples,
Boyd of Cass,	Heskin,	Porter,
Butterwick,	Howard,	Sargent,
Colby,	Hurley,	Stevenson,
Earl,	Johnson,	Swensen,
Erickson,	Korsmo,	Syvertson,
Francis,	Kroeger,	Towle,
Gaulke,	Lenz,	Twichell,
Gilbertson,	Lindstrom,	White,
Goplerud,	McConnachie,	Williams,
Guinan,	McGinnis,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Murphy,	Wallace.
Ebbighausen,		

Messrs. Murphy and Wallace being excused.

So the resolution failed to pass.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Mitchell introduced
House Bill No. 29,
A bill for an act to amend section 2058 of the Revised Codes of the state of North Dakota, fixing the salaries of states attorneys.

Mr. Francis introduced
House Bill No. 30,
A bill for an act to amend the following sections of the Revised Codes of 1895, viz.: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2327, 2454, 2496, and to repeal the foregoing sections, together with the following sections, 2265 to 2275 inclusive, 2286, 2295 to 2307 inclusive, 2455 to 2458 inclusive.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 29,
A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salaries of states attorneys,
Was read the first time.

House Bill No. 30,
A bill for an act to amend the following sections of the Revised Codes of 1895: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2327, 2454, 2496, and to repeal the foregoing sections of said code, together with the following sections, 2265 to 2275 inclusive, 2286, 2295 to 2307 inclusive, 2455 to 2458 inclusive,
Was read the first time.

House Bill No. 3,
A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto.
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No 1,
A bill for an act providing a bounty on certain stock-destroying animals and a fund for the payment thereof,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 2,
A bill for an act to amend section 1237, article 6, of chapter 18, political code, laws of 1895,
Was read the second time, and
Referred to the committee on taxes and tax laws.

House Bill No. 3,
A bill for an act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,
Was read the second time, and
Referred to the committee on taxes and tax laws.

House Bill No. 4,
A bill for an act to amend sections 1256 and 1259 of the Revised

Codes of North Dakota, fixing the time for the sale of real estate for taxes and for filing of the report of county treasurer of such sales,
Was read the second time, and
Referred to the committee on taxes and tax laws

House Bill No. 5,
A bill for an act to regulate the manner in which individuals and private corporations shall be authorized to construct, maintain and operate public warehouses and elevators on railroad rights of way in the state of North Dakota,
Was read the second time, and
Referred to the committee on warehouses and grain grading.

House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 7,
A bill for an act to amend section 1794 of the Revised Codes of North Dakota,
Was read the second time, and
Referred to the committee on warehouses and grain grading.

House Bill No. 8,
A bill for an act governing the use of labels,
Was read the second time, and
Referred to the committee on labor.

House Bill No. 9,
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 second time, and
Referred to the committee on railroads.

House Bill No. 10,
A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein,
Was read the second time, and
Referred to the committe on judiciary.

House Bill No. 11,
A bill for an act to amend section 515 of the Revised Codes of 1895, relating to the marking of official ballots,
Was read the second time, and
Referred to the committee on elections and privileges.

House Bill No. 12,
A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor,
Was read the second time, and
Referred to the committee on forestry.

House Bill No. 13,
A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health,
Was read the second time, and
Referred to the committee on health.

House Bill No. 14,
A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised Civil Codes of 1895 relating to banking,
Was read the second time, and
Referred to the committee on banking.

House Bill No. 15,
A bill for an act providing for the taxation of insurance companies,
Was read the second time, and
Referred to the committee on insurance.

House Bill No. 16.
Being a concurrent resolution to amend section 76 of the constitution of the state of North Dakota,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 17,
A bill for an act providing for the filing of chattel mortgages, conditional sales and other evidences of indebtedness,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 18,
A bill for an act providing for a lien upon threshing engines and separators for repairing done thereon,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 19,
A bill for an act regulating the rates of toll of grist mills for grinding grain, fixing the liability and providing a penalty for violation thereof,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,

Was read the second time, and
Referred to general orders.

House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeals in criminal actions,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 23,
A bill for an act authorizing the building and construction of railway tracks at or near any station or terminus of any railroad to connect with elevators, warehouses and mills,
Was read the second time, and
Referred to the committee on railroads.

House Bill, No. 25,
A bill for an act providing for the sale of grain at standard weight or measure, and providing a penalty for violation thereof,
Was read the second time, and
Referred to the committee on warehouses and grain grading.

House Bill No. 26,
Being a joint resolution in reference to the violation of the prohibitory law,
Was read the second time, and
Referred to the committee on temperance.

House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500.00 to the sum of $500.00,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 28,
A bill for an act to forbid and prevent the practice of the law by judges of the county courts in counties in which said courts have increased jurisdiction,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 29,
A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salary of states attorney,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 30,
A bill for an act to amend the following sections of the Revised Codes of 1895, viz: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2327, 2454, 2496 and to repeal the foregoing

sections of said code together with the following sections, 2265 to 2275 inclusive, 2286, 2295 to 2307 inclusive, 2455 to 2458 inclusive,

Was read the second time, and

Referred to the committee on municipal corporations.

The Speaker appointed the following additional members of the committee on taxes and tax laws:

Messrs. Brotnov and Swenson.

Also the following as additional members of the committee on agriculture:

Messrs. Stevenson, Earl, Belden and Aas.

The House returned to the third order of business.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the seventh day, and recommend it be amended as follows:

On page 4, line 32, after the word "any" insert the words "station or."

On page 6, lines 1 and 10, change the name Twichell to Mitchell.

In committee on railroads, page 6, change Mr. Twichell's name from fourth name on committee to second.

In committee of elections and privileges change the name Belden to Baker.

In committee on woman suffrage change the name Northrop to Korsmo.

In committee on revision and correction of the Journal change the name Swenson to Syvertson.

In joint committee on educational institutions change the name Dunton to Northrop.

And when so amended recommend that the Journal of the seventh day be approved.

E. C. SARGENT,
Chairman.

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the seventh day was approved.

The Speaker announced as members of the committee on mileage the following:

Messrs. Hawk, Power and Williams.

The privilege of the floor were extended to Messrs. F. W. Pear-

son of Cass, Chas. McCarthy of Cavalier, Jas. A. Shea and Dr. Farmer of Richland, H. E. Sunday of Stutsman, Eugene Fritz of Grand Forks and S. J. Hill.

The Speaker administered the oath of office to W. E. Clarke as watchman of the cloak room.

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

H. E. LAVAYEA,
Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 13, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Murphy and Wallace, excused.

PETITIONS AND COMMUNICATIONS.

The Speaker presented the following petition:

BISMARCK, N. D., Jan. 8, 1897.

To the Honorable E. A. Williams, Member of the House of Representatives:

We, the undersigned voters and taxpayers do respectfully call your attention to our present school laws which gives the school board power to levy a special tax on the district of 30 mills on all taxable property in the district, which, in our opinion, is too much, and respectfully ask you to try to get the law amended to restrain the board to levy more than 10 mills on the dollar, and in case more is needed to keep the schools running to have it submitted

to a vote, and in such case a tax can be levied not to exceed 25 mills. We hope you will consider the proposition and do what you can for our interest, and we remain yours faithfully,

JOHN E. BACKMAN,
(And 15 Others.)

Which was read, and
Referred to the committee on education.

MOTIONS AND RESOLUTIONS.

Mr. Hammond offers the following

CONCURRENT RESOLUTION,

For a memorial to congress for the granting of thirty thousand acres of land in aid of the school of forestry of the state of North Dakota.

Be it Resolved by the House of Representatives, the Senate Concurring: That a copy of the following memorial, signed by the Speaker of the House and President of the Senate, and attested by the chief clerk of the House and secretary of the Senate, be sent to the Hon. Henry C. Hansbrough and William N. Roach, representing this state in the senate of the United States, and Hon. Martin N. Johnson, representing this state in the house of representatives of the congress of the United States, be and they are hereby respectfully requested to present the following memorial in the respective houses to which they belong, and to urge the passage of an act of congress in accordance with such memorial, to-wit:

To the Honorable, the Congress of the United States:

The people of the state of North Dakota, in Legislative assembly convened, respectfully represent, that,

WHEREAS, It has heretofore been the policy of the federal government to lend all encouragement possible in the establishment and maintenance of such schools as will be conducive to the dissemination of knowledge that will aid in the upbuilding of the several states; and,

WHEREAS, Congress recognizing the great good to be accomplished by the granting of public lands in aid of the establishment and maintenance of schools of learning, did grant by the terms of the enabling act, which provided for the formation of the states of North Dakota, South Dakota, Montana and Washington, certain lands for the establishment and maintenance of agricultural colleges and other schools and institutions; and,

WHEREAS, One of the most needed schools for the state of North Dakota is a school of forestry, which has been established and located by the state of North Dakota at Bottineau, Bottineau county, in said state; and,

WHEREAS, The congress of the United States in the passage of the enabling act aforesaid granted to the state of South Dakota one hundred and twenty thousand acres of land for the use and support of an agricultural college in said state, and granted to the state of North Dakota for the same purpose only ninety thousand acres of land; and,

WHEREAS, A school of forestry will be of great benefit to the entire northwestern states;

Therefore, the people of the state of North Dakota do respectfully petition your honorable body to grant to the state of North Dakota thirty thousand acres of land (being the number of acres of land heretofore granted to the state of South Dakota in excess of that granted to the state of North Dakota for the establishment of agricultural colleges in such state) for the use and support of the school of forestry of the state of North Dakota located at Bottineau, Bottineau county, North Dakota.

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

The roll being called there were ayes 36, nays 21, not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Power,
Belden,	Johnson,	Richards,
Boyd of Cavalier,	Joy,	Sargent,
Colby,	Kinan,	Sharpe,
Cryan,	Lenz,	Stevenson,
Currier,	Lindstrom,	Syvertson,
Ebbighausen,	Lovelace,	Tanton,
Erickson,	McGinnis,	Towle,
Francis,	Mitchell,	Twichell,
Gilbertson,	Northrop,	White,
Guinan,	Peoples,	Wirkus,
Hammond,	Porter,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Dunton,	Korsmo,
Brotnov,	Earl,	Kroeger,
Butterwick,	Goplerud,	McConnachie,
Carlin,	Hawk,	Offerdahl,
Cole,	Heskin,	Swenson,
Dougherty,	Howard,	Williams,
Duncan,	Hurley,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	McPherson,	Wallace.
Gaulke,	Murphy,	

Messrs. Murphy and Wallace being excused.

So the motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Butterwick introduced
House Bill No. 31,
A bill for an act to amend section 707 of the revised statutes, so as to change the date of annual census of school children in the school districts from December 1st to June 1st.

Mr. Francis introduced
House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes.

Also,
House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes.

Also,
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes.

Mr. Tanton introduced
House Bill No. 35,
A bill for an act authorizing county treasurers to assign tax certificates on lands bid in at tax sale by state.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 31,
A bill for an act to amend section 707 of the Revised Codes, so as to change the date of the annual census of school children from the school districts from December 1st to June 1st,
Was read the first time.

House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes,
Was read the first time.

House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes,
Was read the first time.

House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes,
Was read the first time.

House Bill No. 35,
A bill for an act authorizing county treasurers to assign tax certificates on lands bid in at tax sale by state,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 24,
A bill for an act providing for fees for sheriffs in redemption,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 21,
A bill for an act to amend section 200 of the Revised Codes of North Dakota,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 35,
A bill for an act authorizing county treasurers to assign tax certificates on lands bid in at tax sale by the state,

Was read the second time, and
Referred to the committee on taxes and tax laws.

House Bill No. 31,
A bill for an act to amend section 707 of the revised statutes, so as to change the date of the annual school census of school children in the school district from December 1st to June 1st,
Was read the second time, and
Referred to the committee on education.

House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 33,
A bill for an act to amend section 5730 of the revised statutes,
Was read the second time, and
Referred to the committee on judiciary.

GENERAL ORDERS.

Mr. Hurley moved
That the House resolve itself into the committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Lindstrom to the chair.

Mr. Speaker in the chair.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee of the whole have had under consideration
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,
And recommend that the bill be amended as follows:

On line 15, printed bill, strike out the words "Monday following is a holiday," and insert "Saturday preceding shall be the holiday."

Also the following emergency clause:

WHEREAS, There is no law on this subject, therefore an emergency exists this law shall be in force from and after its passage and approval;

And when so amended recommend that the bill do pass.

C. L. LINDSTROM,
Chairman.

Mr. Hurley moved
That the report of the committee of the whole on

House Bill No. 20,

A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,

Be adopted,

Which motion prevailed, and

The bill was referred to the committee on engrossment.

The Speaker administered the oath of office to Miss Rachael Foley as assistant engrossing and enrolling clerk; also to Mr. A. H. Barnes as clerk to the committee on municipal corporations.

The House took an informal recess.

The House returned to third order of business.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committe on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the seventh day, and recommend the folowing additional amendments:

On page 5, line 5, strike out the figures 10 and insert in lieu thereof, the figure 12.

On page 7, line 33, after the name Gilbertson insert the word chairman.

And when so amended recommend that the Journal of the seventh day be approved.

E. C. SARGENT,
Chairman.

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the seventh day was approved.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eighth day and recommend it be amended as follows:

On page 5, House Bill No. 30, after 2292, 2293 be inserted, and that the figure 8 in 2486 be changed to 9.

On page 6, line 15, after the word filing the word of be inserted.

On page 7, line 21, after the word compensation the words officers of be inserted.

On page 7, line 25, after the word sections, the word numbered inserted.

Also in line 26, after the word revised, the word civil be inserted.

In line 42, after the word other that the words evidences of be inserted.

On page 8, line 24, after the word any that the words station or be inserted.

On page 9, line 12, after 2292 that 2293 be inserted.

And when so amended recommend that the Journal of the eighth day be approved.

E. C. SARGENT,
Chairman

Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the eighth day was approved.

The Speaker appointed M. H. Weeks and Matthew Baker as janitors for the committee rooms.

The oath of office was administered by the Speaker to Ed Church, watchman for cloak room; M. H. Weeks and Matthew Baker, janitors for committee rooms.

Mr. Korsmo having resigned as chairman of the committee on woman suffrage, the Speaker appointed Mr. Peoples as chairman.

The Speaker assigned Mr. C. D. Gray to act as messenger in place of Mr. Kennedy, who is now sick.

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

H. E. LAVAYEA,
Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 14, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cole, Murphy, Wallace, Wirkus and McPherson, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the ninth day, and find the same correct, and recommend its adoption.

E. C. SARGENT,
Chairman.

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the ninth day was approved.

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eighth day and recommend it be amended as follows:

On page 6, line 43, that the word first be stricken out and insert in lieu thereof the word second.

And when so amended recommend that the Journal of the eighth day be adopted.

E. C. SARGENT,
Chairman.

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the eighth day was approved.

Mr. Hurley moved

That the Journal of the eighth day be corrected by substitut-

ing the name of Hankinson of Richland in place of Cryan of Sargent as having seconded the nomination of Hon. H. C. Hansbrough for United States senator.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 16,
Being a concurrent resolution to amend section 76 of the constitution of the state of North Dakota,
Have had the same under consideration and recommend that the same do pass.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee to whom was referred the evidence in the contested election case of Ryan vs. Kinan from the Sixth senatorial and representative district, have had the same under consideration and are of the opinion that James Ryan is entitled to the seat now held by John Kinan, and recommend the adoption of the following resolutions:

Resolved, That James Ryan is entitled to represent the Sixth senatorial and representative district of the state of North Dakota as a member of the House of Representatives in the Fifth Legislative assembly of the state of North Dakota.

Resolved further, That John Kinan is not entitled to represent the Sixth senatorial and representative district as a member of the House of Representatives in the Fifth Legislative assembly of the state of North Dakota.

C. L. LINDSTROM,
Chairman.

A minority of the committee on elections and privileges made the following report:

MR. SPEAKER:

A minority of the committee on elections and privileges, to whom was referred the evidence in the contested election case of James Ryan vs. John Kinan, of the Sixth senatorial and representative district, are of the opinion that there was no evidence

before the committee to justify the unseating of John Kinan. We, therefore, recommend the adoption of the following resolution:

Resolved, That John Kinan is entitled to the seat in this body now held by him as representative-elect from the Sixth senatorial and representative district, and that James Ryan, the contestant, is not entitled to said seat.

THOS. GUINAN,
E. E. COLE,
A Minority of Said Committee.

Mr. Lindstrom moved
The adoption of the majority report.

Mr. Guinan asked unanimous consent that the report be made a special order for Friday, Jan. 15, 1897, at 2 o'clock p. m.

Mr. Twichell offered as a substitute motion to the motion of Mr. Lindstrom that the testimony be read before the House.

Mr. Korsmo seconded the motion.

Mr. Guinan requested, in addition to his previous motion, that the illegal ballots be displayed before the House.

Mr. Guinan moved
That the report of the committee on elections and privileges be made a special order for 2 o'clock p. m. January 15, 1897,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Joy offered the following resolution:

Resolved, That the Speaker be empowered and authorized to appoint assistant enrolling and engrossing clerks, and that he appoint G. E. Kermott and E. M. Crary and not to exceed five lady clerks, to be assigned to such other duties as the Speaker shall designate when not engaged as above. Said clerks to be sworn in by the Speaker when their services are required, upon recommendation of committee on enrollment and engrossment.

Mr. Sargent offered the following amendment:

That a special clerk be appointed for the chairman of the engrossment committee, said clerk to be selected by the chairman of the engrossment committee.

The question being upon the adoption of the amendment,
The amendment was lost.

Mr. Guinan moved
That the resolution be adopted.

Mr. Lindstrom moved
To lay the motion on the table.

Roll call demanded.

The roll being called there were ayes 50, nays 7, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Boyd of Cass,	Hankinson,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Power,
Carlin,	Howard,	Richards,
Colby,	Hurley,	Sargent,
Cryan,	Johnson,	Stevenson,
Dougherty,	Kinan,	Swenson,
Dunton,	Korsmo,	Syvertson,
Earl,	Kroeger,	Tanton,
Ebbighausen,	Lenz,	Towle,
Erickson,	Lindstrom,	Twichell,
Francis,	Lovelace,	White,
Gaulke,	McConnachie,	Williams,
Gilbertson,	McGinnis,	Wood.
Goplerud,	Mitchell,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Duncan,	Sharpe,
Butterwick,	Joy,	Mr. Speaker.
Currier,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Murphy,	Wirkus.
McPherson,	Wallace,	

Messrs. Cole, McPherson, Murphy, Wallace and Wirkus being excused.

So the resolution was lost.

Mr. Twichell offered the following resolution:

Resolved, That the Speaker be empowered and instructed to appoint four lady clerks, such clerks to be sworn in by the Speaker when in his opinion they are needed by the House,

And moved its adoption.

Mr. Lindstrom offered the following resolution as a substitute:

Resolved, That the Speaker appoint a special committee of five to whom shall be referred all motions or resolutions for the appointment of additional employees of the House, and all recommendations from committees for the appointment of clerks under resolutions already adopted,

And moved its adoption,
Which motion prevailed and
The substitute was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes, relating to holidays,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Hurley moved
That the rules be suspended and that House Bill No. 20 be put upon its third reading and final passage,
Which motion prevailed.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,
Was read the third time.

The roll being called there were ayes 55, nays none, not voting 7

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Mitchell,
Baker,	Guinan,	Northrop,
Belden,	Hammond,	Offerdahl,
Boyd of Cass,	Hankinson,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Power,
Butterwick,	Howard,	Richards,
Carlin,	Hurley,	Sargent,
Colby,	Johnson,	Sharpe,
Cryan,	Joy,	Stevenson,
Currier,	Kinan,	Swenson,
Dougherty,	Korsmo,	Syvertson,
Dunton,	Kroeger,	Tanton,
Earl,	Lenz,	Towle,
Ebbighausen,	Lindstrom,	Twichell,
Erickson,	Lovelace,	White,
Francis,	McConnachie,	Wood,
Gaulke,	McGinnis,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Murphy,	Wirkus,
Duncan,	Wallace,	Williams,
McPherson,		

Messrs. Duncan and Wallace being absent.

Messrs. Cole, McPherson, Murphy, Wallace and Wirkus being excused.

So the bill passed and the title was agreed to.

The privileges of the floor was extended to John D. Black of Valley City, H. J. Wall of Pembina, H. D. Rue of Richland, Edward Labarge of Rolette, H. S. Chase, J. Walsh, Martin Walsh of Grand Forks, A. W. Carlblom of Sargent, Messrs. Bingenheimer, Wickam and Mann of Morton, George Irwin and Robert Farrer.

The House returned to the sixth order of business.

The committee on mileage made the following report:

MR. SPEAKER:

Your committee on mileage and per diem find the members entitled to the following mileage:

	Miles.	Amount.
Messrs. Aas	702	$ 70 20
Baker	58	5 80
Belden	158	15 80
Boyd of Cass	378	37 80
Boyd of Cavalier	752	75 20
Botnov	638	63 80
Butterwick	720	72 00
Carlin	608	60 80
Colby	454	45 40
Cole	390	39 00
Cryan	578	57 80
Currier	700	70 00
Dougherty	680	68 00
Duncan	720	72 00
Dunton	664	66 40
Earl	318	31 80
Ebbighausen	628	62 80
Erickson	838	83 80
Francis	390	39 00
Gaulke	518	51 80
Gilber son	428	42 80
Goplerud	472	47 20
Guinan	696	69 60
Hammond	904	90 40
Hankinson	538	53 80
Hawk	316	31 60
Heskin	442	44 20
Howard	468	46 80
Hurley	484	48 40
Johnson	434	43 40
Joy	680	68 00
Kinan	544	54 40
Korsmo	486	48 60
Kroeger	80	8 00
Lenz	204	20 40
Lindstrom	368	36 80
Lovelace	540	54 00
McConnachie	656	65 60

	Miles.	Amount.
Messrs. McGinnis	218	$ 21 80
McPherson	274	27 40
Mitchell	472	47 20
Murphy	958	95 80
Northrop	650	65 00
Offerdahl	472	47 20
Peoples	324	32 40
Porter	274	27 40
Power	462	46 20
Richards	44	4 40
Sargent	368	36 80
Sharpe	374	37 40
Stevenson	94	9 40
Swenson	306	30 60
Syvertson	898	89 80
Tanton	722	72 20
Towle	680	68 00
Twichell	370	37 00
Wallace	676	67 60
White	364	36 40
Wirkus	608	60 80
Williams	492	49 20
Wood	544	54 40
Mr. Speaker	2	20

W. J. HAWK,
Chairman.

Mr. Hawk moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Hurley introduced
House Bill No. 36,
A bill for an act to provide for granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways.

Mr. Hankinson introduced
House Bill No. 37,
Being a joint resolution for a memorial to congress.

Mr. Gaulke introduced
House Bill No. 38,
A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to the preparation of ballots to be used at all general and special elections for state, county, city, district, village or other public officers within the state, and prescribing the manner of arranging thereon the names of the candidates to be voted for and the questions to be voted upon.

Mr. Hankinson introduced
House Bill No. 39,
A bill for an act to amend section 8166 of the Revised Codes of the state of North Dakota of 1895.

Mr. Sharpe introduced
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 and 228, of article 3, of the political code of the Revised Codes of North Dakota.

Mr. Earl introduced
House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 36,
A bill for an act to provide for granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,
Was read the first time.

House Bill No. 37,
Being a joint resolution for a memorial to congress praying for the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations,
Was read the first time.

House Bill No. 38,
A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to the preparation of ballots to be used at all general and special elections for state, county, city, district, village or other public officers within the state, and prescribing the manner of arranging thereon the names of the candidates to be voted for and questions to be voted upon,
Was read the first time.

House Bill No. 39,
A bill for an act to amend section 8166 of the Revised Codes of the state of North Dakota of 1895,
Was read the first time.

House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 and 228 of article 3 of the political code of the Revised Codes of North Dakota,
Was read the first time.

House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 36,
A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 37,
Being a joint resolution for a memorial to congress praying for the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations,
Was read the second time, and
Referred to the committee on federal relations.

House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 and 228, of article 3, of the political code of the Revised Codes of North Dakota,
Was read the second time, and
Referred to the committee on school lands.

House Bill No. 39,
A bill for an act to amend section 8166 of the Revised Codes of the state of North Dakota of 1895,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 38,
A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to the preparation of ballots to be used at all general and special elections for state, county, city, district, villages, or other public officers within the state, and prescribing the manner of arranging thereon the names of candidates to be voted for and the questions to be voted upon,
Was read the second time, and
Referred to the committee on elections and privileges.

The House returned to the fifth order of business.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
Have had the same under consideration and recommend that the same be amended as follows:

By substituting the words "Revised Codes" in the place of the words "Civil Code" in the title of the bill.
And substituting the words "Revised Codes of" in the place of "Civil Code of the State of" in line 1 of the body of the bill, and inserting the word "hereby" between the words "is" and "amended" in line 2 of the body of the bill,

And when so amended recommend that the same do pass.

Also,
House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,
Have had the same under consideration and recommend that the same be amended as follows:

In line 6 of section 1 the word "only" be omitted where it occurs, and inserted between the words "made" and "by" in the same line,

And when so amended recommend that the same do pass.

Also,
House Bill No. 28,
A bill for an act to forbid and prevent the practice of the law by the judges of county courts, during their term of office, in counties in which said courts have increased jurisdiction,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 29,
A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salaries of states attorneys,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "three" in line 7 of the printed bill, and substituting therefor the word "two."
By striking out lines 8, 9 and 10 to the semicolon, and substituting therefor the following: "In counties having a population of more than two thousand and not exceeding three thousand, the salary of the states attorney shall be the sum of five hundred dollars; more than three thousand and not

exceeding four thousand, the sum of six hundred dollars; more than four thousand and not exceeding five thousand, the sum of seven hundred dollars.

And when so amended recommend that the same do pass.

O. W. FRANCIS,
Chairman.

Mr. Mitchell moved

That the rules be suspended and that the report of the committee on judiciary upon

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by the judges of the county courts during their term of office in counties in which said courts have increased jurisdiction,

Be adopted, and that it receive its third reading and be put upon its final passage,

Which motion prevailed, and

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by the judges of the county courts during their term of office in counties in which said courts have increased jurisdiction,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays 5, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Mitchell,
Belden,	Hammond,	Northrop,
Boyd of Cass,	Hankinson,	Offerdahl,
Boyd of Cavalier,	Hawk,	Peoples,
Butterwick,	Heskin,	Porter,
Carlin,	Howard,	Power,
Colby,	Hurley,	Richards,
Cryan,	Johnson,	Sargent,
Currier,	Joy,	Sharpe,
Dougherty,	Kinan,	Stevenson,
Dunton,	Korsmo,	Swenson,
Earl,	Kroeger,	Syvertson,
Erickson,	Lenz,	Towle,
Francis,	Lindstrom,	Twichell,
Gaulke,	Lovelace,	White,
Gilbertson,	McConnachie,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Duncan,	Tanton.
Brotnov,	Ebbighausen,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	McPherson,	Wirkus,
Guinan,	Murphy,	Williams,
McGinnis,	Wallace,	Wood.

Messrs. Cole, McGinnis, McPherson, Murphy, Wallace and Wirkus being excused.

So the bill passed and the title was agreed to.

The Speaker administered the oath of office to Miss F. M. Daley as assistant enrolling and engrossing clerk, also to Mr. C. C. Johnson and August Nelson as assistant enrolling and engrossing clerks.

The Speaker appointed the following committee, as required by the resolution of Mr. Lindstrom:

Messrs. Sharpe, Lindstrom, Currier, Hankinson and Twichell.

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

H. E. LAVAYEA,
Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 15, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cole, Hurley, McPherson, Murphy and Wirkus.

Messrs. Cole, Hurley, McPherson, Murphy and Wirkus being excused.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 15, 1897.

MR. SPEAKER:
I have the honor to return herewith
Senate Bill No. 20,
A bill for an act governing the method of proof of a written

instrument or contract to which there are one or more transcribing witnesses.

Also,

Senate Bill No. 25,

A bill for an act to amend section 1325 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 26,

A bill for an act relating to the taking of depositions.

Also,

Senate Bill No. 27,

A bill for an act regulating procedure in civil actions.

Which the Senate have passed and your favorable consideration is respectfully requested.

Respectfully yours,
J. C. GILL,
Secretary.

SPECIAL ORDER.

The Speaker stated that the hour had arrived for the consideration of the contest of Ryan vs. Kinan,

The motion before the House being the adoption of the majority report of the committee on elections and privileges.

Mr. Guinan moved,

As a substitute motion,

That the minority report be adopted.

Which substitute motion was lost.

The question being upon the adoption of the majority report,

Roll call demanded.

The roll being called there were ayes 40, nays 15, not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Porter,
Belden,	Johnson,	Power,
Boyd of Cass,	Joy,	Richards,
Colby,	Korsmo,	Sargent,
Currier,	Kroeger,	Sharpe,
Dunton,	Lindstrom,	Stevenson,
Earl,	Lovelace,	Swenson,
Erickson,	McConnachie,	Twichell,
Francis,	McGinnis,	Wallace,
Gaulke,	Mitchell,	White,
Gilbertson,	Northrop,	Williams,
Hammond,	Offerdahl,	Wood,
Hankinson,	Peoples,	Mr. Speaker.
Hawk,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	Heskin,
Boyd of Cavalier,	Dougherty,	Lenz,
Brotnov,	Duncan,	Syvertson,
Butterwick,	Ebbighausen,	Tanton,
Carlin,	Guinan,	Towle

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Kinan,	Murphy,
Goplerud,	McPherson,	Wirkus.
Hurley,		

Mr. Kinan present and not voting.

Messrs. Cole, Hurley, McPherson, Murphy and Wirkus being excused.

Mr. Hankinson moved

That a committee be appointed to escort Mr. Ryan to the bar of the House to take the oath of office,

Which motion prevailed, and

The oath of office was administered to Mr. Ryan by the Speaker.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the tenth day, and recommend that it be amended as follows:

On page 9, after line 20, that the words House Bill No. 37, being a joint memorial to congress was read the second time, and referred to the committee on federal relations be inserted; and on page 12, line 5, that the name C. C. Johnson be changed to C. G. Johnson,

And when so amended that it be adopted.

E. C. SARGENT,
Chairman.

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on joint rules made the following report:

MR. SPEAKER:

Your committee on joint rules. in connection with a like com-

mittee in the Senate have had the same under consideration, and recommend the adoption of the joint rules of the last session with the following additional rules:

Rule 14. Either House shall return any bill or resolution called for by resolution of the other House, if the bill or resolution is yet in the possession of the House called upon.

Your committee further recommend the adoption of the joint convention rules of the last session.

Respectfully submitted,
JUDSON LAMOURE,
On Behalf of the Senate.
R. H. HANKINSON,
On Behalf of the House.

Mr. Hankinson moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 15, 1897.

MR. SPEAKER:

I have the honor to inform the House that the Senate has passed the following resolution, viz:

That the President of the Senate appoint a committee of three to act with a like number from the House, for the purpose of visiting the state institutions, and reporting on the requirements of said institutions.

Respectfully,
J. C. GILL,
Secretary.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Wood introduced
House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895.

Mr. Gilbertson introduced
House Bill No. 43,
A bill for an act to provide for the assessment levy and collection of taxes on property in case where such property was by law subject to taxation, but the assessment and levy has been omitted or where such property has for any cause escaped taxation.

Mr. Mitchell introduced
House Bill No. 44,
A bill for an act to amend section 2345 of the Revised Codes of North Dakota, relating to the incorporation of villages.

Mr. Belden introduced
House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships.

Mr. Power introduced
House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary.

Mr. Towle introduced
House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state the name of article, quality and amount.

FIRST READING OF HOUSE BILLS.

House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,
Was read the first time.

House bill No. 43,
A bill for an act to provide for the assessment, levy and collection of taxes on property in cases where such property was by law subject to taxation but the assessment and levy thereon has been omitted, or where such property has from any cause escaped taxation,
Was read the first time.

House Bill No. 44,
A bill for an act to amend section 2345 of the Revised Codes of North Dakota relating to the incorporation of villages,
Was read the first time.

House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships,
Was read the first time.

House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes relating to the diminution of sentence for good conduct of inmates of the state penitentiary,
Was read the first time.

House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,
Was read the first time.

The House returned to the seventh order of business.

Mr. Stevenson offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:
That all bills or other instruments introduced in either branch of this Legislative assembly be type written.

Mr. Mitchell moved
To amend by striking out the words "or other instruments."
Mr. Twichell moved
That further action on the resolution be indefinitely postponed,
Which motion prevailed.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,
Was read the second time, and
Referred to the committee on taxes and tax laws.

House Bill No. 43,
A bill for an act to provide for the assessment, levy and collection of taxes on property in cases where such property was by law subject to taxation but the assessment and levy thereon has been omitted, or where such property has from any cause escaped taxation,
Was read the second time, and
Referred to the committee on taxes and tax laws.

House Bill No. 44,
A bill for an act to amend section 2345 of the Revised Codes of North Dakota relating to the incorporation of villages,
Was read the second time, and
Referred to the committee on municipal corporations.

House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised

Codes relating to the diminution of sentence for good conduct of inmates of the penitentiary,

Was read the second time, and

Referred to the committee on state affairs.

House Bill No. 47,

A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,

Was read the second time, and

Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 16,

Being a concurrent resolution to amend the constitution,

Was read the third time.

The question being upon the final passage of the resolution.

The roll being called their were ayes 52, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Goplerud,	Porter,
Belden,	Hawk,	Richards,
Boyd of Cass,	Heskin,	Ryan,
Boyd of Cavalier,	Howard,	Sargent,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Carlin,	Korsmo,	Swensen,
Colby,	Kroeger,	Syvertson,
Cryan,	Lenz,	Tanton,
Currier,	Lindstrom,	Towle,
Dougherty,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Earl,	McGinnis,	White,
Ebbighausen,	Mitchell,	Williams,
Erickson,	Northrop,	Wood,
Francis,	Offerdahl,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hankinson,	Murphy,
Guinan,	Hurley,	Power,
Hammond,	McPherson,	Wirkus.

Mr. Duncan voting in the negative.

Messrs. Cole, Hurley, McPherson, Murphy and Wirkus being excused.

So the concurrent resolution passed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The chief clerk read the message from the Senate in reference to the appointment of a joint committee to visit the public institutions.

FIRST READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 20,
A bill for an act governing the method of proof of a written instrument or contract to which there are one or more transcribing witnesses,
Was read the first time.

Senate Bill No. 25,
A bill for an act to amend section 1325 of the Revised Codes of the state of North Dakota,
Was read the first time.

Senate Bill No. 26,
A bill for an act relating to the taking of depositions,
Was read the first time.

Senate Bill No. 27,
A bill for an act regulating procedure in civil actions.
Was read the first time.

SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 20,
A bill for an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses,
Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 25,
A bill for an act to amend section 1325 of the Revised Codes of North Dakota,
Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 26,
A bill for an act relating to the taking of depositions,
Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 27,
A bill for an act regulating procedure in civil actions,
Was read the second time, and
Referred to the committee on judiciary.

The Speaker administered the oath of office to the following officers:

L. W. Schruth—clerk to committee on taxes and tax laws.

S. A. Olsness—clerk to committee on insurance.

The privileges of the floor was extended to Prof. E. E. Kaufman of the agricultural college.

GENERAL ORDERS.

Mr. Hankinson moved

That the House resolve itself into committee of the whole for the consideration of general orders,

Which motion prevailed.

The Speaker called Mr. Hankinson to the chair.

The committee of the whole made the following report:

MR. SPEAKER:

Your committee of the whole House have had under consideration

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota relating to usury,

And recommend that said bill do pass as amended by the report of the committee on judiciary.

Also,

House Bill No. 22,

A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeals in criminal actions,

And recommend that the bill do pass as amended by the committee on judiciary.

Also,

House Bill No. 29,

A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salary of states attorneys,

And recommend that the bill be referred back to the committee on judiciary.

R. H. HANKINSON,
Chairman.

Mr. Sharpe moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Richards moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 16, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Baker, Cole, Hurley, McPherson, Northrop, Power, Twichell and Wirkus, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eleventh day and recommend it be amended as follows:

On page 2, below line 23, insert "which substitute motion was lost.

The question being upon the adoption of the majority report."

On page 7, line 2, strike out the "No. 13" and insert in lieu thereof No. 16.

Also on page 8 after the word college, line 36, insert the words "general orders,"

And when so amended recommend that the Journal of the eleventh day be adopted.

E. C. SARGENT,
Chairman.

Which motion prevailed,
And the report was adopted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Hankinson offered the following petition:

To the Honorable Members of the Legislative Assembly of North Dakota:

GENTLEMEN: We, the undersigned owners of real estate in Richland

county, state of North Dakota, do humbly petition and pray that the laws relating to noxious weeds be repealed, excepting as they relate to the destruction of noxious weeds upon public roads and upon railroad right of way.

E. H. CARTER,
(And About 50 Others).

Mr. Lindstrom offered the following resolution:

Whereas, The following notice has been received from the Senate, viz:

SENATE CHAMBER,
January 15, 1897.

MR. SPEAKER:

I have the honor to inform the House that the Senate has passed the following resolution, viz:

That the President of the Senate appoint a committee of three to act with a committee of like number from the House for the purpose of visiting the state institutions and reporting on the requirements of the said institutions.

Respectfully yours,
J. C. GILL,
Secretary.

Resolved, That the House concur and the Speaker is hereby authorized and directed to appoint a committee of three to unite and act in conjunction with the said Senate committee for the purpose therein specified,

Which motion prevailed, and
The resolution was adopted, and
The Speaker appointed Messrs. Lindstrom, Hurley and Sargent as such committee on part of the House.

Mr. Sargent offered the following resolution:

Be it Resolved by the House of Representatives:

That all clerks employed by the House are hereby ordered to report to the chief clerk each day before the House convenes, that they may be assigned their work for the day, and that all other employes of the House shall report to the sergeant at arms,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

UNFINISHED BUSINESS.

House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury.

Also,
House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,
Were referred to the committee on engrossment.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Porter introduced
House Bill No. 48,
A bill for an act to amend section 2398 of the Revised Codes of North Dakota relating to the dissolution of incorporated villages and civil townships.

Mr. Korsmo introduced
House Bill No. 49.
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.

Mr. McGinnis introduced
House Bill No. 50,
A bill for an act to provide for the erection of necessary additional buildings for the hospital for the insane at Jamestown, North Dakota.

Mr. Dougherty introduced
House Bill No. 51,
A bill for an act fixing date when the term of office of county auditor shall commence.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 48,
A bill for an act to amend section 2398 of the Revised Codes of North Dakota relating to the dissolution of incorporated villages and civil townships,
Was read the first time.

House Bill No. 49,
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 time.

House Bill No. 50,
A bill for an act to provide for the erection of necessary additional buildings for the hospital of the insane at Jamestown, North Dakota,
Was read the first time.

House Bill No. 51,
A bill for an act fixing the date when the term of office of county auditor shall commence,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 48,
A bill for an act to amend section 2398 of the Revised Codes of

North Dakota, relating to the dissolution of incorporated villages and civil townships,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 49,

A bill for an act fixing the maximum rate railroad companies may charge for the transportation of coal mined within the state of North Dakota,

Was read the second time.

Mr. Korsmo moved

That the bill be referred to committee on state affairs.

Roll call demanded.

The roll being called there were ayes 30, nays 25, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Ebbighausen,	Kroeger,
Brotnov,	Erickson,	Lindstrom,
Butterwick,	Francis,	Lovelace,
Carlin,	Gaulke,	McConnachie,
Colby,	Gilbertson,	Offerdahl,
Cryan,	Goplerud,	Syvertson,
Currier,	Guinan,	Tanton,
Dougherty,	Hammond,	Towle,
Duncan,	Heskin,	Williams,
Dunton,	Korsmo,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Joy,	Richards,
Belden,	Ryan,	Sargent,
Boyd of Cass,	Lenz.	Sharpe,
Boyd of Cavalier,	McGinnis,	Stevenson,
Earl,	Mitchell,	Swenson,
Hankinson,	Peoples,	Wallace,
Hawk,	Porter,	White,
Howard,	Power,	Mr. Speaker.
Johnson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Murphy,	Twichell,
Hurley,	Northrop,	Wirkus.
McPherson,		

Messrs. Cole, Hurley, McPherson, Murphy, Northrop, Twichell and Wirkus being excused,

So the bill was referred to the committee on state affairs.

House Bill No. 50,

A bill for an act to provide for the erection of necessary addi-

tional buildings for the hospital of the insane at Jamestown, N. D.,
Was read the second time, and
Referred to the committee on appropriation.

House Bill No. 51,
A bill for an act fixing the date when the term of office of county auditor shall commence,
Was read the second time, and
Referred to the committee on state affairs.

The House took an informal recess.

The privileges of the floor were extended to Messrs. P. P. Lee and Peter Shire of Emmons, H. J. Kopperdahl of Fargo, M. F. Murphy of Grand Forks, Mr. Metcalf of Nelson, Dr. Branch of Stutsman, F. S. Goddard of Dickey, C. C. Manning, H. C. Hurd I. B. Reynolds of Pierce county.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 16, 1897.

MR. SPEAKER:
I have the honor to transmit herewith
House concurrent resolution memoralizing congress to grant 30,000 acres of land in aid of the school of forestry in the state of North Dakota,
Which the Senate has concurred in.

Respectfully yours,
J. C. GILL,
Secretary.

The House returned to the sixth order of business.

The committee on per diem and mileage made the following report:

MR. SPEAKER:
Your committee on mileage and per diem beg leave to make the following additional report:
We find Mr. Ryan entitled to the following mileage: Five hundred and forty-four miles, $54.40.

W. J. HAWK,
Chairman.

Mr. Hawk moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 20,

A bill for an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses,

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

Also,

Senate Bill No. 25,

A bill for an act to amend section 1325 of the Revised Codes of the state of North Dakota,

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

Also,

Senate Bill No. 27,

A bill for an act regulating procedure in civil action,

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

That the word "actions" be substituted in place of the word "action" in the title of the bill,

And when so amended recommend that the same do pass.

Also,

House Bill No. 29,

A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salaries of states attorneys,

Have had the same under consideration and recommend that the same be amended as follows, as reported by this committee on January 13, to-wit:

By striking out the word "three" in line 7 of the printed bill and substituting therefor the word "two," and by striking out lines 8, 9 and 10 to the semi-colon, and substituting therefor the following: In counties having a population of more than 2000 and not exceeding 3000 the salary of the states attorney shall be the sum of $500; more than 3000 and not exceeding 4000 the sum of $600; more than 4000 and not exceeding 5000 the sum of $700,

And when so amended recommend that the same do pass.

Also,

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of the state of North Dakota of 1895.

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

By striking out the words "the state of" and "of 1895" in the title of the bill and in lines 2 and 3 of section 1.

By striking out the words "so that the same shall" in lines 3 and 4 of section 1, between the words "amended" and "read," and substituting therefor the word "to."

By striking out all of section 2, wrongly numbered section 1 in printed bill, and substituting therefor the following:

SEC. 2. EMERGENCY.] Whereas, An emergency exists in that there is no proper and adequate law for the selection of jurors in the trial of criminal causes for the reason that the law as it now exists in relation thereto prevents the selection of jurors, in the trial of criminal causes, of a large class of citizens who by reason of reading the public press and forming impressions on criminal matters reported therein, are precluded from acting as jurors in the trial of such actions; therefore, this act shall take effect and be in force from and after its passage and approval,

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 26,

A bill for an act relating to the taking of depositions,

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

That the word "shall" be substituted for the word "will" in the 6th line of section 1, between the words "notice" and "be," reference being had to the printed bill,

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Hankinson moved

That the report of the committee on judiciary on House Bill No. 39 be adopted,

Which motion prevailed, and

The report of the committee was adopted.

Mr. Hankinson moved

That the rules be suspended and that

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota of 1895,

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

Which motion prevailed, and

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota of 1895,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Mitchell,
Baker,	Gilbertson,	Offerdahl,
Belden,	Goplerud,	Peoples,
Boyd of Cass,	Guinan,	Porter,
Boyd of Cavalier,	Hammond,	Power,
Brotnov,	Hankinson,	Richards,
Butterwick,	Hawk,	Sargent,
Carlin,	Heskin,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Currier,	Ryan,	Syvertson,
Dougherty,	Korsmo,	Tanton.
Duncan,	Kroeger,	Towle,
Dunton,	Lenz,	Wallace,
Earl,	Lindstrom,	White,
Ebbighausen,	Lovelace,	Williams,
Erickson,	McConnachie,	Wood,
Francis,	McGinnis,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	McPherson,	Twichell,
Howard,	Murphy,	Wirkus.
Hurley,	Northrop,	

Messrs. Cole, Howard, Hurley, McPherson, Murphy, Northrop, Twichell and Wirkus being excused.

So the bill passed and the title was agreed to.

Mr. Power offered the following resolution:

Resolved, That there be 150 extra copies of House Bills Nos. 42 and 43 printed for distribution to county auditors, county attorneys and city councils,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

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

H. E. LAVAYEA,
Chief Clerk.

FOURTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 18. 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Duncan, Gaulke, Guinan, Hammond, Hurley, McGinnis, Power and Wirkus.

Messrs. Gaulke, Hurley and Wirkus being excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twelfth day, and recommend that it be amended as follows:

On page 2, line 29, strike out the word "or" and insert in lieu thereof the word "of."

On page 4, line 17, strike out the word "townsites" and insert in lieu thereof the word "townships."

And when so amended recommend that the Journal of the twelfth day be approved.

E. C. SARGENT,
Chairman

And moved that the report be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twelfth day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

House Bill No. 46,

A bill for an act to amend section 8542 and section 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary,

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

Also,

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves,

Have had the same under consideration and recommend that the same be referred to general orders without recommendation.

E. F. PORTER,
Chairman.

Mr. Porter moved

That the report be adopted,

Which motion prevailed, and

The reports were adopted on House Bills Nos. 41 and 46.

The committee on education made the following report:

MR. SPEAKER:

Your committee on education to whom was referred

House Bill No. 31,

A bill for an act to amend section 707 of the revised statutes, so as to change the date of the annual census of school children in the school districts from December 1st to June 1st,

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

By striking out the word "statutes" in the title of the bill and inserting in lieu thereof the words "Codes of North Dakota."

By adding the words "as follows" after the word "read" in line 2 of section 1.

By substituting "section 2" for "section 708."

By adding an emergency clause, as follows: "Section 3. Emergency: Whereas, an emergency exists in that the time for taking the census occurs before the first day of July, therefore this act shall take effect on and after its passage and approval."

And when so amended recommend that the same do pass.

O. W. FRANCIS,
Acting Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 36,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,

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

That the words "or telegraph" be inserted after the word "telephone" in the title of the bill and in line 6 of section 1.

That the word "or" be omitted where it occurs in line 2 of section 1.

That the words "or board of trustees of any town" be inserted in line 3 of section 1, between the words "city" and "or."

That the words "as to the places where" be substituted in lieu of the words "the place" in line 11 of section 1.

That the words "an emergency exists" be omitted where they occur in line 2 of section 2, and inserted after the word "whereas" in line 1 of section 2 and followed by the words "in that."

Reference is had to printed bill.

And when so amended recommend that the same do pass.

O. W. FRANCIS,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 22,

A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. McConnachie offered the following resolution:

Resolved, That all resolutions shall lie over one day for consideration and the same be printed and placed on the desks of the members of the House, unless by unanimous consent the House shall otherwise direct,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Lindstrom introduced, by request,
House Bill No. 52,

A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund.

Mr. Lindstrom introduced
House Bill No. 53,

A bill for an act to amend section 482 of the Revised Codes of 1895, construing the word precinct in the constitution.

Mr. Aas introduced
House Bill No. 54,

A bill for an act to amend chapter 110 of the revised laws of 1890, being an act entitled an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes: in order to give a reward to those who shall secure evidence of violators of said act, and to swear out complaints against its violations and violators, in such action where conviction shall be obtained.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 52,

A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund,

Was read the first time.

House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895, construing the word precinct in the constitution,

Was read the first time.

House Bill No. 54,

A bill for an act to amend chapter 110 of the revised laws of 1890, being an act entitled an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes: in order to give a reward to those who shall secure evidence of violators of said act and swear out complaints against its violations and violators, in such actions where conviction shall be obtained,

Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 52,

A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening mines for the benefit of the state and the public school fund,

Was read the second time, and

Referred to the committee on state affairs.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 18, 1897.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 16,
Being a concurrent resolution to amend the constitution.
Which the Senate has passed.

Respectfully,
J. C. GILL,
Secretary.

House Bill No. 53,
A bill for an act repealing section 482 of the Revised Codes of 1895 construing the word precinct in the constitution,
Was read the second time, and
Referred to the committee on elections and privileges.

House Bill No. 54.
A bill for an act to amend chapter 110 of the revised laws of 1890, being an act entitled an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes in order to give a reward to those who shall secure evidence of violators of said act and swear out complaints against its violation and violators in such act where conviction shall be obtained,
Was read the second time, and
Referred to the committee on temperance.

THIRD READING OF SENATE BILLS.

Senate Bill No. 20,
A bill for an act entitled "an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses,"
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Peoples,
Baker,	Hammond,	Porter,

Messrs—	Messrs—	Messrs—
Belden,	Hankinson,	Power,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Currier,	Korsmo,	Swenson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Erickson,	Mitchell,	Williams,
Francis,	Murphy,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hurley,	Northrop,
Cole,	McGinnis,	Syvertson,
Cryan,	McPherson,	Wirkus.
Gaulke,		

Messrs. Gaulke, Hurley and Wirkus being excused.

So the bill passed and the title was agreed to.

The privileges of the floor were extended to Messrs. J. C. Thompson and C. F. Merry of Dickinson, J. C. Hamilton and O. E. Serumgard of Ramsey, W. L. Wilder and E. C. Cooper of Grand Forks, C. H. Davidson and G. W. Soliday of Foster, J. Morley Wyard of Park River and Maddux, Dunham, Carroll and Kepner of Eddy.

Mr. Murphy requested unanimous consent to return to the seventh order of business,

Which was granted.

MOTIONS AND RESOLUTIONS.

Mr. Murphy offered the following:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

WHEREAS, There is a large area of land in this and in other western states that would be vastly benefited by a practical system of irrigation; and,

WHEREAS, A thorough knowledge of the surface, artesian and other subterranean waters of this and other sections of the west is of paramount importance in connection with irrigation developments, and

WHEREAS, In the past there has been an insufficiency of appropriation by the national government for a thorough investigation of the water resources of the Union, now, therefore,

Be it Resolved, That the members of congress from the state of North

Dakota be and are hereby requested to take prompt action and to use all proper means to secure an appropriation by an act of congress for $100,000 for the ensuing year for the hydrographic and irrigation survey, in connection with the national geological survey of the states and territories of the Union.

Resolved, That two copies of this resolution be engrossed and that the secretary of state be required to send one copy to Senators Hansbrough and Roach and one to Hon. M. N Johnson, representative, and request they lay the same before congress at their earliest opportunity for its favorable consideration.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 18, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 20,

A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,

Which the Senate has amended as follows:

By striking out the word "Decoration" and inserting in lieu thereof the word "memorial" and striking out the words "Saturday preceding" wherever they occur, and inserting in lieu thereof the words "Monday following,"

And passed as amended.

Also,

Senate Bill No. 5,

A bill for an act to amend sections 1256 and 1259 of article 9 of chapter 18 of the Revised Codes of 1895.

Also,

Senate Bill No. 11,

A bill for an act to amend section 378 of the Revised Codes, relating to special terms of the supreme court.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6669 of the Revised Codes of the state of North Dakota, being section 53 of the justice code, enacted by the Fourth session of the legislative assembly of the state of North Dakota,

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

Respectfully yours,
J. C. GILL,
Secretary.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committtee on judiciary to whom was referred

House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contracts for purchase of state or school lands on failure to pay principal, interest or taxes,

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

That in line 3, page 1, of the printed bill the word "voidable" be substituted for the word "void" and the word "or" be omitted where it occurs, and inserted between the words "principal" and "interest" in the same line.

That the word "taxes" be stricken out of line 4.

That the word "voidable" be substituted for the word "void" in lines 7, 10 and 14.

That everything from the words "and in case" in line 10 to the words "shall be void" in line 13, inclusive, be striken out.

And when so amended recommend that the same do pass.

Also,

House Bill No. 18,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same,

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

That the word "completed" be substituted for the word "performed" in line 4 of section 2.

That the word "to" be substituted for the word "of" where it first occurs in line 6 of section 3.

That the word "engine" be substituted for the word "machine" in line 7 of section 3.

By adding the following to section 5:

Provided, That in case the property covered by said lien shall at the time of the foreclosure thereof be encumbered by chattel mortgage the owner and holder of said lien shall serve a notice of such foreclosure proceedings upon the mortgagee or mortgagees, his or their agent or agents, if resident in the county in which such foreclosure is being made; if not within the county then a copy of such notice of foreclosure shall be mailed to him or them at his or their last known postoffice address at least ten days before the day of sale.

(Reference is had to the printed bill.)

And when so amended recommend that the same do pass.

Also,

House Bill No. 33,

A bill for an act to amend section 5730 of the Revised Codes,

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

By adding the words "of North Dakota" after the word "Codes" in the title of the bill and in line 2 of section 1.

And when so amended recommend that the same do pass.

Also,

House Bill No. 32,

A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes,

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

By inserting the words "of North Dakota" after the word "Codes" in the title of the bill and in line 2 of section 1.

By inserting the words "passage and" between the word "its" and the word "approval" in line 4 of section 2.

And when so amended recommend that the same do pass.

Also,

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes,

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

By adding the words "of North Dakota" after the word "Codes" in the title of the bill and in line 2 of section 1.

And when so amended recommend that the same do pass.

Also,

House Bill No. 24,

A bill for an act providing fees for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure.

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

By omitting the words "two dollars" where it occurs in line 3 of section 1 and inserting same between the words "foreclosure" and "for" in the same line.

By striking out all of the following: "For receiving and paying over money on redemption, one per cent of the amount to be paid by the party receiving the money."

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

THIRD READING OF SENATE BILLS.

The third reading of Senate bills was resumed.

Senate Bill No. 25,

A bill for an act to amend section 1325 of the Revised Codes of the state of North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 51, nays 4, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Mitchell,
Baker,	Gilbertson,	Murphy,
Boyd of Cass,	Guinan,	Northrop,
Boyd of Cavalier,	Hammond,	Offerdahl,
Brotnov,	Hankinson,	Peoples,
Butterwick,	Hawk,	Power,
Carlin,	Heskin,	Richards,
Colby,	Howard,	Ryan,
Cole,	Johnson,	Sargent,
Cryan,	Joy,	Stevenson,
Currier,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Tanton.
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Wallace,
Earl,	Lovelace,	White,
Ebbighausen,	McConnachie,	Wood.
Erickson,	McPherson,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Goplerud,	Swenson,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	McGinnis,	Wirkus,
Gaulke,	Porter,	Williams.
Hurley,	Sharpe,	

Messrs. Hurley and Wirkus being excused.

So the bill passed and the title was agreed to.

Mr. Power asked unanimous consent to return to the seventh order of business,

Which consent was not granted.

The House returned to the thirteenth order of business.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Hawk moved

That the House do not concur in the Senate amendment to House Bill No. 20,

And that the Speaker be authorized to appoint a conference committee of three, of which Mr. Hurley shall be chairman, to confer with a like committee of the Senate, to consider this bill and the amendment,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Hurley, Hawk and Hankinson.

GENERAL ORDERS.

Mr. Twichell moved
That the House resolve itself into the committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Twichell to the chair.

The Speaker in the chair.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee of the whole have had under consideration
House Bill No. 29,
A bill for an act to amend section 2058 of the Revised Codes of North Dakota, fixing the salaries of states attorneys.
And recommend that when the committee arise they report it back with the recommendation that the bill be referred back to the committee on judiciary.

Also,
Senate Bill No. 26,
A bill for an act relating to the taking of depositions.
And recommend that the same be amended as follows:

That the word "shall" be substituted for the word "will" in the 6th line of section 1, between the words "notice" and "be," reference being had to the written bill.

And when so amended recommend that the same do pass.

Also,
Senate Bill No. 27,
A bill for an act regulating procedure in civil actions,
And recommend that the same be amended as follows:

That the word "actions" be substituted in place of the word "action" in the title of the bill.

And when so amended recommend that the same do pass.

T. TWICHELL,
Chairman.

Mr. Hankinson moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Mr. Power gave notice of a motion to reconsider the vote by which the resolution offered by Mr. McConnachie was passed.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 19, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Gaulke and Hurley, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fourteenth day and recommend it be amended as follows:

On page 4, line 1, after word "same" insert the word "be."
On page 4, line 24, after the word "reward" strike out the words "to give a reward."
On page 9, after the word 'address" in line 4, add the words "at least ten days before the day of sale."
Also on page 12, line after the word reconsider "the vote by which" and after the name McConnachie add the words "was passed."

And when so amended recommend that the Journal of the fourteenth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fourteenth day was approved.

MOTIONS AND RESOLUTIONS.

Mr. Power offered the following resolution:

Resolved, That the vote by which the motion presented by the gentleman from Grand Forks and passed, whereby all resolutions lay over one day and be printed, be reconsidered,

Which motion prevailed, and
The vote was reconsidered.

Mr. Twichell offered the following resolution:

Resolved, That when the House adjourn it adjourn to meet tomorrow, Wednesday, at 11:30 a. m.,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted.

Mr. Hankinson moved
That the House proceed to the election of a United States senator to represent North Dakota in the United States congress for the term of six years, beginning March 4, 1897,
Which motion prevailed.

Mr. Murphy of Ward placed in nomination H. C. Hansbrough of Ramsey county, and spoke as follows:

Perhaps there is not a man in this hall but knows in advance the result of our vote here today. The action taken at the republican senatorial caucus some nights since, is a source of unaffected and undisguised gratification and satisfaction to every true hearted republican in North Dakota. The prompt action in that caucus called forth the spontaneous and heartfelt enthusiasm and loyalty of genuine republicanism. To my mind the most creditable feature connected with this fight, if a fight it may be called, has been the entire absence of discord, bickerings, jealousies and acrimonious accusations and antagonisms so offensively characteristic of other senatorial elections in this state.

I believe that every man within the sound of my voice believes that the man whom the republicans have selected to be voted for today is equal to the emergency, and that he has already brought to the high office in which he is to succeed himself such qualities and qualifications as will help to guarantee safety and prosperity to the state and nation, and dignity, honor and distinction to the party.

The face of the republican party is ever turned toward the

dawn. It bathes itself in the sunrise of promise and on the advanced hills of progress it pitches its tents.

It has no place in the darkness of night—where unholy shapes of want, of famine, of poverty and of calamity revel—that it leaves to its opponents.

Its prophets are not prophets of evil; its adherents live not to block or retard the wheels of progress, but to push onward the car of man's advancement and action into broader fields and higher planes of human existence.

Not a hundred days ago the opponents of the republican party said its mission was ended. Its mission is not ended.

Its mission will not end while unsettled questions of state confront men in the ever changing circumstances of American life.

The republican party is as much today the advocate of human rights as it ever was, and the opportunities to exercise those rights and maintain its principles open wider day by day. Unlike every other political party of our day, the principles of the faith of the republican party are those upon which national prosperity depends.

The republican party today, as in the hour of its birth, forty-one years ago, stands with its face full and fair to the future. Its splendid achievements are but vantage ground. The quick blood of youth still courses in its veins. The soul of its creed is the life of the nation. Its battle cry is the progress of the people.

It loves to see the American people a conquering social and political force, whose energies shall diffuse throughout the earth a more comprehensive political and religious liberty.

By its grand accomplishments it has learned to have confidence in its own strength.

Today, riding on the high crest of the wave of victory, it has the confidence, as never before, of this whole nation, and the respect of the civilized world.

When returned to power, as it will be in forty-four days from now—and by being returned to power I mean in both branches of congress, as well as in the executive department of the government—it will take hold of things with an experienced hand and tried skill.

The shoals upon which the democrats have grounded will be cleared as they have been many times before. That which to the present administration appeared a treacherous and dangerous channel will, in the light of true statesmanship, be an open sea over whose swelling tide the ship of the great republic will be borne to a grandeur among the nations of the earth hitherto unknown.

In a month and a half from now we will have an American administration—devoted to American interests—and the administration of the "Incumbent" which has blundered through four years

of pusillanimous disgrace abroad and impotent groping among disasters at home, will have gone forever. In the choice of its leaders the republican party has always exhibited wisdom. Men of sterling worth and a broad state views, it has been its disposition and its record to honor.

He whom we present today possesses all the qualifications demanded by our party.

Senator Hansbrough has been condemned by some because he was friendly to silver. I will enter into no defense of him along that or any other line. He needs no defense.

No language of Hansbrough's in favor of silver was couched in stronger terms than was Wm. McKinley's criticism of President Cleveland for his pronounced unfriendliness to silver.

When the time for Wm. McKinley and Henry C. Hansbrough as well as millions of the rank and file of the republican party came to choose between free trade and free silver on the one hand and a gold basis and protection on the other, both McKinley and Hansbrough remained loyal to protection.

The supreme spirit of toleration—which is the guiding star of the republican party—forbids that you condemn either for their record on silver before the party had taken a stand on that question. I am proud of the record of both on that proposition. It is to me an indication of breadth and advancement of thought. Both McKinley and Hansbrough are bimetallists of the strictest sect.

One of President McKinley's strongest allies in his efforts to bring about international bimetallism, which the republican party is pledged to promote, will be Senator Hansbrough.

The republican party, gentlemen, is a party of bimetallism.

I defy any man to show wherein President-elect McKinley or Senator Hansbrough swerved one iota in their allegiance to any basic republican doctrine.

Hansbrough's splendid ability has already made itself felt to the good of our state in the U. S. senate. In the heyday of life, in the full vigor of his strength physically, morally and intellectually; with a start in the senate not attained by many men in twelve years; with an experience so wide and helpful to our state, with the best men of the senate and nation his friends, we would do North Dakota an almost irreparable injury by supplanting Hansbrough with any other man within the confines of this commonwealth..

To my mind one of Hansbrough's best qualifications is that he is a man of plain, temperate, natural life. His habits before he was elected to the United States senate were those of the average well regulated North Dakotan. They are the same today.

Hansbrough has the personal devotion of a larger element of his party in this state than any other North Dakotan ever had.

He has fought the battles of republicanism in this state—his pen has been busy and his voice has been heard upon the stump.

His strong personality has been injected into all our political contests since statehood.

He has faced the fire of battle when opposition seemed overpowering and through all dangers and uncertainties has lifted and carried forward the banner of triumph; no spot is upon his personal character, no stain lies upon his political career.

He represents in his life and character and public record the high purposes, the eternal principals, the traditional policies of the republican party.

Gentlemen, I nominate for senator, Henry C. Hansbrough.

Mr. Power of Richland seconded the nomination of Mr. Hansbrough as follows:

It is entirely unnecessary to add a single word to the good words that have been said regarding Henry C. Hansbrough. Richland county has always favored Senator Hansbrough. They have recognized him as the man for North Dakota, and we are glad that in the caucus the other night it was a unanimous vote for his return. On behalf of the republicans of Richland county it gives me pleasure to second the nomination of Henry C. Hansbrough.

Mr. Cole of Cass placed in nomination the Hon. W. A. Bentley of Burleigh county, and spoke as follows:

The election of a United States senator furnishes an epoch in the political history of every state, and as time goes on it gives us sometimes pride and sometimes mortification to look back and view the acts as they occurred during the senatorial contest. The democrats and independents have united in the selection of a candidate to place before you today, and while they fully understand that they have no chance of electing him they have done it with that care and discretion which in the future they will feel that they can refer to with pride. While we represent but a little more than one-fourth of this body, collectively, we do represent more than twenty thousand of the voters of the state of North Dakota, or very little less than one-half, and we regard it as no mean compliment to bestow upon a man the selection as our candidate for United States senator. In casting about for such a man we desired to find the most suitable representative in point of character, virtue and ability, and such a man it is far more easy to select with the minority than with the majority, because with the majority there is great liberty of promises, trades and intrigue which frequently places in the foreground the most high-handed trickery.

In the early days of the rebellion our candidate, Dr. William A. Bentley, saw that his duty was to aid in saving the union and breaking the bonds of human slavery. Pursuant to those desires and to his loyalty he shouldered his musket and went to war and his record is well known to every old soldier and to thousands of the best well informed citizens of North Dakota. For many years

he connected himself with the republican party. Four years ago he was a member of this honorable body and and in the very zenith of political favor with the republican party, he discovered that his right on the side of the people was to adopt another course and in the campaign which has just closed the well known ability, the magnificence and power of that man shown forth as it never did before. All over this state his voice was heard proclaiming for the freedom of the people, not from human slavery but from financial slavery, and today we take pleasure in nominating him as our candidate, and although it is not in our power to elect him we feel that we can always refer to it with pride because if placed in the high position of United States senator he would be the peer of any man that North Dakota has ever had the privilege of sending there.

Mr. McPherson seconded the nomination, as follows:

In behalf of the populists of Barnes county I take pleasure in seconding the nomination of William A. Bentley. I must admit that I thought I had a nice little speech set off for this occasion, but the flowery language of the gentlemen who have just preceded me has thrown my speech to the four winds. I will have to say but little and the next time that there is such an important office as this to fill be better prepared.

I have known this gentleman for the last eighteen years as a resident of this state and I believe that his integrity has never been questioned. When I knew him first I knew him as a republican and I heard the people of Bismarck say that he was a grand man and that he was all right. As time has passed along I do not find any difference in the man. He is the same William A. Bentley today that he was then. Older in years, frailer in body, but I believe with a clearer conception of things. He fought his country's battles when I was a lad away in that far eastern country and I remember how anxiously we used to wait for the newspaper that came along once a month or once in two months and we read of the battles that were being fought and were anxious that the North should win because we were against human slavery. Now this was one of the men that we were looking to, although we did not know it.

I never expected to have the pleasure of grasping his hand, but I am always proud, and always expect to be proud, no matter what a man'a political belief is, to grasp the hand of any man that shouldered a gun to give me a home in this great country. I believe these men ought to be honored above all men. They are entitled to it. They are the actual saviours of our country. I am glad to be an American. I believe we do not appreciate what those men did for us and that is one of the reasons why I am glad to cast my vote today, or any other day, for William A. Bentley. He espoused the cause of human freedom, as my brother has just said, and still is espousing that cause, unsolicited, unpaid. During the

last campaign he took the stump and served his lowly brethren, and it was typical of one of old who gave up everything, family, kinsmen, country and everything to protect his lowly brethren. This man has only followed in the footsteps of those who have gone before, and I am glad to know that from very small beginnings large things have sprung. I look back and see that the greatest achievements of the age have had small beginnings.

We do not expect to elect a man here today to represent us, but we are glad, as a minority of this house, to cast our vote for this man, and if our time is not today I believe the time is coming when we can look beyond the clouds and see the silver lining that inevitably will come.

The roll being called there were 60 votes cast, of these Hansbrough received 43 and W. A. Bentley 17, absent and not voting, 2.

Those who voted for Mr. Hansbrough were: Baker, Belden, Boyd of Cass, Colby, Currier, Dunton, Earl, Erickson, Francis, Gilbertson, Goplerud, Hammond, Hankinson, Hawk, Heskin, Howard, Johnson, Joy, Korsmo, Kroeger, Lindstrom, Lovelace, McConnachie, McGinnis, Mitchell, Murphy, Northrop, Offerdahl, Peoples, Porter, Power, Richards, Ryan, Sargent, Sharpe, Stevenson, Swenson, Twichell, Wallace, White, Williams, Wood, Mr. Speaker.

Those who voted for Mr. W. A. Bentley were: Aas, Boyd of Cavalier, Brotnov, Butterwick, Carlin, Cole, Cryan, Dougherty, Duncan, Ebbighausen, Guinan, Lenz, McPherson, Syvertson, Tanton, Towle, Wirkus.

Messrs. Hurley and Gaulke being excused.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 19, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

A concurrent resolution in relation to adjournment of the legislative assembly,

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

CONCURRENT RESOLUTION.

Be it Enacted by the Senate, the House Concurring:

That when the legislative assembly adjourns on Wednesday, the 20th day of January, it take a recess until Tuesday, the 26th day of January, 1897.

Respectfully yours,
J. C. GILL,
Secretary.

The Speaker stated that the resolution offered by Mr. McConnachie was referred to the committee on rules.

CONSIDERATION OF MESSAGE FROM THE SENATE.

Mr. Dougherty moved
To lay the Senate concurrent resolution referring to adjournment on the table,
Which motion was lost.

The question being on the passage of the resolution,
The resolution was adopted.

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

H. E. LAVAYEA,
Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 20, 1897.

The House assembled at 11:30 o'clock a. m. pursuant to adjournment.

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Butterwick, Duncan, Ebbighausen, Erickson, Guinan, Hurley and Towle, who were excused.

Mr. Porter having resigned from the committee appointed to visit the state institutions, the Speaker appointed Mr. Peoples in his place.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on revision and correction of the Journal re-

spectfully report that they have carefully examined the Journal of the fifteenth day and recommend it be amended as follows:

On page 8, line 3, strike out the word adjourn and insert in lieu thereof the words, take a recess.

And when so amended recommend that the Journal of the fifteenth day be approved.

E. C. SARGENT,
Chairman

And moved that the report be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifteenth day was approved.

The Speaker announced that he expected to be absent for several days and wished to be excused, to which announcement no objection was made.

The Speaker appointed Mr. Hurley of Traill temporary speaker during his absence.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 39,
A bill for an act to amend section 8166 of the Revised Codes of North Dakota,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
House Bill No. 16,
Being a concurrent resolution to amend the constitution of the state of North Dakota,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

Mr. Joy requested that the privileges of the floor be extended to Homer E. Kinney and W. H. Roberts of Pembina county.

Mr. Hawk asked that the privileges of the floor be extended to Wellington Irysh of Wheatland.

Mr. Peoples asked that the privileges of the floor be extended to Wm. F. F. Beisicker of Fessenden.

Mr. Korsmo asked that the privileges of the floor be extended to Dr. Carr of Northwood.

Mr. Wood asked that the courtesies of the floor be extended to P. O. Thorson of Grand Forks.

There being no objection the courtesies of the floor were so extended.

The courtesies of the floor were also extended to Messrs. Kent, Baird and Sterns of Nelson, Esten Halvorson and C. S. Edwards of Traill, Jacob Mason of Benson and J. M. Rowe of Cass.

Mr. Hankinson moved
That the rules be suspended and that the following resolution be adopted:

Resolved, That the chief clerk forthwith notify the Senate that the House is now ready to receive the Senate in joint session for the purpose of taking such further proceedings in relation to the election of United States senator for the state of North Dakota as shall be necessary and proper,

Which motion prevailed, and
The resolution was adopted.

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

JOINT SESSION.

The joint session of the two Houses was called to order by the lieutenant goveruor, who announced that the hour had arrived for the joint session.

The roll of the members of the Senate was then called by the secretary of the Senate.

The roll of the members of the House was then called by the chief clerk of the House.

All members present except Senator Brown; also Representatives Butterwick, Dunton, Erickson, Gaulke, Guinan, Hurley and Towle, who were excused.

The President announced that the purpose of the joint session was the comparison of the Journals of the House and Senate relative to the election of a United States senator.

The Journals of the Senate and House being read and it appearing therefrom that Henry C. Hansbrough had received a majority of all the votes cast by senators and representatives of the Legislative assembly of North Dakota, the President and the joint assembly formally declared Henry C. Hansbrough of Ramsey county duly elected United States senator for the term of six years, beginning March 4, 1897, for the state of North Dakota.

Mr. Rourke moved
That a committee be appointed to wait upon the newly-elected senator to inform him of his election and invite him to address the joint session,
Which motion prevailed, and
Mr. President appointed the Speaker of the House and Messrs. Rourke and Francis.

The committee reported that owing to Senator Hansbrough's illness he was unable to respond to the request.

Mr. Rourke moved
That the Journal of the joint assembly be approved,
Which motion prevailed.

Mr. Rourke moved
That the vote by which the joint assembly was approved be reconsidered,
Which motion prevailed.

The following certificate of election was then duly signed in open session:

STATE OF NORTH DAKOTA,
HALL OF THE HOUSE OF REPRESENTATIVES.

This is to certify that at a meeting of the two Houses of the legislative assembly of the state of North Dakota, in joint session, held on Wednesday, the 20th day of January A. D. 1897, at noon, a majority of all the members of each House being present, it was found upon examination of the Journals of the respective Houses that upon the day before, and after the meeting and organization of the legislative assembly, each House had by an open viva voce vote of the members present, a majority of all senators and representatives-elect being present and voting named Henry C. Hansbrough of Ramsey county for senator in congress for the state of North Dakota. Whereupon the joint assembly in session as aforesaid formally declared said Henry C. Hansbrough of Ramsey county duly elected senator to represent the state of North Dakota in the congress of the United States for the term beginning March 4, 1897.

J. M. DEVINE,
President of the Senate and Joint Assembly.
E. A. WILLIAMS,
Speaker of the House of Representatives.
HENRY E. LAVAYEA,
Clerk of the House of Representatives.
J. C. GILL,
Secretary of the Senate.

The Journal of the joint assembly was then read.

Mr. Rourke moved
That the journal of the joint assembly be approved,
Which motion prevailed.

Mr. Murphy of Ward moved
That three cheers be given for the senator-elect,
Which motion prevailed.

Mr. McGillivary moved
That the joint assembly do now dissolve,
Which motion prevailed, and
The joint assembly dissolved.

HOUSE REASSEMBLED.

The speaker called the House to order:

REPORTS OF STANDING COMMITTEES.

The committee on Insurance made the following report:

MR. SPEAKER:

Your committee on Insurance to whom was referred
House Bill No. 15,
A bill for an act providing for the taxation of insurance companies,
Have had the same under consideration, and recommend that substitute bill here attached do pass.

W. B. WOOD,
Chairman.

The committee on federal relations made the following report:

MR. SPEAKER:

Your committee on federal relations to whom was referred
House Bill No. 37,
Being a joint 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, praying for the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations,
Have had the same under consideration and recommend that the same do pass.

JOHN MCCONNACHIE,
Chairman.

The committee on manufactures made the following report:

MR. SPEAKER:

Your committee on manufactures to whom was referred
House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,

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

By striking out the words "manufactures and," also the words "this state," of second line in title of bill, and in lieu thereof insert after the word "in" the state of North Dakota.

By striking out in section 1 the words "in the state of North Dakota" and insert the word "offered."

By striking out in line two the words "said state" and insert "the state of North Dakota."

And when so amended recommend that the same do pass.

NICOLAI SWENSON,
Chairman.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Porter introduced
House Bill No. 55,
A bill for an act requiring all state and county officials now required by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a afidelity insurance company,
Was read the first time.

Mr. Syvertson introduced
House Bill No. 56,
A bill for an act to amend section 5577 of the compiled laws of 1895,
Was read the first time.

Mr. Howard introduced
House Bill No. 57,
A bill for an act to repeal subdivision 1 of section 7518 of the Revised Codes of 1895, and to amend said section relating to banking,
Was read the first time.

Mr. Williams introduced
House Bill No. 58,
A bill for an act to secure the collection of taxes levied upon the assessed value of personal property,
Was read the first time.

Mr. Mitchell introduced
House Bill No. 59,
A bill for an act to provide for the allowance and payment of witness fees in certain cases,
Was read the first time.

Mr. Mitchell introduced
House Bill No. 60,
A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 55,
A bill for an act requiring all state and county officials now re

quired by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a fidelity insurance company,

Was read the second time, and

Referred to the committee on state affairs.

House Bill No. 56,

A bill for an act to amend section 5577 of the compiled laws of 1895,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 57,

A bill for an act to repeal subdivision 1 of section 7518 of the Revised Codes of 1895, and to amend said section relating to banking,

Was read the second time, and

Referred to the committee on banks and banking.

House Bill No. 58,

A bill for an act to secure the collection of taxes levied upon the assessed value of personal property,

Was read the second time, and

Referred to the committee on taxes and tax laws.

House Bill No. 59,

A bill for an act to provide for the allowance and payment of witness fees in certain cases,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,

Was read the second time, and

Referred to the committee on judiciary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 20, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judge thereof to emply a stenographer.

Also,

Senate Bill No. 8,

A bill for an act relating to the organization of corporations for the purpose of erecting buildings for military purposes,

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

Respectfully yours,
J. C. GILL,
Secretary.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 26, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Boyd of Cass, Boyd of Cavalier, Butterwick, Carlin, Currier, Dougherty, Dunton, Ebbighausen, Gaulke, Gilbertson, Guinan, Howard, Hurley, Johnson, Korsmo, Lindstrom, McConnachie, McPherson, Mitchell, Northrop, Offerdahl, Peoples, Sargent, Stevenson, Swenson, Tanton, Towle, Williams and Wood, who were excused.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 27, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Aas, Boyd of Cass, Dougherty, Dunton, Ebbighausen, Gaulke, Guinan, Hurley, Johnson, Korsmo, Lindstrom, Mitchell, Northrop, Richards, Sargent, Tanton and Twichell, who were excused.

INTRODUCTION OF BILLS AND MEMORIALS.

By unanimous consent the first reading of House bills was passed.

Mr. Earl introduced
House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Mr. Hankinson introduced
House Bill No. 62,
A bill for an act to amend section 4681 of the civil code of the state of North Dakota.

Mr. Cole introduced
House Bill No. 63,
A bill for an act to amend section 8175 and to repeal section 8180 of the Revised Codes of North Dakota of 1895.

Mr. Syvertson introduced
House Bill No. 64,
A bill for an act to provide for the publishing of county and district election returns, as soon as made official, in the county official newspapers.

Mr. Duncan introduced
House Bill No. 65,
A bill for an act to amend section 1138, article 7, chapter 17, of the Revised Codes of the state of North Dakota.

Mr. Gilbertson introduced
House Bill No. 66,
A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases where such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation.

Mr. Currier introduced
House Bill No. 67,
A bill for an act to amend section 22, of chapter 2, of the Revised Codes, relating to the calling to order of legislative sessions by secretary and chief clerk.

Mr. Hankinson moved that on account of the cold condition of the room,
That the House do now adjourn,
Which motion prevailed and
The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 28, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Dougherty, Dunton, Gaulke, Johnson, Korsmo, Lindstrom, Mitchell, Northrop, Richards and Swenson, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the sixteenth day, and recommend its adoption.

R. B. BOYD,
Acting Chairman.

UNFINISHED BUSINESS.

The following concurrent resolution was read the third time:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

WHEREAS, There is a large area of land in this and in other western states that would be vastly benefited by a practical system of irrigation; and,

WHEREAS, A thorough knowledge of the surface, artesian and other subterranean waters of this and other sections of the west is of paramount importance in connection with irrigation developments, and

WHEREAS, In the past there has been an insufficiency of appropriation by the national government for a thorough investigation of the water resources of the Union, now, therefore,

Be it Resolved, That the members of congress from the state of North Dakota be and are hereby requested to take prompt action and to use all proper means to secure an appropriation by an act of congress for $100,000 for the ensuing year for the hydrographic and irrigation survey, in connection with the national geological survey of the states and territories of the Union.

Resolved, That two copies of this resolution be engrossed and that the secretary of state be required to send one copy to Senators Hansbrough and Roach and one to Hon. M. N. Johnson, representative, and request they lay the same before congress at their earliest opportunity for its favorable consideration.

The question being upon the adoption of the resolution.

The roll being called their were ayes 49, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Ryan,
Boyd of Cavalier,	Hawk,	Sharpe,
Brotnov,	Heskin,	Stevenson,
Butterwick,	Howard,	Syvertson,
Carlin,	Hurley,	Tanton,
Colby,	Joy,	Towle,
Cole,	Kroeger,	Twichell,
Cryan,	Lenz,	Wallace,
Currier,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Erickson,	McPherson,	Wood,
Francis,	Murphy,	Mr. Speaker.
Gilbertson,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Johnson,	Northrop,
Duncan,	Korsmo,	Richards,
Dunton,	Lindstrom,	Sargent,
Gaulke,	Mitchell,	Swensen.

Messrs. Dougherty, Duncan, Dunton, Gaulke, Johnson, Korsmo Lindstrom, Mitchell, Northrop, Richards, Sargent and Swenson being excused.

So the resolution passed.

STANDING COMMITTEES.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges, to whom was referred

The matter of the contest of W. O. Ward vs. Thomas Richards, for a seat in the House of Representatives from the 27th legislative district, have heard all of the evidence and the arguments of attorneys in this case and recommend the adoption of the following resolution:

Resolved, That Thomas Richards is entitled to the seat now held by him as a representative from the 27th senatorial and representative district of the state of North Dakota as a member of the House of Representatives in the Fifth Legislative assembly of the state of North Dakota, and that the contest of W. O. Ward should be and is dismissed.

W. J. HAWK,
Chairman.

Mr. Hawk moved

That the report of the committee on elections and privileges be adopted.

Mr. Guinan asked unanimous consent to have consideration of the report made a special order for 2 o'clock Friday, January 29, 1897.

There being no objection the consent was granted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 26, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill, No. 1,

A bill for an act in relation to the labor of convicts in the state of North Dakota.

Also,
Senate Bill No. 17,
A bill for an act to amend section 2898, and to repeal section 2899 of the Revised Codes.

Also,
Senate Bill No. 18,
A bill for an act to amend section 2889, Revised Codes,

Also,
Senate Bill No. 19,
A bill for an act entitled an act to regulate domestic corporations.

Also,
Senate Bill No. 21,
A bill for an act entitled "an act amending section 5542 of the Revised Codes of North Dakota of 1895, relating to the redemption of real estate from judicial sales."

Also,
Senate Bill No. 38,
A bill to amend section 1234 of the Revised Codes of North Dakota for 1895, relating to the apportionment of taxes, penalty and interest.

Also,
Senate Bill No. 46,
A bill for an act to repeal article 17, of chapter 22, of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weeds.

Also,
Senate Bill No. 47,
A bill for an act to provide for the refunding to certain counties in this state of the funds which have been or may hereafter be paid into the state treasury under the provisions of section 1703 of the Revised Codes of North Dakota.

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

Respectfully yours,
J. C. GILL,
Secretary.

The Speaker announced that he was about to sign
Senate Bill No. 27,
A bill for an act regulating procedure in civil actions.
There being no objection the title was read and the Speaker affixed his signature.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Ryan introduced
House Bill No. 68,
A bill for an act regulating the disposition of road work and taxes by the board of township supervisors.

Mr. Francis introduced, by request,
House Bill No. 69,
A bill for an act to provide for a special jury to assess damages under the law of eminent domain.

Mr. Murphy introduced
House Bill No. 70.
A bill for an act relating to physical education as a regular branch instruction in the public schools of the state, and educational institutions receiving aid from the state.

Mr. Francis introduced, by request,
House Bill No. 71,
A bill for an act to amend section 2980 of the Revised Codes.

Mr. Francis introduced, by request,
House Bill No. 72,
A bill for an act to amend section 4841 of the Revised Codes of North Dakota.

Mr. Francis introduced, by request,
House Bill No. 73,
A bill for an act to amend sections 1642. 1643, 1644, 1645, 1647 and 7677 of the Revised Codes of North Dakota, relating to the protection of game and the issuing of permits to hunt, and prescribing penalties for violation of the provisions thereof, and enacting other provisions relating thereto, and providing penalties for violations thereof.

Mr. Lenz introduced
House Bill No. 74,
A bill for an act providing for a change of the place of trial in civil actions in the district court on the ground of prejudice in the trial judge

Mr. Hurley introduced
House Bill No. 75,
A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where the defense to the foreclosure is claimed by the mortgagor or his successor.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota,

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 62,
A bill for an act to amend section 4681 of the civil code of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 63,
A bill for an act to amend section 8175, and to repeal section 8180 of the Revised Codes of North Dakota of 1895,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 64,
A bill for an act to provide for the publishing of county and district election returns, as soon as made official, in the county official newspapers,
Was read the first and second times, and
Referred to the committee on elections and privileges.

House Bill No. 65,
A bill for an act to amend section 1138, article 7, chapter 17, of the Revised Codes of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on highways, bridges and ferries.

House Bill No. 66,
A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases where such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation,
Was read the first and second times, and
Referred to the committee on taxes and tax laws.

House Bill No. 67,
A bill for an act to amend section 22 of chapter 2 of the Revised Codes, relating to the calling to order of legislative sessions by secretary and chief clerk,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 68,
A bill for an act regulating the disposition of road work and taxes by the board of township supervisors,
Was read the first and second times, and
Referred to the committee on highways and bridges.

House Bill No. 69,
A bill for an act to provide for a special jury to assess damages under the law of eminent domain,

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 70,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state, etc.,
Was read the first and second times, and
Referred to the committee on education.

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota,
Which was read the first and second times, and
Referred to the committee on railroads.

House Bill No. 72,

A bill for an act to amend section 4841 of the Revised Codes of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 73,

A bill for an act to amend sections 1642, 1643, 1644, 1645, 1647 and 7677 of the Revised Codes of North Dakota, relating to the protection of game and the issuing of permits to hunt, and prescribing penalties for violations of provisions thereof, and enacting other provisions relating thereto and providing penalties for violations thereof,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 74,

A bill for an act providing for a change of place of trial in civil actions in the district court on the grounds of prejudice in the trial judge,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where the defense to the foreclosure is claimed by the mortgagor or his successor,
Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Hurley asked consent to refer back to consideration of messages from the senate.

There being no objection the consent was granted.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Hurley moved

That the vote by which the House refused to concur in the Senate amendments to

House Bill No. 20,

A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,

Be reconsidered,

Which motion prevailed, and

The vote was reconsidered,

The question being upon the final passage of House Bill No. 20 as amended by the Senate.

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Syvertson,
Cole,	Joy,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Duncan,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Williams,
Erickson,	McPherson,	Wirkus,
Francis,	Murphy,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Northrop,
Dunton,	Lindstrom,	Swenson.
Gaulke,	Mitchell,	

Messrs. Dougherty, Dunton, Gaulke, Korsmo, Lindstrom, Mitchell, Northrop and Swenson being excused.

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

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 46,

A bill for an act to amend sections 8542 and 8543 of the Revised

Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Power,
Belden,	Hammond,	Richards,
Boyd of Cass,	Hankinson,	Ryan,
Boyd of Cavalier,	Hawk,	Sargent,
Brotnov,	Heskin,	Sharpe,
Butterwick,	Howard,	Stevenson,
Carlin,	Hurley,	Syvertson,
Colby,	Johnson,	Tanton.
Cole,	Joy,	Towle,
Cryan,	Kroeger,	Twichell.
Currier,	Lenz,	Wallace,
Duncan,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams.
Erickson,	Murphy,	Wood.
Francis,	Offerdahl,	Mr. Speaker.
Gilbertson,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Mitchell,
Dunton,	Lindstrom,	Northrop,
Gaulke,	McPherson,	Swenson.

Messrs. Dougherty, Dunton, Gaulke, Korsmo, Lindstrom, Mitchell, Northrop and Swenson being excused.

So the bill passed and the title was agreed to.

House Bill No. 22,

A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,

Was read the third time,

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

The roll being called there were ayes 51, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Goplerud,	Porter,
Belden,	Guinan,	Power,
Boyd of Cass,	Hammond,	Richards,

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Syvertson,
Cole,	Joy,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Duncan,	Lovelace,	Wallace,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Erickson,	Murphy,	Wood,
Francis,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Northrop,
Dunton,	Lindstrom,	Swenson,
Gaulke,	McPherson,	White.
Hankinson,	Mitchell,	

Messrs. Dougherty, Dunton, Gaulke, Korsmo, Lindstrom, Mitchell, Northrop and Swenson being excused.

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

House Bill No. 37,

Being a joint resolution for a memorial to congress praying for the passage of an act for the relief of settlers on lands of the United States formerly embraced within the limits of Indian reservations,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Syvertson,
Cole,	Joy,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Duncan,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Murphy,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Northrop,
Dunton,	Lindstrom,	Swenson.
Gaulke,	Mitchell,	

Messrs. Dougherty, Dunton, Gaulke, Korsmo, Lindstrom, Mitchell, Northrop and Swenson being excused.

So the bill passed and the title was agreed to.

FIRST READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judges thereof to employ a stenographer,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,

Was read the first and second times, and

Referred to the committee on military affairs.

Senate Bill No. 39,

A bill for an act to amend section 6669 of the Revised Codes of the state of North Dakota, being section 53 of the justice code, enacted by the Fourth session of the legislative assembly of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 5,

A bill for an act to amend sections 1256 and 1259 of article 9 of chapter 18 of the Revised Codes of 1895,

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

Senate Bill No. 11,

A bill for an act to amend section 378 of the Revised Codes, relating to special terms of the supreme court,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No 1,

A bill for an act in relation to the labor of convicts in the state of North Dakota,

Was read the first and second times, and

Referred to the committee on labor.

Senate Bill No. 17,
A bill for an act to amend section 2898, and to repeal section 2899 of the Revised Codes,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 46,
A bill for an act to repeal article 17, of chapter 22, of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weeds,
Was read the first and second times, and
Referred to the committee on agriculture.

Senate Bill No. 19,
A bill for an act entitled an act to regulate domestic corporations,
Was read the first and second times, and
Referred to the committee on corporations other than municipal.

Senate Bill No. 47,
A bill for an act to provide for the refunding to certain counties in this state of the funds which have been or may hereafter be paid into the state treasury under the provisions of section 1703 of the Revised Codes of North Dakota,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 21,
A bill for an act entitled "an act amending section 5542 of the Revised Codes of North Dakota of 1895, relating to the redemption of real estate from judicial sales,"
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 18.
A bill for an act to amend section 2889, Revised Codes,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 38,
A bill for an act to amend section 1234 of the Revised Codes of North Dakota for 1895, relating to the apportionment of taxes, penalty and interest,
Was read the first and second times, and
Referred to the committee on taxes and tax laws.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the twenty-second and twenty-third days, and find the same correct, and recommend their adoption.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-second and twenty-third days were approved.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January 29, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cavalier, Dougherty, Gaulke, Tanton and Williams, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the twenty-fourth day and recommend that it be amended as follows:

On page 8, insert after line 1, "Mr. Hurley moved that the vote by which the House refused to concur in the Senate amendments to House Bill No. 20 be reconsidered, which motion prevailed, and the vote was reconsidered."

On page 8, line 43, after the word "bill" insert the words "as amended,"

And when so amended recommend that the Journal of the twenty-fourth day be adopted.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-fourth day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
The concurrent resolution for a memorial to congress for the granting of thirty thousand acres of land in aid of the school of forestry,
And find the same correctly enrolled.

R. J. MITCHELL,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 1,
A bill for an act providing a bounty on certain stock-destroying animals and a fund for the payment thereof,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out line 4 and 5 in section 1 of printed bill and inserting in lieu thereof the following words "for each gray or buffalo wolf or prairie wolf three dollars."

By striking out the words "two mills" in line 3 of section 7 and inserting the words "one-fifth mill" in lieu thereof; and by striking out all of line 4 after the words "of all" and all of line 5 to the word "property" and inserting after the word "property" the words "real and personal."

And by adding the following section:

SEC. 11. Whereas, there is no law relating to the subject matter of this act, an emergency exists: therefore, this act shall be in full force and effect from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

House Bill No. 51,

A bill for an act fixing the date when the term of office of county auditor shall commence,

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

Also,

House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,

Have had the same under consideration and recommend that the same be referred back to general orders without recommendation.

E. F. PORTER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Cole moved

That a committee of three be appointed to investigate the cloak and other rooms and see that the janitors and attendants attend to their duties properly, and report to the House and make such suggestions as are deemed necessary,

Which motion prevailed.

The Speaker appointed Messrs. Cole, Towle and Erickson as such committee.

Mr. Cryan offered the following resolution:

Be it Resolved by the House of Representatives:

That the state treasurer be requested to report as follows:

First—How much of a cash balance is there now to the credit of the state?

Second—Where is it?

Third—Are any of the state funds in any of the suspended banks of the state? If so in what banks, and what is the amount in each?

Fourth—Have sufficient bonds been given by the respective banks in which the state moneys are, or have been placed, to secure the state against loss? Have the bonds been given to the state, or to the state treasurer?

Fifth—Have all the provisions of article (4) four of chapter (4) four of the Revised Codes been complied with?

Be it Further Resolved, That the state treasurer submit this information not later than Monday, February 1, 1897.

Mr. Cryan moved

The adoption of the resolution,

Which motion prevailed.

Mr. McPherson offered the following resolution:

Be it Resolved by the House of Representatives:

That the Speaker of the House require the chief clerk to furnish a complete statement giving the number of clerks and employes now on the pay roll of the House: also what duties each employe is assigned to, also when each employe commenced to draw salary, and the amount of salary paid each clerk or employe per diem; this statement to be submitted to the House for consideration not later than Saturday, January 30, 1897.

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

Mr. Johnson moved
That the judiciary committee be requested to return to the House
House Bill No. 17,
A bill for an act providing for filing of chattel mortgages, conditional sales and other evidences of indebtedness,
Which motion prevailed.

SPECIAL ORDER.

Mr. Hankinson called up the report of the committee on elections and privileges on the contest case of Ward vs. Richards.

The following minority report was thereupon submitted from the committee on elections and privileges:

MR. SPEAKER:

The undersigned, a minority of your committee on elections and privileges, beg leave to report as follows: That we have had the case of William O. Ward, contestant, vs. Thomas Richards, contestee, involving the right to a seat in the House of Representatives, from the twenty-seventh legislative district, under consideration, and that we have carefully examined the evidence submitted to the committee and from the same we find the following facts:

First. That one F. D. Andrews was the chairman of the county central committee of the independent party for Burleigh county, North Dakota, and that as such chairman he was authorized under the law to appoint one of the judges of the election in each voting precinct of such county.

Second. That by collusion between said Andrews and certain parties interested in and promoting the election of the nominees of one faction of the republican party, including the contestee, a corrupt bargain was entered into whereby the appointment of the judges and all the election officers for two voting precincts in the city of Bismarck, viz: the court house precinct and the Fourth ward precinct, was controlled and directed by the promoters of the contestee's election and thereby the contestant was deprived of any representation in either board.

Third. That all the election officers in such precincts were unfriendly to the election of the contestant and promoting actively the election of the contestee. That in the performance of their duties as election officers each and all were active in preventing the election of contestant, and to that end committed many irregularities and frauds in their capacity as election officers. That in the court house precinct such officers returned only 47 votes as cast for the contestant, W. O. Ward, and 211 as cast for the contestee, Thomas

Richards. That in fact many more votes than were so returned by such board were cast for said Ward in said precinct at said election, but we are unable to say just what number were in fact cast for him. However, 88 electors who voted in that precinct have come forward and testified to such fact and such testimony was submitted to this committee. From such evidence we find that the return of the votes cast in the court house precinct is entirely unworthy of credit and should not be considered. That in the Fourth ward precinct the election officers returned only 11 votes for the contestant, Ward, and 79 votes as cast for the contestee, Richards. That in fact many more votes than were so returned by such board were cast for said Ward in said precinct at said election, but we are unable to determine the exact number. Eighteen electors who voted in that precinct testified that they voted for Mr. Ward and from the evidence submitted, we find that the return of the votes cast in the Fourth Ward precinct is entirely unworthy of credit and should not be considered.

Fourth. That as the election returns in such precincts are impeached and unworthy of credit as evidence, there was no evidence before the committee or this House as to the number of votes either the contestee or contestant received in said precincts, except as the same may appear from other evidence submitted in the case. The votes then returned from those precincts for the parties to this contest should be deducted from the total vote returned and canvassed for them in said county as follows:

Total vote for returned Richards in the county		629
Vote returned for Richards from Court House precinct	211	
Vote returned for Richards from Fourth Ward precinct	79	
Total to be deducted		290
Richards' total vote as shown by amended return		339
Total vote returned for Ward in the county		414
Vote returned for Ward from Court house precinct	47	
Vote returned for Ward from Fourth Ward precinct	11	
Total to be deducted		58
Ward's total vote as shown by amended return		356
Richards' total vote as shown by amended return		339
Majority for Ward		17

The above majority in favor of Mr Ward should be increased by the votes proven to have been cast for him in such precinct, viz: 88 in the Court House precinct and 18 in the Fourth Ward precinct, being a total of 106, which added to his majority already shown, gives a total majority in favor of Ward from the evidence submitted in the case of 123. We further report and find that the whole election proper and the matters pertaining to the same in these precincts were impregnated with frauds of the grossest kind, even to the extent of criminality, and we believe that the evidence can and does force but one conclusion, viz: That the ballot boxes in such precincts were deliberately robbed of the ballots cast by the electors therein and others substituted in their places, and we regret the necessity of saying the evidence strongly tends to implicate certain officers of Burleigh county as parties to such wrong.

The evidence showed a number of other gross irregularities such as the acting of disqualified persons as judges of election under protest, the refusal to allow a secret ballot and the failure to count for contestant ballots that were cast for him, but sufficient has been shown herein to prove that W. O. Ward, the contestant, was duly elected.

We, therefore, recommend that the seat in this House for the Twenty-seventh legislative district now held by Thomas Richards be declared vacant

and that W. O. Ward be declared legally elected as a representative from said Twenty-seventh district and entitled to a seat in the House of Representatives therefor.

Respectfully submitted,
THOS. GUINAN.

Mr. Cryan moved
That the contested election case of Ward vs. Richards be made a special order for 2 p. m. tomorrow, and that the attorneys on each side of the case be allowed fifteen minutes to discuss the case before the House,
Which motion was lost.

Mr. Hawk moved
The adoption of the following resolution submitted by the majority:

Resolved, That Thomas Richards is entitled to the seat now held by him as a representative from the 27th senatorial and representative district of the state of North Dakota as a member of the House of Representatives in the Fifth Legislative assembly of the state of North Dakota, and that the contest of W. O. Ward should be and is dismissed,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships,
Have had the same under consideration, and recommend that the same do pass.

Also,
House Bill No. 48,
A bill for an act to amend section 2398 of the Revised Codes of North Dakota,
Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
The adoption of the report,
Which motion prevailed, and
The further consideration of House Bill No. 48 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 19,
A bill for an act regulating the rates of toll of grist mills for grinding grain, fixing the liability and providing a penalty for a violation thereof,

Have had the same under consideration and recommend that the same be indefinitely postponed.

O. W. FRANCIS,
Chairman.

Mr. Francis moved
The adoption of the report,
Which motion prevailed, and
The further consideration of House Bill No. 19 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 59,
A bill to provide for the allowance and payment of witness fees in certain cases,
Have had the same under consideration and recommend that the same do pass.

O. W. FRANCIS,
Chairman.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Porter offered the following joint memorial and moved its adoption:

A JOINT MEMORIAL

Of the Senate and House of Representatives of North Dakota to the Senate and House of Representatives of the United States, praying for the passage of House File No. 1, now pending in congress, being an act to reclassify and prescribe the salaries of railway postal clerks.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and Speaker of the House of Representatives, attested by the secretary of the Senate and chief clerk of the House of Representatives, be sent to the Senate and House of Representatives in congress assembled:

WHEREAS, The efficiency of the railway mail service is of the greatest importance to all who have occasion to use the mails; and,

WHEREAS, There has not been a reorganization of the service for the past twenty-five years, and in consequence there is a great disparity in salaries as compared with the service performed; and,

WHEREAS, The efficiency of the service can be promoted by paying salaries

in proportion to the service performed and the efficiency of the clerks, especially in view of the frequent accidents on railways which involve injuries to railway clerks often where passengers escape unharmed; and a bill is now pending before the congress to reclassify and prescribe the salaries of railway postal clerks, therefore, be it,

Resolved by the House of Representatives, the Senate Concurring:

That it is the sense of the Fifth legislative assembly of the state of North Dakota, that said bill, known as House File No. 1, should pass the congress and become a law, and for its passage we humbly pray.

The question being upon the final passage of the memorial.

The roll being called there were ayes 37, nays 1, absent and not voting 24.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Hawk,	Porter,
Boyd of Cavalier,	Howard,	Power,
Butterwick,	Hurley,	Richards,
Carlin,	Kroeger,	Ryan,
Colby,	Lenz,	Sargent,
Cole,	Lindstrom,	Stevenson,
Currier,	Lovelace,	Swenson,
Dunton,	McConnachie,	Syvertson,
Earl,	McGinnis,	Twichell,
Ebbighausen,	Mitchell,	Wood.
Francis,	Murphy,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Guinan,	Northrop,
Boyd of Cass,	Hammond,	Offerdahl,
Brotnov,	Hankinson,	Sharpe,
Cryan,	Heskin,	Tanton,
Dougherty,	Johnson,	Towle
Duncan,	Joy,	White,
Erickson,	Korsmo,	Wirkus,
Gaulke,	McPherson,	Williams.

Mr. Wallace voting in the negative.

Messrs. Dougherty, Gaulke and Williams being excused.

So the memorial passed.

Mr. Sharpe introduced
House Bill No. 76,
A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

Mr. Hawk introduced
House Bill No. 77,
A bill for an act to amend the political code, relating to the game of football.

Mr. Baker introduced
House Bill No. 78,
A bill for an act to amend section 1892, of article 7, of chapter 26, Revised Codes.

Mr. Francis introduced
House Bill No. 80,
A bill for an act to amend section 8158 of the Revised Codes of North Dakota.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 76,
A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,
Was read the first time.

House Bill No. 77.
A bill for an act to amend the political code, relating to the game of football,
Was read the first time.

House Bill No. 78,
A bill for an act to amend section 1892, of article 7, of chapter 26, Revised Codes,
Was read the first time.

House Bill No. 80,
A bill for an act to amend section 8158 of the Revised Codes of North Dakota,
Was read the first time.

Substitute for House Bill No. 15,
A bill for an act providing for taxation of insurance companies,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 76,
A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 77,
A bill for an act to amend the political code, relating to the game of football,
Was read the second time, and
Referred to the committee on military affairs.

House Bill No. 78,
A bill for an act to amend section 1892, of article 7, of chapter 26, Revised Codes,
Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 80,

A bill for an act to amend section 8158 of the Revised Codes of North Dakota,

Was read the second time, and

Referred to the committee on judiciary.

Substitute for House Bill No. 15,

A bill for an act providing for the taxation of insurance companies,

Was read the second time, and

Referred to the committee on insurance.

FIRST READING OF SENATE BILLS.

Senate Bill No. 12,

A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895, relating to the printing of briefs and abstracts,

Was read the first time.

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 12,

A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895, relating to the printing of briefs and abstracts,

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

Was read the second time, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 26,

A bill for an act entitled an act relating to the taking of depositions.

Was read the third time.

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

The roll being called there were ayes 58, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Belden,	Hankinson,	Peoples,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,
Currier,	Lenz,	Tanton,
Duncan,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Ebbighausen,	McGinnis,	White,
Erickson,	McPherson,	Wirkus,
Francis,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Porter,	Williams.
Gaulke,		

Messrs. Dougherty, Gaulke and Williams being excused.

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

Senate Bill No. 27,
A bill for an act regulating procedure in civil actions,
Was read the third time.

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

The roll being called there were ayes 49, nays 5, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Northrop,
Baker,	Hawk,	Peoples,
Belden,	Heskin,	Power,
Boyd of Cass,	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Currier,	Kroeger,	Swenson,
Dunton,	Lenz,	Towle,
Earl,	Lindstrom,	Twichell,
Ebbighausen,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gilbertson,	Mitchell,	Wood,
Goplerud,	Murphy,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Guinan,	Syvertson.
Cryan,	McPherson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Gaulke,	Tanton,
Dougherty,	Offerdahl,	Williams.
Duncan,	Porter,	

Messrs. Dougherty, Gaulke and Williams being excused.

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

COMMITTEE OF THE WHOLE.

Mr. Hawk moved

That the House resolve itself into committee of the whole for the consideration of general orders,

Which motion prevailed.

The Speaker called Mr. Hurley to the chair.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee of the whole House have had under consideration

House Bill No. 18,

A bill for an act providing for a lien upon threshing engines and separators for repairing the same,

And report the same back with the recommendation that it be placed in general orders for Monday.

Also,

House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contracts for purchase of state or school lands on failure to pay principal, interest or taxes,

And recommend that it do pass.

Also,

House Bill No. 24,

A bill for an act providing for fees for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure,

And recommend that it do pass as amended.

Also,

House Bill No. 31,

A bill for an act to amend section 707 of the revised statutes, so

as to change the date of the annual census of school children from the school districts from December 1st to June 1st,
And recommend that it do pass as amended.

Also,
House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes,
And recommend that it do pass as amended.

Also,
House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes,
And recommend that the same do pass as amended.

Also,
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes,
And recommend that it do pass as amended.

Also,
House Bill No. 36,
A bill for an act to provide for granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,
And recommend that it be committed to the committee on state affairs.

Also,
House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves,
And recommend that it be amended as follows:

In section 1, line 3, printed bill, after the word "steals" insert the words "any horses, cattle or mules" in place of the words "a horse or horses,"

And that when so amended recommend that it do pass.

Also,
House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,
And recommend that the bill be committed to the committee on judiciary.

H. D. HURLEY,
Chairman.

Mr. Sargent moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report was adopted.

House Bill No. 21,
A bill to amend section 200 of the Revised Codes of North Dakota,
Was referred to the committee on engrossment.

House Bill No. 24,
A bill for an act providing for fees for sheriffs in cases of redemption,
Was referred to the committee on engrossment.

House Bill No. 31,
A bill for an act to amend section 707 of the revised statutes, so as to change the date of the annual census of school children from the school districts from December 1st to June 1st,
Was referred to the committee on engrossment.

House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes,
Was referred to the committee on engrossment.

House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes,
Was referred to the committee on engrossment.

House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes,
Was referred to the committee on engrossment.

House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves,
Was referred to the committee on engrossment.

COURTESIES OF THE FLOOR.

Mr. Stevenson asked that the courtesies of the floor be extended to Mr. Miller of Morton county,
Which was so ordered.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
January, 30, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Belden, Murphy and McGinnis, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-fifth day and recommend it be amended as follows:

On page 14, that lines 23, 24, 25, 26 and 27, in reference to House Bill No. 36, be stricken out.

On page 14, line 33, strike out the name "Swenson" and insert in lieu thereof the name "Stevenson."

And when so amended recommend that the Journal of the twenty-fifth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-fifth day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Twichell presented the following communication:

To the Speaker of the Assembly, Bismarck, N. D.:

DEAR SIR:—I enclose bill to create the office of public defender

which I beg you to hand to some member who will regard it favorably and have it introduced in your legislative body. It has been introduced in New York and has met with almost universal favor.

Free counsel is in line with the great constitutional rights of free witnesses, free courts and free juries. It enables the state to do its duty in protecting the individual as well as the public; it gives to the poor, the weak, the insane and unfortunate a certain and adequate defense; it is promotive of exact and equal justice, and places the burden of defending the poor upon the whole people instead of on a single profession.

I hope the measure will meet your favor and that it may become a law in your state.

I would be pleased to hear from you if the burdens of your office will permit.

Yours sincerely,
CLARA FOLTZ.

The bill accompanying said communication was as follows:

An act to create the office of public defender, provide for his election, define his duties and fix his compensation, in the several counties of the state of North Dakota.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. There shall be elected in each county at the general election to be held in the year 1898, and at the general election every second year thereafter, a public defender, who shall hold office for two years from and including the first day of January next succeeding his election.

SEC. 2. Any person duly admitted to practice as an attorney-at-law in this state, and who has been a resident of the county for one year, shall be eligible to the office of public defender, and no person not so qualified shall be eligible.

SEC. 3. The public defender, when authorized by the board of supervisors of any county in which he is public defender, may appoint one or more assistants. Every assistant public defender shall be an attorney at law in this state, and shall be a resident of the county in which the service is to be performed. When similarly authorized the public defender may appoint clerks or other employes. Every appointment made by the public defender shall be in writing and may be revoked by him in writing. Both appointment and revocation shall be filed with the county clerk.

SEC. 4. It shall be the duty of the public defender to attend all criminal courts, and to appear for and defend all persons charged with violation of the law, who are without counsel and who desire an attorney to appear for them; also, to attend the proper tribunals and appear for and in behalf of all persons charged with being insane or lunatic. The public defender shall have free access to all public papers and documents, and all papers and documents to be used in evidence in a criminal case by the prosecution, and shall have the same authority to employ and require information from the police and detective force of the state, or any municipality thereof, that is now, or shall hereafter be given to the district attorney.

SEC. 5. The public defender of any county in which a capital or other important criminal action is to be tried, may, with the approval of a judge or justice of the court in which the action is to be tried, which approval shall be filed with the county clerk, employ counsel to assist him on such trial; and the costs and expenses thereof, duly certified by the judge presiding at the trial, shall be a charge upon the county in which the indictment was found or information filed.

SEC. 6. The board of county commissioners of the county shall provide suitable rooms for the use of the public defender, and shall fix his salary and that of his assistants, clerks and employes, and the same shall be a charge upon the county.

SEC. 7. Nothing in this act shall be construed to prevent any person from employing special counsel to defend him, or to limit his right therein, and such special counsel may appear and defend him alone, or may join therein with the public defender at the option of the defendant.

Mr. Twichell asked unanimous consent to introduce a bill.

There being no objection, consent was granted.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Twichell introduced

House Bill No. 81,

A bill for an act to create the office of public defender, provide for his election, define his duties and fix his compensation in the several counties of the state of North Dakota.

Mr. Swenson presented the following communication:

To the Honorable Nicholai Swenson, State Legislature, Bismarck, North Dakota:

SIR: We the undersigned and citizens of Griggs county are opposed to the passage of House Bill No. — relating to the filing of chattel mortgages with the township clerks of their respective towns through our state for the following reasons:

First—Because numerous township clerks are not competent to keep any public records straight, distinct and in a business-like manner.

Second—Because it is unsafe to keep public documents involving large amounts of money in private farm houses unprotected from fire, theft, etc.

Third—Because it will be an unnecessary and large expense to our state in procuring extra record books and files necessary for such work.

Fourth—Because it will also be a great expense to transfer the present records, in extra time and traveling for the unavoidable necessity of consulting records and the filing and releasing of mortgages, which expense in the end will be charged to the mortgagors.

Fifth—Because it is claimed by people familiar with the working of this law in other states that it is cumbersome, expensive and dangerous.

Wherefore we pray that you will use your influence against the passage of the bill as above.

M. W. BUCK
(And 34 Others).

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

In compliance with a resolution passed by the House January 29th, I respectfully submit the following report:

H. E. LAVAYEA,
Chief Clerk.

E. A. Williams, speaker, from January 5 to January 24 inclusive, at $2 per day	$ 40 00
H. E. Lavayea, chief clerk, from January 5 to January 24 inclusive, at $6 per day	120 00

W. D. McClintock, assistant clerk, from January 5 to January 24 inclusive, at $5 per day $100 00
George L. Ryerson, assistant to the chief clerk, from January 11 to January 24 inclusive, at $5 per day 70 00
W. D. Austin, chief engrossing and enrolling clerk, from January 5 to January 24 inclusive, at $5 per day 100 00
Thomas Allshouse, bill clerk, from January 5 to January 24 inclusive, at $5 per day 100 00
Miss Bessie Waggoner, stenographer, from January 5 to January 24 inclusive, at $5 per day 100 00
O. B. Olson, sergeant-at-arms, from January 5 to January 24 inclusive, at $4 per day 80 00
E. Gilbertson, assistant sergeant-at-arms, from January 8 to January 24 inclusive, at $3 per day 51 00
E. R. Kennedy, messenger, from January 5 to January 24 inclusive, at $3 per day 60 00
Rev. W. J. Thornquist, chaplain, from January 5 to January 24 inclusive, at $2 per day 40 00
Cassius Lisk, postmaster, from January 8 to January 24 inclusive, at $4 per day 68 00
Maurice Valentine, page, from January 5 to January 24 inclusive, at $2 per day 40 00
Bert Allen, page, from January 5 to January 24 inclusive, at $2 per day 40 00
Will McConville, page, from January 5 to January 24 inclusive, at $2 per day 40 00
Roy Veeder, page, from January 5 to January 24 inclusive, at $2 per day 40 00
Eddie Fisher, page, from January 5 to January 24 inclusive, at $2 per day 40 00
W F. Marquardt, janitor, from January 7 to January 24 inclusive, at $3 per day 54 00
M. B. Howe, janitor, from January 7 to January 24 inclusive, at $3 per day 54 00
J. M. Boardman, watchman, from January 5 to January 24 inclusive, at $4 per day 80 00
L. K. Estabrook, journal clerk, from January 5 to January 24 inclusive, at $5 per day 100 00
H. E. Hoadly, assistant journal clerk, from January 11 to January 24 inclusive, at $4 per day 56 00
Valentine Schmidt, doorkeeper, from January 7 to January 24 inclusive, at $3 per day 54 00
C. A. Lounsberry, clerk of the committee on election and privileges, from January 9 to January 24 inclusive, at $4 per day 64 00
L. W. Schruth, clerk of committee on tax and tax laws, from January 11 to January 24 inclusive, at $4 per day 56 00
Henry Hancock, clerk of committee on railroads, from January 11 to January 24 inclusive, at $4 per day 56 00
Anton Anderson, clerk of committee on state affairs, from January 11 to January 24 inclusive, at $4 per day 56 00
A. H. Barnes, clerk of the committee on municipal corporations, from January 13 to January 24 inclusive, at $4 per day 48 00
Charles Layman, clerk of committee on appropriations, from January 11 to January 24 inclusive, at $4 per day 56 00
Ole Hanson, document clerk and assistant postmaster, from January 11 to January 24 inclusive, at $4 per day 56 00
Charles G. Johnson, assistant engrossing and enrolling clerk, from January 14 to January 24 inclusive, at $4 per day 44 00
M. Sinclair, assistant enrolling and engrossing clerk, from January 11 to January 24 inclusive, at $4 per day 56 00

Fred Buechler, assistant engrossing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	$ 56 00
J. H. Anderson, assistant engrossing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	56 00
August Nelson, assistant engrossing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	44 00
Thos. Vatnsdal, assistant engros ing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	56 00
Chas D. Gray, assistant engrossing and enrolliug clerk, from January 11 to January 24 inclusive, at $4 per day	56 00
Thos E. Warner, assistant engrossing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	56 00
Miss F. M. Daly, assistant engrossing and enrolling clerk, from January 11 to January 24 inclusive, at $4 per day	56 00
Harry Larson, page, from January 11 to January 24 inclusive, at $2 per day	28 00
Hurley Gibson, page, from January 11 to January 24 inclusive, at $2 per day	28 00
A. J. Styles, clerk of the judiciary committee, from January 12 to January 24 inclusive, at $5 per day	65 00
W. E. Clark, watchman of cloakrooms, from January 12 to January 24 inclusive, at $4 per day	52 00
Ed Church, watchman of cloakrooms, from January 13 to January 24 inclusive, at $4 per day	48 00
S. A. Olsness, clerk of the committee on insurance, from January 15 to January 24 inclusive, at $4 per day	40 00
Miss Rachel Foley, clerk of committee on agriculture, from January 12 to January 24 inclusive, at $4 per day	52 00
M. H. Weeks, janitor of the committee rooms, from January 13 to January 24 inclusive, at $3 per day	36 00
Mathew Baker, janitor of committee rooms, from January 13 to January 24 inclusive, at $3 per day	36 00

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 6,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota, relating to usury.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on banking made the following report:

MR. SPEAKER:

Your committee on banking to whom was referred

House Bill No. 57,

A bill for an act to repeal subdivision 1 of section 7518 of the Revised Codes of 1895, and to amend the same relating to banking,

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

Also,

House Bill No. 14,

A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking,

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

In line 3 of printed bill strike out the words "or towns" and insert in lieu thereof "towns or villages."

In line 4 between the words "in and of" strike out the words "towns or cities" and insert in lieu thereof the words "cities, towns or villages."

In lines 6, 8, 10, 12 and 14 between the words "in and of" strike out the words "cities or towns" and insert in lieu thereof the words "cities, towns or villages."

In lines 23 and 24 between the words "the and shall" strike out the words "town, village or city" and insert in lieu thereof the words "city, town or village."

In lines 26 and 27 strike out the words "town, village or city" and insert in lieu thereof the words "city, town or village."

In line 37 after the words "twenty dollars" strike out the words "and banks with a capital of over forty thousand dollars" and insert in lieu thereof the words "banks of from forty thousand dollars to sixty thousand dollars capital, twenty-five dollars."

In line 38 after the word "dollars" insert "banks of from sixty thousand dollars to eighty thousand dollars capital, thirty dollors; and all banks having a capital of over eighty thousand dollars, thirty-five dollars."

In line 70 between the words "shall and submit" insert the words "prepare and".

Also add an emergency clause as follows: Whereas, an emergency exists in that there is no adequate provision of law for taking charge of an insolvent bank by the bank examiner, therefore, this act shall take effect and be in force from and after it passage and approval.

And when so amended recommend that the same do pass.

H. N. JOY,
Chairman.

BILL WITHDRAWN.

House Bill No. 17,

A bill for an act providing for the filing of chattel mortgages, conditional sales and other evidences of indebtedness,

Having been returned from the judiciary committee on consent of the House was withdrawn by its author, Mr. Johnson.

MOTIONS AND RESOLUTIONS.

Mr. Sargent moved

That the vote by which the resolution introduced by Mr. Cryan, which was adopted yesterday, calling upon the state treasurer for a report of the condition of the treasury, be reconsidered.

The question being upon the reconsideration of the vote by which the resolution was passed.

The roll being called there were ayes 40, nays 20, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Power,
Belden,	Hawk,	Richards,
Boyd of Cass,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Cole,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Currier,	Kroeger,	Swenson,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Erickson,	Mitchell,	White,
Francis,	Northrop,	Williams,
Gilbertson,	Offerdahl,	Wood,
Goplerud,	Peoples,	Mr. Speaker.
Hammond,	Porter,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Ebbighausen,	McConnachie,
Boyd of Cavalier,	Gaulke,	McPherson,
Brotnov,	Guinan,	Syvertson,
Carlin,	Heskin,	Tanton.
Cryan,	Korsmo,	Towle,
Dougherty,	Lenz,	Wirkus.
Duncan,		

Messrs. McGinnis and Murphy being absent.

So the vote by which the resolution was passed was reconsidered.

Mr. Sargent offered the following resolution:

Be it Resolved, That the resolution introduced by Mr. Cryan be referred to the committee on supplies and expenditures, and that they be requested to report not later than Feb. 8, 1897,

Which resolution prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 30, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

A concurrent resolution relating to legislative manuals.

Also,

Senate Bill No. 7,

A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered.

Also,
Senate Bill No. 14,
A bill for an act entitled an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus.

Also,
Senate Bill No. 60,
A bill for an act to provide for the elections, appointments and qualifications of county assessors,
Which the Senate has passed and your favorable consideration thereof is respectfully requested.

Respectfully yours,
J. C. GILL,
Secretary.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Wood introduced
House Bill No. 82,
A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof.

Mr. Butterwick introduced
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive, of article 1, of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways.

Mr. Hawk introduced
House Bill No. 84,
A bill for an act to provide for and regulate sales of pledged property.

Mr. Hurley introduced
House Bill No. 85,
A bill for an act to amend subdivision 48 of section 2148 of the Revised Codes of the state of North Dakota of the revision of 1895.

Mr. Ryan introduced
House Bill No. 86,
A bill for an act regulating the liability of corporations, except municipal, for personal injury to persons employed by them, and providing that all contracts relieving from liabilities hereunder, shall be void; that decisions or statutes shall not be pleaded or proven as a defense in this state, and providing further that provisions of this act shall not apply to any injuries sustained before it takes effect, nor in any manner to suits or legal proceedings pending at the time it takes effect.

Mr. Williams introduced, by request,

House Bill No. 87,
A bill for an act to protect song and insect-eating birds and their nests.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 81,
A bill for an act to create the office of public defender, provide for his election, define his duties and fix his compensation in the several counties of the state of North Dakota,
Was read the first time.

House Bill No. 82,
A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof,
Was read the first time.

House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways,
Was read the first time.

House Bill No. 84,
A bill for act to provide for and regulate sales of pledged property,
Was read the first time.

House Bill No. 85,
A bill for an act to amend subdivision 48 of section 2148 of the Revised Codes of the state of North Dakota of the revision of 1895,
Was read the first time.

House Bill No. 86,
A bill for an act regulating the liability of corporations, except municipal, for personal injury to persons employed by them, and providing that all contracts relieving from liabilities hereunder shall be void; that the decisions or statutes shall not be pleaded or proven as a defense in this state; and providing further, that provisions of this act shall not apply to any injuries sustained before it takes effect, nor in any manner to suits or legal proceedings pending at the time it takes effect,
Was read the first time.

House Bill No. 87,
A bill for an act to protect song and insect-eating birds and their nests,
Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 81,
A bill for an act to create the office of public defender, provide

for his election, define his duties and fix his compensation in the several counties of the state of North Dakota,

Was read the second time, and

Referred to the committee on state affairs.

House Bill No. 82,

A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof,

Was read the second time, and

Referred to the committee on warehouses and grain grading.

House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive of article 1, of chapter 17, of the Revised Codes of 1895, of the state of North Dakota, relative to opening and vacating highways,

Was read the second time, and

Referred to the committee on highways, bridges and ferries.

House Bill No. 84,

A bill for an act to provide for and regulate sales of pledged property,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 85,

A bill for an act to amend subdivision 48 of section 2148, of the Revised Codes of the state of North Dakota, of the revision of 1895,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 86,

A bill for an act regulating the liability of corporations except municipal, for personal injury to persons employed by them, and providing that all contracts relieving from liabilities hereunder shall be void; that decisions or statutes shall not be pleaded or proven as a defense in this state; and providing further, that provisions of this act shall not apply to any injuries sustained before it takes effect, nor in any measure to suits or proceedings pending at the time it takes effect,

Was read the second time, and

Referred to the committee on judiciary.

House Bill No. 87,

A bill for an act to protect song and insect-eating birds and their nests,

Was read the second time, and

Referred to the committee on agriculture.

THIRD READING OF HOUSE BILLS.

House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships,
Was read the third time.

Mr. Hankinson asked unanimous consent to amend the bill by striking out "two-fifths" and inserting "a majority" instead.
Unanimous consent having been granted, the amendment was adopted.

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

The roll being called their were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swensen.
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hurley,	Power.
Erickson,	McGinnis,	

Mr. McGinnis being excused.
So the bill passed as amended and the title was agreed to.

House Bill No. 59,
A bill for an act to provide for the allowance and payment of witness fees in certain cases,
Was read the third time.

Mr. Mitchell asked unanimous consent to amend the enacting clause of the bill by inserting the words "the state" preceding North Dakota.

There being no objections the title of the bill was so amended.

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

The roll being called there ayes 56, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Porter,
Baker,	Hammond,	Power,
Belden,	Hankinson,	Richards,
Boyd of Cass,	Hawk,	Ryan,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Dougherty,	Kroeger,	Towle,
Duncan,	Lenz,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Northrop,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.
Goplerud,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Erickson,	McGinnis,
Currier,	Lindstrom,	Murphy.

Mr. McGinnis being excused.

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

House Bill No. 51,

A bill for an act fixing the date when the term of office of county auditor shall commence,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Porter,
Baker,	Hammond,	Power,
Belden,	Hankinson,	Richards,
Boyd of Cass,	Hawk,	Ryan,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Cole,	Joy,	Syverton,

Messrs—	Messrs—	Messrs—
Cryan,	Korsmo,	Tanton,
Dougherty,	Kroeger,	Towle,
Duncan,	Lenz,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Offerdahl,	Wood,
Gilbertson,	Peoples.	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Lindstrom,	Murphy,
Currier,	McGinnis,	Northrop.
Erickson,		

Mr. McGinnis being excused.

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

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Hankinson moved
That the House concur in the following concurrent resolution:

CONCURRENT RESOLUTION.

Be It Resolved by the Senate, the House Concurring:

That the secretary of the state be ordered to have published a sufficient additional number of Legislative Manuals, or hand books, to be sent to the county superintendent of each county, to be distributed by him to the several school districts of his county; said manuals to become the property of said school district.

Which motion prevailed, and
The resolution was concurred in.

REPORTS OF STANDING COMMITTEES.

The committee on Insurance made the following report:

MR. SPEAKER:

Your committee on Insurance to whom was referred
Substitute for House Bill No. 15,
A bill for an act providing for the taxation of insurance companies,
Have had the same under consideration and recommend that the same do pass.

W. B. WOOD,
Chairman.

FIRST READING OF SENATE BILLS.

Senate Bill No. 7,
A bill for an act to appropriate moneys to reimbursed Drs. McLachlan and Montgomery for services rendered,
Was read the first time.

Senate Bill No. 14,
A bill for an act entitled "an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus,"
Was read the first time.

Senate Bill No. 60,
A bill for an act to provide for the elections, appointment and qualifications of county assessors,
Was read the first time.

SECOND READING OF SENATE BILLS.

Senate Bill No. 7,
A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered,
Was read the second time, and
Referred to the committee on public health.

Senate Bill No. 14,
A bill for an act entitled "an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus,"
Was read the second time, and
Referred to the committee on judiciary.

Senate Bill No. 60,
A bill for an act to provide for the elections, appointment and qualifications of county assessors,
Was read the second time, and
Referred to the committee on taxes and tax laws.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved
That the House do now resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed.
The Speaker called Mr. Hankinson to the chair.
When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee has had under consideration
House Bill No. 1,
A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof,

And recommend that it be referred to the committee of the whole on Monday.

House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,

And recommend that the same be referred to the judiciary committee.

R. H. HANKINSON,
Chairman.

Mr. Hankinson moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 1, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cass, Brotnov, Erickson, Gilbertson, Hawk, Kroeger, Lindstrom, Murphy, Offerdahl, Peoples, Sargent, Swenson and White, who were excused.

Mr. Johnson asked consent to withdraw House Bill No. 17.

There being no objection, consent was granted.

REPORTS OF STANDING COMMITTEES.

The committee on public health made the following report:

MR. SPEAKER:

Your committee on public health to whom was referred
House Bill No. 13,
A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health,
Have had the same under consideration, and recommend that the same be amended as follows:

By striking out the words "so as" in line 1.
Strike out the words "for the performance of their official duties" in line 4.
Add in line 5 after the word "traveled" the words "by them in the performance of their official duties."
Strike out in line 6 the word "such." Also strike out the words "as they may pay or incur in attending." Add the words "incurred by them" after the word "expenses" in same line."
Strike out all of line 7.
Strike out the words "such officers" in line 8.
In line 13, after the word "pay" add the words "for hotel or other incidental expenses."

And when so amended recommend that the same do pass.

Also,
Senate Bill No. 76,
A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed permanent improvements for the Soldiers' Home at Lisbon,
Have had the same under consideration and recommend that the same do pass.

GEORGE W. EARL,
Chairman.

The committee on public health made the following report:

MR. SPEAKER:

Your committee on public health to whom was referred
Senate Bill No. 7,
A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered,
Have had the same under consideration and recommend that the same do pass.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 13,
A bill for an act to authorize the supreme court or the judges thereof to employ a stenographer,

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

In line 8, section 2, of engrossed b ll, the word "no" be inserted before the word "more."

And when so amended recommend that the same do pass.

Also,
House Bill No. 52,
A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund,
Have had the same under consideration and recommend that the same be, at the request of its author, referred to the committee on ways and means.

E. F. PORTER,
Chairman.

Which report was adopted, and
The bill was referred to the committee on ways and means.

REPORT OF SPECIAL COMMITTEE.

The special committee on clerkships made the following report:

MR. SPEAKER:
Your committee appointed to look after the matter of clerkships, beg leave to report as follows:

Your committee recommend the appointment of five enrolling and engrossing clerks—
One from the 6th legislative district.

One from the 21st legislative districts.

And three to be appointed by the Speaker.

And that when such clerks be appointed there shall be no further clerks appointed by this House.

Your committee also recommend that your committee be discharged.

J. B. SHARPE,
Chairman.

Which report was adopted.

The Speaker appointed James Fortune of Burleigh county, Grace Montague of Starke county and Norma Fowler of Burleigh county assistant engrossing and enrolling clerks, who were duly sworn.

Grace Montague was assigned temporarily to the committee on school and public lands, and directed to report to the chairman of that committee.

Norma Fowler was assigned temporarily to the committee on supplies and expenditures, and directed to report to the chairman of that committee.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-sixth day and recommend it be amended as follows:

On page 5 and line 8 be amended so as to read "$56," and on line 34 to read "14th," and on line 45 to read "24."

On page 7 on line 15 the words "vote by which the" be inserted between the words the and resolution.

On page 9, line 21, to be changed so as to read "House Bill 87."

On page 10, line 14, to read "House Bill 87."

Also on the 8th line on page 2 the words "fifteenth day" be changed to read "twenty-fifth day."

On page 2, line 1 amended to read "respectfully."

And on page 7 on the vote on resolution as to state treasurer the vote of Mr. Colby be changed from the negative to the affirmative.

And when so amended recommend that the Journal of the twenty-sixth day be approved.

THEO. NORTHROP,
Acting Chairman.

Mr. Northrop moved
That the report of the committee be adopted.
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-sixth day was approved.

MOTIONS AND RESOLUTIONS.

Mr. Power offered the following resolution:

In the formation of a revenue law it is very desirable to have legal advice and assistance, and there being no attorney on the committee on taxes and tax laws, the consent of the House is asked for an increase of said committee by one, and that the Speaker appoint one of the practicing attorneys of the House as a member of said committee.

Mr. Power moved
That the resolution be adopted,

Which motion prevailed, and
The resolution was adopted.

The Speaker appointed Mr. Mitchell a member of the committee on taxes and tax laws as provided for in the above resolution.

INTRODUCTION OF BILLS.

Mr. Johnson introduced
House Bill No. 88,
A bill for an act authorizing and empowering the state auditor to pay the reward offered by the county of Richland for the apprehension and arrest of Henry Trimble, the murderer of K. G. Hagen.

Mr. Francis introduced
House Bill No. 89,
A bill for an act to regulate the entry of judgments in civil actions and the stay of execution thereon and appeals therefrom.

Mr. Gaulke introduced, by request,
House Bill No. 90,
A bill for an act to establish a board of examiners for barbers and to regulate the occupation of barbers in this state.

Mr. Hankinson introduced
House Bill No. 91,
A bill for an act authorizing surety companies, prescribing the conditions upon which such companies may do business in this state.

Mr. Goplerud introduced
House Bill No. 92,
A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota for 1895, relating to official oaths and bonds of school officers.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

MR. SPEAKER:
Your committee on municipal corporations to whom was referred
House Bill No. 30,
A bill for an act to amend the following sections of the political code of 1895, viz.: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2327, 2454, 2496, and to repeal the foregoing

sections, together with the following sections, 2265 to 2275 inclusive, 2286, 2295 to 2301 inclusive, 2303 to 2307 inclusive, 2455 to 2458 inclusive,

Have had the same under consideration and report back a substitute bill for same.

T. TWICHELL,
Chairman.

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota,

Which bill was read the first time.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committtee on judiciary to whom was referred House Bill No. 62,

A bill for an act to amend section 4681 of the civil code of the state of North Dakota,

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that House Bill No. 60 covers the same subject matter.

ORIN W. FRANCIS,
Chairman.

Which report was adopted. and

The bill was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,

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

By substituting for the word "statutes" in the title of the bill the words "Codes of North Dakota."

By striking out from the title of the bill the words "from fifteen hundred dollars to the sum of five hundred dollars."

That the word "Codes" be substituted for the word "statutes" in the first line of the body of the bill.

By inserting after line 7 the following:

"Provided, that the provisions of this section shall not apply to the enforcement of any indebtedness or liability that shall have occurred prior to the passage and approval of this act."

By striking out all of section 2.

And when so amended a majority of your committee recommend that the same do pass.

Also,

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,

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

By inserting in heavy faced type after the number of the section and before the words "a lien by contract," the catch words "Upon crops, limited. Exceptions."

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

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

Respectfully yours,
C. W. GETCHELL,
Acting Secretary.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 88,

A bill for an act authorizing and empowering the state auditor to pay the reward offered by the county of Richland for the apprehension and arrest of Henry Trimble, the murder of K. G. Hagen,

Was read the first time.

House Bill No. 89,

A bill for an act to regulate the entry of judgments in civil actions, and the stay of execution thereon and appeals therefrom,

Was read the first time.

House Bill No. 90,
A bill for an act to establish a board of examiners for barbers, and to regulate the occupation of barbers in this state,
Was read the first time.

House Bill No. 91,
A bill for an act authorizing surety companies to furnish bonds, and prescribing the conditions upon which such companies may do business in this state,
Was read the first time.

House Bill No. 92,
A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota for 1895, relating to official oaths and bonds of school officers,
Was read the first time.

Substitute for House Bill No. 30
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 88,
A bill for act authorizing and empowering the state auditor to pay the reward offered by the county of Richland for the apprehension and arrest of Henry Trimble, the murderer of K. G. Hagen,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 89,
A bill for an act to regulate the entry of judgments in civil actions, and the stay of proceedings thereon, and appeals therefrom,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 90,
A bill for an act to establish the board of examiners for barbers and to regulate the occupation of a barber in this state,
Was read the second time, and
Referred to the committee on state affairs.

House Bill No. 91,
A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state,
Was read the second time, and
Referred to the committee on judiciary.

House Bill No. 92,
A bill for act to amend sections 678, 689 and 714 of the Revised

Codes of North Dakota for 1895, relating to official oaths and bonds of school officers,

Was read the second time, and

Referred to the committee on judiciary.

Substitute for House Bill No. 30,

Introduced by the committee on municipal corporations as a substitute for House Bill No. 30,

Was read the second time, and

Referred to the committee on municipal corporations.

The Speaker called Mr. Twichell to the chair.

Mr. Williams of Burleigh asked unanimous consent to refer back to the order of motions and resolutions.

There being no objection, it was so ordered.

MOTIONS AND RESOLUTIONS.

Mr. Williams of Burleigh offered the following resolution:

WHEREAS, There is a large amount of delinquent taxes on lands listed in the name of the Northern Pacific Railroad company in the counties of Burleigh, McLean, Emmons, Kidder, Stutsman, Stark, Morton and other counties within the limits of the lands granted by the congress of the United States, to aid in the construction of the Northern Pacific railroad, which said delinquent taxes have been accumulating since 1892, and in the county of Burleigh amount to about $47.000, and in other counties increasing the aggregate to nearly or quite $500,000 on lands so granted, and suits are now pending with a view to restraining the county treasurers in the respective counties from collecting the same with a view to their cancellation; now therefore, be it

Resolved, That the attorney general be and hereby is requested at his earliest convenience to examine and report to this House his opinion in writing as to whether said lands are and were taxable at the time said taxes were levied, and as to whether the grounds alleged by said Northern Pacific Railroad company for the non-payment of said taxes are tenable, and whether said suits can be successfully maintained.

Resolved Further, That the attorney general be and hereby is requested to confer with said Northern Pacific Railroad company through its proper officers and see whether some equitable adjustment can be made of the question at issue, with a view to securing an early payment of the amount, which may be fairly due from said company, without further litigation.

Resolved Further, That the attorney general be and hereby is requested to report to this House whether any and what provision should be made for assistance to his office in the conduct of said cases. if such early adjustment cannot be made.

Mr. Williams of Burleigh said:

As recited in the resolution there is something like—I think it must aggregate about $500.000—due for taxes on lands listed in the name of the Northern Pacific Railway company in counties lying along its route. Some two months ago I tried to get definite information upon the subject. I called upon the public examiner. He referred me to the county treasurers. I knew that it was not the duty of the different county treasurers to furnish this information and I declined to do that. I then called upon Governor Allin, he having the power to call upon the public examiner for the information. He

did not act. I therefore offer that resolution and desire to have it adopted. It affects not only the county treasurers but the school treasurers. If these lands are not taxable it is best for us to know it, but if they are, and they owe these taxes, there is no reason why they should not pay them and relieve our county and school treasurers. We do not wish to be unfair in our railroad leg slation nor do we desire to have them be unfair toward us, but it seems to me that they ought not to resort to legal quibbling with us in this matter. If they owe these taxes they ought to pay them and if they do not owe them they are not obliged to pay them. I think the opinion of our attorney general upon this important question should be had. I therefore move the adoption of the resolution.

Mr Williams of Burleigh moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Williams, of Burleigh, offered the following resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That the attorney general be and hereby is instructed to appear in conjunction with the states attorneys of the several counties in which suits are pending against the county treasurers restraining them from the collection of taxes on lands listed in the name of the Northern Pacific Railroad company within the limits of the lands granted by the congress of the United States, in aid of the construction of the Northern Pacific railroad, with a view to securing an early decision of said cases.

Mr. Williams, in moving the adoption of the concurrent resolution, said:

The object of the resolution is this: In some of these counties they have no county attorney. For instance, take McLean county. They have no county attorney, but there is a large amount of delinquent taxes due there, and as the state is so largely interested in the tax matter, it seems to me it is no more than right that the law officers of the state should take an interest and help out these outlying counties, as they often have no resident attorney of particular ability. For the reason that the state is largely interested I think the attorney general should take this matter in hand. I move the adoption of the concurrent resolution.

Mr. Williams moved
The adoption of the concurrent resolution,
Which motion prevailed, and
The resolution was adopted.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
Was read the third time.

Mr. Cole asked unanimous consent to defer action on this bill

until Thursday because of the absence of interested members, absent with the remains of ex-Speaker Gill.

There being no objection, it was so ordered.

FIRST READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

Was read the first time.

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

Was read the first time.

SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

Was read the second time, and

Referred to the committee on judiciary.

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

Was read the second time, and

Referred to the committee on judiciary.

COMMITTEE OF THE WHOLE.

Mr. Porter moved

That the House resolve itself into the committee of the whole for the consideration of the message of ex-Gov. Allin and the inaugural address of Gov. Briggs,

Which motion prevailed, and

The House resolved itself into a committee of the whole.

The Speaker called Mr. Porter to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

MR. SPEAKER:

Your committee of the whole have had under consideration the message of ex-Gov. Allin and recommends that that portion of the message relating to the various topics be referred to committees as follows:

Finance to the committee on ways and means.
Constitution to committee on judiciary.
Compilation of laws to committee on state affairs.
Reports to committee on supplies and expenditures.
Department of public health to committee on public health.

Reform school of South Dakota to committee on appropriations.
Commissioner of deeds to committes on judiciary.
Russian cactus to committee on agriculture.
State game warden to committee on state affairs.
Commissioner of insurance to committee on state affairs.
Militia to committee on military affairs.
Improvement of the capitol and grounds to committee on state affairs.
Requisition, pardons, rewards and other portions of the message to the committee on judiciary.

The inaugural address of Gov. Briggs was also under consideration and its several topics were recommended to be referred as follows:

United States senator to committee on state affairs.
Election laws to committee on elections.
Appropriations to committee on appropriations.
Requisitions to committee on judiciary.
Revenue and taxation to committee on taxation and tax laws.
Funds for feeble minded institution to committee on charitable institutions.
State bonds and warrants, to committee on ways and means.
Banks and banking to committee on banking.
Contingent fund to committee on supplies and expenditures.
Expenditures for maintenance of offices to committee on supplies and expenditures.
Veterinarian to committee on public health.
Russian thistle to the committee on agriculture.
Boiler inspection to the committee on state affairs.
Reform school to the committee on charitable institutions.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The Speaker announced that he was about to sign
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,
There being no objection, its title was read and the Speaker affixed his signature.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
Substitute for House Bill No. 15,
A bill for an act providing for the taxation of insurance companies.

Also,
House Bill No. 57,
A bill for an act to repeal subdivision 1 of section 7518 of the Revised Codes of 1895, and to amend said section relating to banking,
And find the same correctly engrossed.

H. N. JOY,
Acting Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes, relating to holidays,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

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

H. E. LAVAYEA,
Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 2, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cass, Cole, Gilbertson, Hankinson Hawk, Lindstrom, McPherson, Murphy and Sargent, who were excused.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Baker introduced
House Bill No. 93,
A bill for an act providing for primary elections and prescribing the duties of primary election officers.

Mr. Hurley introduced
House Bill No. 94,
A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota.

FIRST READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 93,
A bill for an act providing for primary elections, and prescribing the duties of primary election officers,
Was read the first time.

House Bill No. 94,
A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota,
Was read the first time.

SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 93,
A bill for an act providing for primary elections, and prescribing the duties of primary election officers,
Was read the second time, and
Referred to the committee on elections and privileges.

House Bill No. 94,
A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota,
Was read the second time, and
Referred to the committee on state library.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 15,
A bill for an act providing for the taxation of insurance companies,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Power,
Belden,	Hammond,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Messrs—	Messrs—	Messrs—
Duncan,	Lovelace,	Wallace,
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Erickson,	Northrop,	Wood,
Francis,	Offerdahl,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hawk,	Murphy,
Cole,	Lindstrom,	Peoples,
Gilbertson,	McPherson,	Sargent.
Hankinson,		

Messrs. Boyd of Cass, Cole, Hankinson, Hawk, Lindstrom, McPherson, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

House Bill No. 57,

A bill for an act to repeal sub-division one of section 7518 of the Revised Codes of 1895, and to amend said sections relating to banking,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Power,
Belden,	Hammond,	Richards,
Boyd, of Cavalier,	Heskin,	Ryan,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,

Messrs—	Messrs—	Messrs—
Dougherty,	Lenz,	Twichell,
Duncan,	Lovelace,	Wallace,
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Erickson,	Northrop,	Wood,
Francis,	Offerdahl,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cass,	Hawk,	Murphy,
Cole,	Lindstrom,	Peoples,
Gilbertson,	McPherson,	Sargent.
Hankinson,		

Messrs. Boyd, of Cass, Cole, Gilbertson, Hankinson, Hawk, Lindstrom, McPherson, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

Mr. Hurley moved

That the privileges of the floor be extended to Dr. Montgomery for the purpose of explaining the nature of

Senate Bill No. 7,

A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered,

Which motion prevailed,

And Dr. Montgomery addressed the House in support of the provisions of the bill.

Senate Bill No. 7,

A bill for an act entitled an act to appropriate money to reimburse Drs. McLachlan and Montgomery for services rendered,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays 1, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Porter,
Baker,	Goplerud,	Power,
Belden,	Guinan,	Ryan,
Boyd of Cavalier,	Hammond,	Sharpe,
Brotnov,	Heskin,	Stevenson,
Butterwick,	Howard,	Swenson,
Carlin,	Hurley,	Sivertson,
Colby,	Johnson,	Tauton,
Cryan,	Joy,	Towle,
Currier,	Korsmo,	Twichell,
Dougherty,	Kroeger,	Wallace,

Messrs—	Messrs—	Messrs—
Duncan,	Lenz,	White,
Dunton,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams,
Ebbighausen,	Mitchell,	Wood,
Erickson,	Northrop,	Mr. Speaker.
Francis,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hawk,	Peoples,
Cole,	Lindstrom,	Richards,
Gilbertson,	McPherson,	Sargent.
Hankinson,	Murphy,	

Mr. McGinnis voting in the negative.

Messrs. Boyd of Cass, Cole, Gilbertson, Hankinson, Hawk, Lindstrom, McPherson, Murphy, Peoples, Richards and Sargent being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 47,
A bill for an act to provide for the refunding to certain counties in this state of the funds which have been or may hereafter be paid into the state treasury under the provisions of section 1703 of the Revised Codes of North Dakota,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Baker,	Goplerud,	Power,
Belden,	Guinan,	Richards,
Boyd of Cavalier,	Hammond,	Ryan,
Bronnov,	Heskin,	Stevenson,
Butterwick,	Howard,	Swenson,
Carlin,	Hurley,	Syvertson,
Colby,	Johnson,	Tanton,
Cryan,	Joy,	Towle,
Currier,	Korsmo,	Twichell,
Dougherty,	Kroeger,	Wallace,
Duncan,	Lenz,	White,
Dunton,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams,
Ebbighausen,	McGinnis,	Wood,
Erickson,	Mitchell,	Mr. Speaker.
Francis,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hawk,	Peoples,
Cole,	Lindstrom,	Porter,
Gilbertson,	McPherson,	Sargent,
Hankinson,	Murphy,	Sharpe.

Messrs. Boyd of Cass, Cole, Gilbertson, Hankinson, Hawk, Lindstrom, McPherson, Murphy, Peoples, Sargent and Sharpe being excused.

So the bill passed and the title was agreed to.

The House took an informal recess.

HOUSE RE-ASSEMBLED.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 60,
A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,
And find the same correctly engrossed.

H. N. JOY,
Acting Chairman.

The committee on schools and public lands made the following report:

MR. SPEAKER:

Your committee on schools and public lands to whom was referred
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 and 228, of article 3, of the political code of the Revised Codes of North Dakota,
Have had the same under consideration and recommend that the same be amended as follows:

That the number "227" be added to the title after the number "224."

That the number "227" be added to the first line of section 1, after the number "224."

That the following be added to the last line of section 222 of printed bill: "Provided, his bid shall not be less than the minimum price as fixed under and in pursuance of section 218 of the Revised Codes of 1895."

That the following be added after the word "commissioner" in the tenth line of section 224 of printed bill: "Who shall also forthwith certify to the auditor of the proper county a list of such leases as have been approved by the board."

That the following section be added to the bill following section 224 of the printed bill:

"SEC. 227. HAY NOT TO BE CUT BEFORE JULY 1.] No lessee, or his heirs or assigns, shall mow or cut for hay or feed any grass on any unbroken land, or cause or suffer the same to be done by any other person prior to the first day of July in any year. And any lessee, or his heirs or assigns, who shall violate the provisions of this section shall incur the same forfeitures and liabilities as are provided in section 225 of the Revised Codes, and shall also be guilty of a misdemeanor."

That after the word "proper," in line 6 of section 228 of the printed bill, be added the following, "but no dead timber, if standing, shall be deemed to be included in the sale unless expressly so specified in the permit."

That the word "that" be stricken out of line 8 in section 228 of the printed bill.

That after the word "duties" in line 10 of section 228 of the printed bill, be added the words, "and compensation."

That the word "together" be stricken out of line 11 in section 228 of the printed bill, and in place thereof there be inserted the words, "but said."

That the words "with the" be stricken from line 12 of section 228 of the printed bill.

That the word "therefor" be stricken from line 12 of section 228 of the printed bill, and in place thereof be inserted the words "shall be."

And when so amended recommend that the same do pass.

J. B. SHARPE,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 72,
A bill for an act to amend section 4841 of the Revised Codes of North Dakota,
Have had the same under consideration, and a majority of the committee recommend that said bill be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Joy moved
That the report be adopted,
Which motion prevailed, and
The report was adopted,
And the further consideration of House Bill No. 72 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred
House Bill No. 56,
A bill for an act to amend section 5577 of the compiled laws of 1895,

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

By substituting the words "Revised Codes of North Dakota" for the words "compiled laws of 1895" in the title of the bill and in section 1.

By omitting the word "fifth" in the enacting clause of the original bill.

By omitting everything after the word "foreclosure" in line 4 of printed bill, and substituting therefor the following: "Of a mortgage upon personal property, or of a mortgage or other lien upon real property, the plaintiff or person commencing such action or proceeding shall be entitled to tax as a part of his costs an attorney fee as follows: When the amount of the debt secured by such mortgage or lien does not exceed the sum of $200, the sum of $10; when the amount of the debt so secured exceeds $200 and does not exceed $500, the sum of $20; when the amount of the debt so secured exceeds $500 and does not exceed $1,000, the sum of $35; when the amount of the debt so secured exceeds $1,000 and does not exceed $1,500, the sum of $50; when the amount of the debt so secured exceed $1,500, the sum of $50, and in addition thereto two per cent of the amount so secured in excess of $1,500; provided, that such costs shall be taxable only in cases in which the attorney of the party makin the foreclosure shall be a resident of and practitioner in this state,

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 39,

A bill for an act to amend section 6669 of the Revised Codes of the state of North Dakota, being section 53 of the justices code enacted by the Fourth session of the legislative assembly of the state of North Dakota,

Have had the same under consideration and recommend that the same do pass as engrossed by the Senate.

Also,

House Bill No. 63,

A bill for an act to amend section 8175, and to repeal section 8180 of the Revised Codes of North Dakota of 1895,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Mitchell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted, and

The further consideration of House Bill No. 63 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain,

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

By omitting the words "code of civil procedure" and "of 1895" in line 2 of section 1 of the printed bill.
By substituting the word "jurors" for the word "jurymen" in line 16 of section 1 of printed bill.
By striking out the words "of the state" in line 17, section 1.
By substituting the words "shall be" for the word "are" in line 20, section 1.
By inserting the word "whereupon" between the words "venire" and "the" in line 22 of section 1.
By substituting the words "of the amount of said fees" in place of the word "thereof" in line 22 of section 1.
By substituting the word "to" for the words "which shall" in line 23 of section 1.
By substituting the words "said clerk" for the wo d "he" in line 24 of section 1.
By omitting the words "of the state" in line 3 of section 2.
By inserting after the words "North Dakota" in line 4 of section 2 the following: "and the provisions of sections 459 and 2096 of said codes."

And when so amended recommend that the same do pass.

Also,
House Bill No. 78,
A bill for an act to amend section 1892 of article 7 of chapter 26 of the Revised Codes,
Have had the same under consideration and recommend that the same be amended as follows:

By inserting a proper enacting clause where omitted in the original bill.
By amending the title of the bill so as to read "a bill for an act to amend section 1892 of the Revised Codes of North Dakota."
By omitting the words "article 7, chapter 26" in section 1.
By substituting the catch words "County commissioners. How increased or reduced in number." instead of the catch words in line 3 of section 1.
By omitting all of section 2.
After the words "for five commissioners" insert the words "against five commissioners."
After the words "against three commissioners" insert the words "for three commissioners."

And when so amended recommend that the same do pass.

Also,
Senate Bill No. 17,
A bill for an act to amend section 2898, and to repeal section 2899 of the Revised Codes,
Have had the same under consideration and recommend that the same do pass.

Also,
Senate Bill No. 18,
A bill for an act to amend section 2889 of the Revised Codes,

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

Also,

Senate Bill No. 11,

A bill for an act entitled an act to amend section three hundred and seventy-eight (378) of the Revised Codes relating to special terms of the supreme court,

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

ORIN W. FRANCIS,
Chairman.

The Speaker appointed E. M. Crary of the 21st district as an assistant engrossing and enrolling clerk, and the oath of office was administered to him by the Speaker.

The House returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Francis offered the following resolution:

WHEREAS, It hath pleased Almighty God to call James C. Gill from the trials and cares incident to the labors of an eminently useful and busy life; and

WHEREAS, As a member of this House, in the Second Legislative assembly of this state, his manifold duties were performed with a diligence, industry and integrity of purpose that earned for him just distinction as a lawgiver of the people; while as Speaker of the House in the Fourth Legislative assembly his fairness, frankness and careful regard for the rights of all enabled him to perform his onerous duties to the entire and hearty satisfaction of his associates, and won for him golden opinions from the state at large; therefore,

Be it Resolved, That in the death of Mr. Gill the state of North Dakota has lost a distinguished citizen, the cause of good government an able and unswerving champion, and humanity a tender and loving friend.

Resolved, That these resolutions be spread upon the journal of this House—at length—and that a copy of the same be forwarded to the family of the deceased, and that the House do now adjourn out of respect to his memory.

Mr. Francis moved
That the resolutions be adopted,
Which motion prevailed, and
The resolutions were adopted.

And the House adjourned.

H. E. LAVAYEA,
Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 3, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Cole, Lindstrom, Murphy, Peoples and Sargent, who were excused.

Mr. E. Gilbertson, assistant sergeant at arms, was excused by the Speaker and the Speaker assigned Mr. C. C. Johnson to act as assistant sergeant at arms.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-eighth day and recommend that it be amended as follows:

On page 2, line 27, the words "state affairs" be stricken out and the words "public health" be inserted;

And in line 29 the words "public health" be inserted;

And after line 34 "George W. Earl, chairman," be added.

And between the words "George W. Earl, chairman," and "Senate Bill No. 13," the following be added:

"The committee on state affairs made the following report:

"MR. SPEAKER:

"Your committee on state affairs to whom was referred."

And on page 4, line 6, the word "and" be stricken out and inserted between the words "the" and "resolution."

And on page 8, line 5, the initial "T." be stricken out and the initial "G." be inserted.

And on page 12, line 24, be made to read "House Bill No. 57."

And when so amended recommend that the Journal of the twenty-eighth day be adopted.

THEO. NORTHROP,
Acting Chairman.

Mr. Northrop moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-eighth day was approved.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-ninth day, and find the same correct, and recommend its adoption.

THEO. NORTHROP,
Acting Chairman.

Mr. Northrop moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the twenty-ninth day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on taxes and tax laws made the following report:

MR. SPEAKER:

Your committee on taxes and tax laws, to whom was referred House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,

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

In section one (1), line ten (10), page 1, after the word "office," insert the words "or in the office of the county auditor."

In section 1, line 2, page 2, after the word "county" insert the words "as provided in section 4 of this act."

In section 1, line 13, page 2, after the word "cost" insert a "semicolon and."

In section 1, line 26, after the word "year" insert the words "with penalty and interest."

In section 2, line 12, page 3, after the word "name" insert the words "as such sheriff."

In line 23, same page, after the word "described" insert the words "and shall pay the same to the treasurer."

In line 32, same page, strike out the word "only" after the word "parcel," and insert it after the word "residue" in same line.

In section 2, line 4, page 4, after the word "state," insert the words "or county."

In line 12 of same section and page strike out the word "forthwith" and insert the same after the word "writ" in line 13.

In line 30, section 3, page 4, after the word "treasurer," insert the words "and auditor."

Add to section 7 at the end of line 22 the following: "And any person making answer, as herein provided, shall be entitled to a separate trial upon the issues raised by his answer."

In section 12, page 12, after the word "judgment" in line 29, insert the words "provided, however, that no sale shall be made under the provisions of this act prior to Nov. 1, 1897."

In section 12, page 13, after the word "situated" insert ("to be designated by resolution of the board of county commissioners"), and after the word "none" strike out the words "in either to judicial district," and insert "then in some such newspaper published in the county where the proceedings are instituted, or, if there be no such newspaper in either county, then in some newspaper published within the judicial district."

Section 13, on line 14 of page 14, after the words "is to" insert the word "be" on line 18 after the word "state" insert the words "or county."

In section 14, line 24, page 16, after the word "Dakota" insert the words "or the county of ———," and in said section wherever the word "state" occurs insert thereafter "or county."

Add to the end of section 14 the following: "Provided, however, that the holder of any certificate for any piece or parcel of land sold under any tax judgment must, ninety days preceding the maturity of such certificate, give personal notice to the owner, if a resident of the state, of the expiration and maturity of such certificate, and if the owner of any such piece or parcel of land is a non resident of the state, such notice may be given by registered letter, addressed to such owner at his last known postoffice address, and by publication of the maturity of such certificate in some newspaper published in the county where the land is situated; or otherwise as hereinbefore provided, for at least thirty days preceding the expiration and maturity of such certificate, and the owner may redeem such certificate by paying the amount named therein, together with accrued interest and costs.

"Proof of the notice herein provided for must be filed in the office of the clerk of the district court prior to the maturity of such certificate.

"The fee simple of any piece or parcel of land named in any certificate shall not rest in the holder thereof until the notice provided for herein is given and due proof thereof filed with the clerk of the district court."

In section 16, lines 8 and 20, page 18, after the word "state" insert the words "or county," and after the words "bid in for the state," on line 20, add the words "or bid in for the county."

In section 18, lines 3, 4, 13 and 16, where the word "state" occurs, insert the words "or county," and after the word "state" on line 34, same page, insert the words "or for the county of ———."

In section 19, line 11, page 20, after the word "state," insert the words "or for the county of ———."

In section 20, line 22, on page 20, after the word "person," insert the words "having any estate or interest in the property." And in the same section, line 26, page 20, after the word "state," insert the words "or county," and after the word "person," at the end of line 28, insert the words "having any estate or interest in the property."

In line 34, page 20, after the word "of" insert the word "the," and in said section wherever the word "state" occurs insert thereafter the words "or county."

In section 22, page 22, line 24, after the word "has" omit the words "or claims," and in line 25 of same section after the word "sold" insert "or an estate or interest in any part thereof," and at the end of same line, after the word "such" insert the words "part of the," and on line 30, same section, after the word "estate." insert the words "portion of."

In sections 24, 28, 29, and 32 wherever the word "state" occurs insert thereafter the words "or county."

And when so amended recommend that the same do pass.

J. B. POWER,
Chairman.

The committee on agriculture made the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred
Senate Bill No. 46,

A bill for an act to repeal article 17, of chapter 22, of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weeds,

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

H. M. WILLIAMS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hankinson offered the following resolution:

Be it Resolved by the House of Representatives of the State of North Dakota:

That the attorney general of said state be requested to render this House his opinion at his earliest convenience as to whether or not there now exists any law in this state creating or continuing the office of superintendent of irrigation and forestry.

Mr. Hankinson moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 3, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 4,

A bill for an act providing for refunding the outstanding bonded and other indebtedness of the state of North Dakota.

Also,

Senate Bill No. 79,

A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners,

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

Also,

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by judges of the county courts during their term of office in counties in which said courts have increased jurisdiction,

Which the Senate has passed.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Sharpe requested that the courtesies of the floor be extended to Mr. C. H. Shiels of LaMoure county,

Which was granted.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Korsmo introduced

House Bill No. 95,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking.

Mr. Hawk introduced

House Bill No. 96,

A bill for an act to amend section 7594 of the Revised Codes of North Dakota.

Mr. Porter introduced

House Bill No. 97,

A bill for an act to amend section 2059 of the Revised Codes of North Dakota, relating to the manner of determining the population of counties for the purpose of fixing the salaries of county, township and other officers.

Mr. Belden introduced

House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relative to deputies.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 95,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking,

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 96,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 97,
A bill for an act to amend section 2059 of the Revised Codes of North Dakota, relating to the manner of determining the population of counties for the purpose of fixing the salaries of county, township and other officers,
Was read the first and second times, and
Referred to the committee on taxes and tax laws.

House Bill No. 98,
A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies,
Was read the first and second times, and
Referred to the committee on state affairs.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

MR. SPEAKER:
Your committee on municipal corporations to whom was referred
A Substitute for House Bill No. 30,
A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota,
Have had the same under consideration and recommend that the same be amended as follows:

That sub-division No. 47 of section 2148, being a part of section 1 of printed bill, be amended as follows: After the word "damage" in line 6 of printed bill the following be added, "and to provide for the removal of any structure or building erected contrary to such prescription and to declare each day's continuance of such structure or building a separate offense and prescribe penalties therefor."

And when so amended recommend that the same do pass.

T. TWICHELL,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 4,
A bill for an act to provide for refunding the outstanding bonded and other indebtedness of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on state affairs.

Also,
Senate Bill No. 79,
A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners,
Was read the first and second times, and
Referred to the committee on state affairs.

FIRST READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No, 46,
A bill for an act to repeal article 17 of chapter 22 of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weed,
Was read the first time.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 21,
A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contracts for purchase of state or school lands on failure to pay principal, interest or taxes.

Also,
House Bill No. 24,
A bill for an act providing for fees for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure.

Also,
House Bill No. 31,
A bill for an act to amend section 707 of the revised statutes, so as to change the date of the annual census of school children from the school districts from December 1st to June 1st.

Also,
House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes,

Also,
House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes.

Also,
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes.

Also,
House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills makes the following report that House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes relating to holidays,
Having been duly signed by the Speaker of the House and the President of the Senate, was presented to his excellency, the Governor, for signature this 3rd day of February, 1897, at 2:15 o'clock p. m.

R. J. MITCHELL,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 74,
A bill for an act providing for a change of the place of trial in civil actions in the district court on the ground of prejudice in the trial judge,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out the words "change of place of trial in civil actions" in the third line of the original bill.

By changing the title of the original bill so as to read: "A bill for an act providing for the calling in of the judge of another district, for the trial of civil actions in the district court, on the ground of prejudice of the trial judge."

By inserting the words "section 1" at the beginning of section 1 in the original bill.

By omitting the words "before the time for answering expires" and inserting in lieu thereof the words "after issue joined and before the opening of the term at which the cause is to be tried."

And when so amended recommend that the same do pass.

Also,

House Bill No. 61,

A bill for an act to amend section 1804 of the Revised Codes of North Dakota,

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

By striking out the words "or periodical" wherever they occur in the bill.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 12,

A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895 relating to the printing of briefs and abstracts,

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

By striking out the word "civil" in line 3 of section 1.

By striking out the words "for the recovery of money only" in line 3 of section 1, and substituting therefor the words "whether denominated legal or equitable, or both."

By inserting the words "by either plaintiff or defendant" in line 4 of section 1, after the word "court."

By changing the word "two" to "three" in line 5 of section 1.

And when so amended recommend that the same do pass.

Also,

House Bill No. 85,

A bill for an act to amend subdivision 48 of section 2148 of the Revised Codes of the state of North Dakota of the revision of 1895,

Have had the same under consideration and recommend that the same be referred to the committee on municipal corporations.

Also,

House Bill No. 89,

A bill for an act to regulate the entry of judgments in civil actions and the stay of proceedings thereon, and appeals therefrom,

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

O. W. FRANCIS,
Chairman.

THIRD READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 11,

A bill for an act to amend section 378 of the Revised Codes, relating to special terms of the supreme court,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hankinson,	Power,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Ryan,
Butterwick,	Howard,	St venson,
Carlin,	Hurley,	Swenson,
Colby,	Johnson,	Syv-rtson,
Cryan,	Joy,	Tanton,
Currier,	Korsmo,	Towle,
Dougherty,	Kroeger,	Twichell,
Duncan,	Lenz,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Murphy,	Sargent,
Erickson,	Peoples,	Sharpe.
Lindstrom,		

Messrs. Lindstrom, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 17,

A bill for an act to amend section 2898, and to repeal section 2899 of the Revised Codes,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Mitchell,
Baker,	Goplerud,	Northrop,
Belden,	Guinan,	Offerdahl,
Boyd of Cass,	Hammond,	Porter,
Boyd of Cavalier,	Hankinson,	Power,
Brotnov,	Hawk,	Richards,

Messrs—
Butterwick,
Carlin,
Colby,
Cryan,
Currier,
Dougherty,
Duncan,
Dunton,
Earl,
Ebbighausen,
Francis,
Gaulke,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lenz,
Lovelace,
McConnachie,
McGinnis,
McPherson,
Ryan,
Stevenson,
Swenson,
Syvertson,
Tanton,
Towle,
Twichell,
Wallace,
White,
Wirkus,
Wood,
Mr. Speaker.

Absent and not voting:

Messrs—
Cole,
Erickson,
Lindstrom,
Murphy,
Peoples,
Sargent,
Sharpe,
Williams.

Messrs. Lindstrom, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 18,
A bill for an act to amend section 2889, Revised Codes,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd of Cass,
Boyd of Cavalier,
Brotnov,
Butterwick,
Carlin,
Colby,
Cryan,
Currier,
Dougherty,
Duncan,
Dunton,
Earl,
Francis,
Gaulke,
Goplerud,
Guinan,
Hammond,
Hankinson,
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lenz,
Lovelace,
McConnachie,
McGinnis,
McPherson,
Mitchell,
Northrop,
Offerdahl,
Porter,
Power,
Richards,
Ryan,
Stevenson,
Swenson,
Syvertson,
Tanton,
Towle,
Twichell,
Wallace,
White,
Wirkus,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs--
Cole,
Ebbighausen,
Erickson,
Gilbertson,

Messrs—
Lindstrom,
Murphy,
Peoples,

Messrs—
Sargent,
Sharpe,
Wood.

Messrs. Lindstrom, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 39,
A bill for an act to amend section 6669 of the Revised Codes of the state of North Dakota, being section 53 of the justices code, enacted by the Fourth session of the legislative assembly of the state of North Dakota,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called their were ayes 47, nays 2, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd of Cass,
Boyd of Cavalier,
Brotnov,
Butterwick,
Carlin,
Colby,
Currier,
Dougherty,
Dunton,
Earl,
Erickson,
Francis,
Gilbertson,

Messrs—
Goplerud,
Guinan,
Hammond,
Hankinson,
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lenz,
Lovelace,
McConnachie,
Mitchell,

Messrs—
Northrop,
Porter,
Power,
Richards,
Ryan,
Stevenson,
Swensen.
Tanton,
Towle,
Twichell,
Wallace,
White,
Wirkus,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—
Cole,
Cryan,
Duncan,
Ebbighausen,
Gaulke,

Messrs—
Lindstrom,
Murphy,
Offerdahl,
Peoples,

Messrs—
Sargent,
Sharpe,
Syvertson,
Wood.

Messrs. McGinnis and McPherson voting in the negative.

Messrs. Lindstrom, Murphy, Peoples and Sargent being excused.

So the bill passed and the title was agreed to.

The Speaker presented the following communication:

BISMARCK, N. D., Jan. 30, 1897.

To the Honorable Speaker of the House of Representatives:

DEAR SIR: In answer to yours of this date I have the honor to report that the Western Union Telegraph company is assessed in the county of Burleigh on 25 miles of poles and 154 miles of wire, at a valuation of $2,024. This mileage is upon the sworn statement of Isaac McMichael, the superintendent of the Western Union Telegraph company, who values it at $1,840. This valuation was raised by the state board of equalization 10 per cent., making the above valuation $2,040.

The distance from the east line of Burleigh county to the east end of the Missouri river bridge is 36 miles in a direct line.

The superintendent seems to stretch 25 miles of poles over 36 miles of grounds.

Respectfully,
W. S. MOORHOUSE,
County Auditor.

Mr. Richards offered the following resolution:

Resolved, That the communication of Auditor Moorhouse of Burleigh county be referred to the committee on taxation and tax laws, with instructions to make inquiry of the several county auditors in the state, in counties where there are Western Union lines, with a view to determining whether similar discrepancies exist in their respective counties, and said committee is instructed to embrace in the bill to be reported by them in relation to taxation and revenue, a provision which will secure accuracy in reports of property of this character for taxation.

Mr. Hankinson moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

The Speaker announced that he was about to sign
Senate Bill No. 26,
A bill for an act entitled an act relating to the taking of depositions.

Also,
Senate Bill No. 27,
A bill for an act regulating procedure in civil actions.

There being no objection the titles were read and the Speaker affixed his signature.

The House took an informal recess.

The House reassembled.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved

That the House do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole.

The Speaker called Mr. Joy to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the Revised Codes of 1895, relating to banking,

And recommend that it do pass as amended by committee on banks and banking.

Also,

House Bill No. 18,

A bill for an act providing for a lien upon threshing engines and separators for repairing done thereon,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judges thereof to employ a stenographer,

And recommend that it do pass as amended by the committee on state affairs.

Also,

House Bill No. 40,

A bill for an act to amend sections 211, 219, 222, 224 and 228 of article 3 of the political code of the Revised Codes of North Dakota,

And recommend that the same do pass as amended by the committee on school lands.

Also,

House Bill No. 56,

A bill for an act to amend section 5577 of the compiled laws of 1895,

And recommend that the same do pass as amended by the committee on judiciary.

Also,
House Bill No. 60,
A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,
And recommend that the same do pass as amended by the committee on judiciary.
Also,
House Bill No. 69,
A bill for an act to provide for a special jury to assess damages under the law of eminent domain.
And recommend that the same be referred back to the committee on judiciary.
Also,
House Bill No. 78,
A bill for an act to amend section 1892, of article 7, of chapter 26, Revised Codes,
And recommend that the same be recommitted to the committee on judiciary.
That Senate Bill No. 79 be recalled from the committee on state affairs and referred to the committee on judiciary.

H. N. JOY,
Chairman.

Mr. Ryan moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report was adopted.
The House returned to the ninth order of business.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Hawk introduced
House Bill No. 99,
A bill for an act to amend article 3 of section 7595 of the Revised Codes of North Dakota.
Mr. Hawk asked unanimous consent to withdraw House Bill No. 96,
Which was granted,
And the bill was withdrawn.
Mr. Hurley moved
That the House do now adjourn,
Which motion prevailed, and
The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 4, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Peoples who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirtieth day and recommend it be amended as follows:

On page 1, line 12, strike out the name Hankinson.

On page 6, line 11, after the word "first" insert the words "and second."

On page 8, line 27, after the word "makes" insert the words "the following."

And when so amended recommend that the Journal of the thirtieth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the thirtieth day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on military affairs made the following report:

MR. SPEAKER:

Your committee on military affairs, to whom was referred

Senate Bill No. 8,
A bill for an act relating to the organization of corporations for the purpose of erecting buildings for military purposes,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 77,
A bill for an act to amend the political code, relating to the game of football,
Have had the same under consideration and recommend that the same do not pass.

E. S. LOVELACE,
Chairman.

Mr. Hurley moved
That the bill be referred to the committee of the whole,
Which motion was lost.

Mr. Hankinson moved
That the bill be referred to the committee on woman suffrage,
Which motion was lost.

Mr. Hankinson moved
That the vote by which the House refused to refer House Bill No. 77 to the committee of the whole be reconsidered,
Which motion prevailed.

The question being, shall the bill be referred to the committee of the whole?

It was carried, and it was so ordered.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 4, 1897.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved
House Bill No. 20,
A bill for an act to amend sections 5124 and 5125 of the Revised Codes, relating to holidays.

I have the honor to be,

Yours very respectfully,
FRANK A. BRIGGS,
Governor.

The committee on highways, bridges and ferries made the following report:

MR. SPEAKER:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 68,

A bill for an act regulating the disposition of road work and taxes by the board of township supervisors,

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

That the word "all" be inserted before the word "property" in line 2, section 1 of printed bill.

By inserting after the word "lines" in line 2, section 1 of printed bill the words "to the extent of one-half mile on each side."

By inserting after the word "lines" in line 4, section 1 of printed bill the words "whenever deemed necessary and practicable."

And when so amended recommend that the same do pass.

EGBERT GILBERTSON,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 4, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 31,

A bill for an act to prevent the setting of prairie fires by railroad engines and prescribing the duties of railroad companies with regard to preventing prairie fires upon their right of way, and fixing penalties for neglect of such companies in relation thereto.

Also,

Senate Bill No. 86,

A bill for an act to amend section 2063 of the Revised Codes of North Dakota,

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

Also,

House joint memorial relating to postal clerks,

Which the Senate has concurred in.

Respectfully yours,
J. O. SMITH,
Secretary.

The committee on highways, bridges and ferries made the following report:

MR. SPEAKER:

The committee on highways, bridges and ferries to whom was referred

House Bill No. 65,

A bill for an act to amend section 1138, article 7, chapter 17, of the Revised Codes of the state of North Dakota,

Have had the same under consideration and submit the accompanying bill as a substitute for House Bill No. 65 and recommend that the substitute bill do pass.

We also recommend that the substitute bill be printed.

EGBERT GILBERTSON,
Chairman.

Mr. Gilbertson moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Mr. White requested that the courtesies of the floor be extended to Mr. W. A. McClune of Stark county.

Mr. Richards requested that the courtesies of the floor be extended to Mr. Andrew Olson of Burleigh county.

Mr. Howard requested that the courtesies of the floor be extended to Dr. B. C. Taylor of Hillsboro.

Mr. Lenz requested that the courtesies of the floor be extended to Messrs. Morris Beck, John Vennum, C. L. Mitchell, S. K. McGinnis and Dr. D. L. Moore of Stutsman county,

Which was granted.

The Speaker referred

House Bill No. 14,

A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking.

Also,

House Bill No. 40,

A bill for an act to amend sections 211, 219, 222, 224 and 228, of article 3, of the political code of the Revised Codes of North Dakota.

Also,

House Bill No. 56,

A bill for an act to amend section 5577 of the compiled laws of 1895.

Also,

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,

To the committee on engrossment.

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

House Bill No. 64,

A bill for an act to provide for the publishing of county and district election returns, as soon as made official, in the county official newspapers,

Have had the same under consideration and recommend that the same do not pass.

Also,

House Bill No. 11,

A bill for an act to amend section 515 of the Revised Codes of 1895, relating to marking of official ballots,

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

By striking out "1895" in the title of the bill and in line 2 of section 1, and insert in its stead "North Dakota."

And when so amended recommend that the same do pass.

Also,

House Bill No. 93,

A bill for an act providing for primary elections and prescribing the duties of primary election officers.

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

Also,

House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895, construing the word precinct in the constitution,

Have drawn and herewith submit a substitute bill, which is recommended to pass.

W. J. HAWK,
Chairman.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

The committee on highways, bridges and ferries introduced

Substitute for House Bill No. 65,

A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to compensation of overseers of highways.

Mr. Hurley introduced

House Bill No. 100,

A bill for an act repealing an act entitled an act creating the

office of state superintendent of irrigation and forestry and prescribing the duties thereof.

Mr. Hankinson introduced
House Bill No. 101,
A bill for an act to amend section 6776 of the Revised Codes relating to appeals from justices of the peace.

Mr. Mitchell introduced
House Bill No. 102,
A bill for an act to regulate appeals from justices courts on questions of law.

Mr. Murphy introduced
House Bill No. 103,
A bill for an act providing for the better protection of game.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 65,
A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to the compensation of overseers of highways,
Was read the first and second times, and
Referred to the committee on highways, bridges and ferries.

House Bill No. 99,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 100,
A bill for an act repealing an act entitled "An act creating the office of state superintendent of irrigation and forestry and prescribing the duties thereof,"
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 101,
A bill for an act to amend section 6796 of the Revised Codes, relating to appeals from justices of the peace,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 102,
A bill for an act to regulate appeals from justice courts on questions of law,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 103,
A bill for an act providing for the better protection of game,
Was read the first and second times, and
Referred to the committee on state affairs.

Mr. Francis moved
That all bills that are now on third reading be recommitted to the committee on judiciary,
Which motion prevailed, and
The bills were recommitted to the committee on judiciary.

The House returned to the ninth order of business.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Stevenson introduced
House Bill No. 104,
A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Mr. Stevenson moved
That all bills be read the first and second times,
Which motion prevailed.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 104,
A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on counties and county boundaries.

MOTIONS AND RESOLUTIONS.

Mr. Tanton offered the following resolution:

CONCURRENT RESOLUTION

To Amend Subdivision 1 of Section 215 of Article 19 of the Constitution of the State of North Dakota.

Be it Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the following amendment of subdivision 1 of section 215 of article 19 of the constitution of the state of North Dakota be submitted to the people of this state for adoption or rejection in accordance with the provisions of section 202 of article 15 of the constitution of the state of North Dakota.

SEC. 2. That subdivision "first" of section 315 of the constitu ion of the state of North Dakota be amended so as to read as follows:

Subdivision 1. "The seat of government at the city of Fargo, in the county of Cass," when a building suitable for state capitol and of not less value than the present state capitol now located at the city of Bismarck, county of Burleigh, with ample grounds, located at the city of Fargo, county of Cass, be donated to the state of North Dakota free of cost to the state.

Was read the first and second times, and
Referred to the committee on state affairs.

Mr. Hankinson moved

That the concurrent resolution be referred to the committee on state affairs,

Which motion prevailed.

And it was so referred.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 31,

A bill for an act to prevent the setting of prairie fires by railroad engines, and prescribing the duties of railroad companies with regard to preventing prairie fires upon their right of way; and fixing penalties for neglect of such companies in relation thereto,

Was read the first and second times, and

Referred to the committee on state affairs,

Senate Bill No. 86,

A bill for an act to amend section 2073 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judges thereof to emply a stenographer,

Was read the third time.

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

The roll being called there were ayes 38, nays 21, absent and not voting 3.

Those voting in the affirmative were:

Messrs—
Aas,
Boyd of Cavalier,
Colby,
Currier,
Dougherty,
Dunton,
Earl,
Ebbighausen,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,

Messrs—
Guinan,
Hammond,
Hankinson,
Hawk,
Heskin,
Howard,
Hurley,
Kroeger,
Lenz,
Lovelace,
Mitchell,
Murphy,
Northrop,

Messrs—
Offerdahl,
Porter,
Power,
Richards,
Sargent,
Sharpe,
Stevenson,
Swenson,
Tanton,
Twichell,
White,
Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Johnson,	Ryan,
Belden,	Joy,	Syvertson,
Brotnov,	Korsmo,	Towle,
Butterwick,	Lindstrom,	Wallace,
Carlin,	McConnachie,	Wirkus,
Cryan,	McGinnis,	Williams,
Duncan,	McPherson,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Cole,	Peoples.

Mr. Peoples being excused.

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

Senate Bill No. 46,

A bill for an act to repeal article 17, of chapter 22, of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weeds,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 59, nays 2, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Northrop,
Baker,	Goplerud,	Offerdahl,
Belden,	Guinan,	Porter,
Boyd of Cass,	Hammond,	Power,
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Hawk,	Ryan,
Butterwick,	Heskin,	Sargent,
Carlin,	Howard,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Erickson,	McPherson,	Wood,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,	Murphy,	

Messrs. Hurley and Towle voting in the negative.

Mr. Peoples being excused.

So the bill passed and the title was agreed to.

Mr. Francis moved

That the motion whereby House Bills Nos. 6, 21, 24, 31 and 41 were referred to the committee on judiciary be reconsidered,

Which motion prevailed, and

The vote was reconsidered.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,

Was read the third time.

Mr. Hawk moved

That the bill be referred to the committee of the whole.

Mr. Porter moved

As an amendment that the bill be made a special order on Friday, February 5, 1897, at 3 o'clock p. m., and

The amendment being accepted by Mr. Hawk,

The motion prevailed, and

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,

Was made a special order for Friday, February 5, 1897, at 3 o'clock p. m.

House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contract for purchase of state or school lands on failure to pay principal, interest or taxes,

Was read the third time.

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

The roll being called there were ayes 58, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Porter,
Belden,	Hawk,	Power,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Colby,	Johnson,	Sharpe,
Cryan,	Joy,	Stevenson,
Currier,	Korsmo,	Swenson,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Dunton,	Lindstrom,	Towle,
Earl,	Lovelace,	Twichell,

Messrs—	Messrs—	Messrs—
Ebbighausen,	McConnachie,	Wallace,
Erickson,	McGinnis,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood,
Goplerud,	Northrop,	Mr. Speaker.
Guinan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Cole,	Peoples.

Mr. Brotnov voting in the negative.

Mr. Peoples being excused.

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

House Bill No. 24,

A bill for an act providing for fees for sheriffs in cases of redemption of property from sale under execution or mortgage foreclosure,

Was read the third time.

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

The roll being called there were ayes 49, nays 10, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Northrop,
Baker,	Goplerud,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd, of Cass,	Hawk,	Power,
Boyd, of Cavalier,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sargent.
Colby,	Johnson,	Sharpe,
Cole,	Korsmo,	Stevenson,
Cryan,	Lenz,	Swenson,
Dougherty,	Lovelace,	Towle,
Duncan,	McConnachie,	Twichell,
Dunton,	McGinnis,	White,
Earl,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Murphy,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Joy,	Tanton,
Ebbighausen,	Kroeger,	Wallace,
Guinan,	Lindstrom,	Wirkus,
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Peoples,	Syvertson.

Mr. Peoples being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 4, 1897.

MR. SPEAKER:

I have the honor to return herewith

Senate Bill No. 90,

A bill for an act to repeal sections 1679 and 1680 of the political code of the Revised Codes of North Dakota, relating to a bounty on twine,

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

I also have the honor to return herewith

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships,

For the purpose of engrossment.

Respectfully yours,
J. O. SMITH,
Secretary.

House Bill No. 31,

A bill for an act to amend section 707 of the Revised Codes, so as to change the date of the annual school census of school children in the school district from December 1st to June 1st,

Was read the third time.

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

The roll being called there were ayes 46, nays 14, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Ryan,
Baker,	Gopl-rud,	Sargent,
Belden,	Hammond,	Sharpe,
Boyd of Cavalier,	Hankinson,	Stevenson,
Brotnov,	Heskin,	Swenson,
Butterwick,	Korsmo,	Syvertson,
Carlin,	Kroeger,	Tanton,
Colby,	Lovelace,	Towle,

Messrs—	Messers—	Messrs—
Cole,	McConnachie,	Twichell,
Cryan,	Mitchell,	Wallace,
Currier,	Murphy,	White,
Duncan,	Offerdahl,	Wirkus
Earl,	Porter,	Williams,
Erickson,	Power,	Wood,
Francis,	Richards,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Howard,	Lindstrom,
Dougherty,	Hurley,	McGinnis,
Dunton,	Johnson,	McPherson,
Guinan,	Joy,	Northrop.
Hawk,	Lenz,	

Mr. Peoples being excused.

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

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves,

Was read the third time.

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

The roll being called there were ayes 36, nays 21, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Northrop,
Boyd of Cass,	Hankinson,	Richards,
Brotnov.	Hawk,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Kroeger,	Swenson,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Erickson,	McGinnis,	White,
Gilbertson,	McPherson,	Williams,
Goplerud,	Murphy,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Belden,	Guinan,	Power,
Boyd of Cavalier,	Johnson,	Syvertson.
Cryan,	Korsmo,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	McConnachie,	Wirkus,
Francis,	Mitchell,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Heskin,	Porter.
Ebbighausen,	Peoples,	

Mr. Peoples being excused.

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

Mr. Lindstrom moved
That the House do now adjourn,
Which motion was lost.

COMMITTEE OF THE WHOLE.

Mr. Hurley moved
That the House resolve itself into the committee of the whole for the purpose of consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.

The Speaker called Mr. Lindstrom to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee of the whole House have had under consideration
House Bill No. 1,
A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof,
And recommend that the bill do pass as amended by the committee on state affairs.

Also,
House Bill No. 13,
A bill for an act to amend section 244 of the Revised Codes, providing for the compensation of officers of the state board of health,
And recommend that the bill do pass as amended by the committee on public health.

Also,
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,
And recommend that further consideration of the bill be indefinitely postponed,

C. L. LINDSTROM,
Chairman.

Mr. Sharpe moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

Mr. Northrop and Mr. Erickson were excused until Tuesday morning.

Mr. Guinan and Mr. Brotnov were excused until Monday morning.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 28,
A bill for an act to forbid and prevent the practice of the law by the judges of county courts during their term of office in counties in which said courts have increased jurisdiction,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 28,
A bill for an act to forbid and prevent the practice of the law by the judges of county courts during their term of office in counties in which said courts have increased jurisdiction.

There being no objection, its title was read and the Speaker affixed his signature.

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

H. E. LAVAYEA,
Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 5, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cavalier, Erickson and Peoples, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-first day, and find the same correct, and recommend its adoption.

E. C. SARGENT,
Chairman.

Mr. Porter moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-first day was approved.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Hankinson presented the following petition:

The following resolution was passed by the county commissioners of Richland county:

WHEREAS, On the first day of September, 1896, Knute G. Hagen, one of the members of the board of county commissioners of this county was murdered by one Henry Trimble, who immediately fled from just ce; and

WHEREAS, The said board of county commissioners of said county, after ascertaining the improbability of capturing said defendant without offer of reward, and feeling that the said murder was of the most dastardly and inhuman character, by resolution of date ....., 1896, offered a reward of five hundred dollars ($500) for the apprehension, detention, arrest and safe delivery to the sheriff of Richland county, state of North Dakota, of the said murderer of County Commissioner Knute G. Hagen; and

WHEREAS, On the second day of November, 1896, the said Henry Trimble was captured by and through the assistance of divers citizens of said county who claim said reward; and

WHEREAS, Upon the right of the said commissioners to offer the said reward, being questioned, the matter was submitted to the states attorney of said county for his opinion, who thereupon rendered his said opinion, advising that the said county and the said board was without authority to offer such reward, and that the same was not binding upon said county, and that said commissioners could not by law order payment of same without violating their duties as such commissioners; now therefore, be it

Resolved, That the said board of county commissioners acted in the best of faith in offering said reward, in the belief that the power and authority to offer the same and obligate the county therefore, rested in them, and they regret that under the law, as they are now informed, they are unable for the reason stated to make payment of said reward according to the tenor of the said offer; be it further

Resolved, That we request the members of the legislative assembly of this county to make such steps by proper bill or resolution to secure from the said state the said sum of money so offered, that the same may be used to pay the said reward according to the terms of said offer.

The communication was referred to the committee on state affairs.

FARGO, N. D., Jan. 21, 1896.

To the Hon. John E. Haggart and Representatives Francis and Cole, Representatives of the Ninth Legislative District:

We, the undersigned bona fide citizens of the city of Fargo and the state of North Dakota, do hereby petition the Fifth Legislative assembly and pray for the passage of Senate Bill No. 1, introduced by the Hon. John E. Haggart.

C. H. JOHNSON
(And 235 others.)

FARGO, N. D., Jan. 21, 1897.

To the Hon. John E. Haggart and Representatives Francis and Cole, Representatives of the Ninth Legislative District:

We, the undersigned bona fide citizens of the city of Fargo and the state of North Dakota, do hereby petition the Fifth Legislative assembly and pray for the passage of Senate Bill No. 1, introduced by the Hon. John E. Haggart.

C. A. JORDAN,
Pres. F. T. C., Fargo,
(And 235 others.)

Mr. Hawk presented the following petition:

To the Honorable Members of the Legislative Assembly of North Dakota:

It is a fact that bank failures cause a direct loss to depositors of money in

banks of many millions of dollars in the United States every year.

These numerous failures cause financial panics which result in the shutting down of business, throwing great multitudes of people into idleness and compelling the sale of property at a great sacrifice.

These immense lo ses to the common people, by bank failures, cause such distrust of banks as to induce the people generally to hide their money, thus withdrawing it from circulation, which results in a scarcity of money, excessively high interest and the suppression of business.

The hiding of money on the person and about the home, through distrust of banks, makes continual temptation to footpads and robbers, and hence the era of crime in which no property or life is safe.

As this crime, impoverishment and great distress come from losses through bank failures and consequent loss of confidence in monetary conditions, and as we believe some action should be taken to relieve the worthy bank of suspicion, we, the undersigned, petition you to enact such laws as will require that the banker give bond that people shall not lose the money which they deposit in banks.

I. H. BREKKE,
(And 16 others.)

Which was referred to the committee on banks and banking.

Mr. Hawk presented the following petition:

To W. J. Hawk, E. C. Sargent and W. B. Boyd, Representatives of the Eleventh District:

We, the undersigned voters of the Eleventh Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

REV. J. E. VANCE
(And 5 others).

Which petition was referred to the committee on temperance.

The Speaker announced that he was about to sign
The concurrent resolution relating to Legislative Manuals.

Also,

Senate Bill No. 7,

A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered.

Also,

Senate Bill No. 47,

A bill for an act to provide for the refunding to certain counties in this state of the funds which have been or may hereafter be paid into the state treasury under the provisions of section 1703 of the Revised Codes of North Dakota.

There being no objection the concurrent resolution and Senate bills were signed by the Speaker.

Mr. Baker requested that the privileges of the floor be granted to Mr. O. T. House of Logan county.

Mr. McPherson requested that the privileges of the floor be granted to C. K. Bassett of Valley city.

Which was granted.

REPORTS OF STANDING COMMITTEES.

The committee on municipal corporations made the following report:

MR. SPEAKER:

Your committee on municipal corporations to whom was referred

House Bill No. 44,

A bill for an act to amend section 2345 of the Revised Codes of North Dakota relating to the incorporation of villages,

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

T. TWICHELL,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 33,

A bill for an act to amend section 5730 of the Revised Codes of North Dakota,

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

By amending the title so as to read as follows:

A bill for an act to amend section 5730 of the Revised Codes of North Dakota, relating to the service of papers on non-residents after demurrer, answer or notice of appearance,

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

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

By striking out the words "or is about to be" in last line of subdivision 6 of section 1 of engrossed bill.
By amending the title so as to read:
A bill for an act to amend section 5352 of the Revised Codes of North Dakota, relating to attachment.

And when so amended a majority of said committee recommend that the same do pass.

Also,

House Bill No. 32,

A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes,

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

By amending the title so as to read as follows:
A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes of North Dakota, relating to the service of summons on domestic corporations in civil actions.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

That the report as to title be adopted,

Which motion prevailed, and

The report so far as it related to the title of the bill was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 92,

A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota for 1895, relating to official oaths and bonds of school officers,

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

By amending the title of the bill so as to read as follows:
A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota, relating to official oaths and bonds of school district officers and the distribution of the tuition fund.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes of North Dakota,
Have had the same under consideration and recommend that the same be amended as follows:

By amending the title so as to read as follows:
A bill for an act to amend sec ion 5732 of the Revised Codes of North Dakota, relating to service of papers when a party shall have an attorney in the action.

And that when so amended recommend that it do pass.

O. W. FRANCIS,
Chairman.

Mr. Francis moved
That the report of the committee so far as it related to the title of the bill be adopted,
Which motion prevailed, and
So much of the report relating to the title of the bill was adopted.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills makes the following report that
House Bill No. 28,
A bill for an act to forbid and prevent the practice of the law by judges of the county courts during their term of office in counties in which said courts have increased jurisdiction,
Having been duly signed by the Speaker of the House and the President of the Senate, was delivered to his excellency, the Governor for signature this 5th day of February, 1897, at 2:15 o'clock p. m.

R. J. MITCHELL,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred,
House Bill No. 90,
A bill for an act to establish the board of examiners for barbers and to regulate the occupation of a barber in this state,
Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 90 was indefinitely postponed.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 76,
A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,
Have had the same under consideration and recommend that the same be amended as follows:

That in line 6, section 1, of printed bill, after the word "bank" the words "or other banks within this state" be inserted.

And when so amended recommend that the same do pass.

Also,
House Bill No. 55,
A bill for an act requiring all state and county officials now required by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a fidelity insurance company,
Have had the same under consideration and recommend that the same be referred to the committee on judiciary, to be considered together with other bills of the same nature.

E. F. PORTER,
Chairman.

Mr. Porter moved
The adoption of the report
Which motion prevailed,
And the report was adopted, and
House Bill No. 55 was referred to the committee on judiciary.

A majority of the committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies,

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

E. F. PORTER,
Chairman.

A minority of the committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state effairs to whom was referred House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies,

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

That the words "county superintendent of schools" be stricken out.

And when so amended recommend that the same do pass.

P. N. KORSMO,
JOHN CRYAN,
L. C. GOPLERUD.

Mr. Korsmo moved

That the bill, together with the majority and minority reports, be referred to general orders,

Which motion prevailed, and

It was so ordered.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred House Bill No. 88,

A bill for an act authorizing and empowering the state auditor to pay the reward offered by the county of Richland for the apprehension and arrest of Henry Trimble, the murderer of K. G. Hagen,

Have had the same under consideration and recommend that the same be referred to general orders without recommendation.

Also,
House Bill No. 81,
A bill for an act to create the office of public defender, provide for his election, define his duties and fix his compensation in the several counties of the state of North Dakota,
Have had the same under consideration and recommend that the same be referred to general orders without recommendation.

Also,
Senate Bill No. 4,
A bill for an act to provide for refunding the outstanding bonded and other indebtedness of the state of North Dakota,
Have had the same under consideration, and recommend that the same do pass.

Also,
House Bill No. 95,
A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking,
Have had the same under consideration and recommend that the same do pass.

E. F. PORTER,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hankinson moved
That the vote by which the report of the committee of the whole of Feb. 4, 1897. was adopted be reconsidered.

Mr. Hawk moved
To lay the motion on the table.

Roll call demanded.

The question being on the motion made by Mr. Hawk.

The roll being called there were ayes 24, nays 34, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Northrop,
Butterwick,	Heskin,	Offerdahl,
Carlin,	Howard,	Porter,
Cryan.	Hurley,	Richards,
Duncan,	Johnson,	Syvertson,
Francis,	Lenz,	Twichell.
Gaulke,	McGinnis,	White,
Hammond,	McPherson,	Williams.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Ryan,
Belden,	Hankinson,	Sargent,
Brotnov,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Cole,	Kroeger,	Swenson,
Currier,	Lindstrom,	Tanton.
Dougherty,	Lovelace,	Towle,
Dunton,	McConnachie,	Wallace,
Earl,	Mitchell,	Wirkus,
Ebbighausen,	Murphy,	Wood,
Gilbertson,	Power,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Peoples
Boyd of Cavalier,		

Messrs. Boyd of Cavalier, Erickson and Peoples being excused.

So the motion to lay on the table was lost.

The question recurring on the motion to reconsider the vote by which the report of the committee of the whole was adopted.

Roll call demanded.

The roll being called there were ayes 32, nays 24, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Power,
Belden,	Guinan,	Sargent,
Boyd of Cass,	Hankinson,	Sharpe,
Brotnov,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cole,	Kroeger,	Tanton,
Currier,	Lenz,	Towle,
Dougherty,	Lindstrom,	Wallace,
Dunton,	Lovelace,	Wirkus,
Ebbighausen,	McConnachie,	Mr. Speaker.
Gilbertson,	Mitchell,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Porter,
Butterwick,	Hawk,	Richards,
Carlin,	Howard,	Ryan,
Cryan,	Johnson,	Silvertson,
Duncan,	McGinnis,	Twichell,
Earl,	McPherson,	White,
Francis,	Northrop,	Williams,
Gaulke,	Offerdahl,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Heskin,	Murphy,
Erickson,	Hurley,	Peoples.

Messrs. Boyd of Cavalier, Erickson and Peoples being excused.

So the vote to reconsider the vote, whereby the report of the committee of the whole was adopted, carried.

Mr. Hankinson moved
That the report of the committee of the whole of Feb. 4 be adopted, excepting that part of the report which related to House Bill No. 27,
Which motion prevailed, and
The report was adopted.

Mr. Hankinson moved that
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,
Be recommitted to the committee on judiciary.

Mr. McPherson moved, as an amendment,
That the bill be referred to general orders,
Which motion prevailed, and
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,
Was referred to general orders.

Mr. Francis moved that
House Bill No. 32,
A bill for an act to amend section 5252 of the Revised Codes.

Also
House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes.

Also,
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes,
Be taken up and amendments as to titles thereof be approved as recommended by the committee on judiciary, to whom the same was referred for that purpose.
Which motion prevailed.

Mr. Porter moved
That the Speaker appoint a committee of three to examine all bills amending the game laws, with the view of consolidating them

into one bill, such committee to act in conjunction with a like committee already appointed by the President of the Senate,

Which motion prevailed, and

The Speaker appointed Messrs. Porter, Richards and Hankinson as such committee.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Carlin introduced

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marry.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 53,

A bill for an act to repeal section 482 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on elections and privileges.

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marry,

Was read the first and second times, and

Referred to the committee on judiciary.

SPECIAL ORDER.

The hour having arrived for the consideration of

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,

Was read.

Mr. Hawk moved

That the further consideration of the bill be indefinitely postponed.

Mr. Cryan moved

To lay the substitute motion on the table.

Mr. Cryan withdrew his motion.

The question recurring upon the motion to indefinitely postpone.

Roll call demanded.

The roll being called there were ayes 12, nays 42, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Currier,	Gaulke,	McPherson,
Dougherty,	Hammond,	Wallace,
Ebbighausen,	Hawk,	Wirkus,
Francis,	Joy,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Baker,	Guinan,	Porter,
Belden,	Hankinson,	Power,
Boyd of Cass,	Heskin,	Richards,
Brotnov,	Hurley,	Ryan,
Butterwick,	Johnson,	Sargent,
Carlin,	Korsmo,	Sharpe,
Colby,	Kroeger,	Swenson,
Cole,	Lenz,	Syvertson,
Cryan,	Lindstrom,	Tanton,
Duncan,	Lovelace,	Towle,
Dunton,	McConnachie,	Twichell,
Earl,	Mitchell,	Williams,
Gilbertson,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	McGinnis,	Stevenson,
Erickson,	Offerdahl,	White.
Howard,	Peoples.	

Messrs. Boyd of Cavalier, Erickson and Peoples being excused.

So the motion to indefinitely postpone was lost.

Mr. Cole moved

That House Bill No. 6 be made a special order and considered immediately after House Bill No. 27.

Roll call demanded.

The question being upon the motion made by Mr. Cole.

The roll being called there were ayes 35, nays 20, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Colby,	Howard,	Porter,
Cole,	Hurley,	Power,
Currier,	Joy,	Richards,
Dougherty,	Korsmo,	Sargent,
Ebbighausen,	Kroeger,	Stevenson,
Francis,	Lenz,	Swenson,
Gaulke,	Lindstrom,	Twichell,
Gilbertson,	Lovelace,	Wallace,
Goplerud,	McConnachie,	White,
Guinan,	Mitchell,	Wirkus,
Hankinson,	Murphy,	Wood.
Heskin,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Duncan,	Ryan,
Baker,	Hammond,	Sharpe,
Belden,	Hawk,	Syvertson,
Boyd of Cass,	Johnson,	Towle,
Butterwick,	McGinnis,	Williams,
Carlin,	McPherson,	Mr. Speaker.
Cryan,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Earl,	Peoples,
Bronnov,	Erickson,	Tanton.
Dunton,		

Messrs. Boyd of Cavalier, Erickson, Peoples and Tanton being excused.

So the motion prevailed, and the bill was made a special order to be considered immediately after House Bill No. 27.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 90,

A bill for an act to repeal sections 1679 and 1680 of the political code of the Revised Codes of North Dakota, relating to a bounty on twine,

Was read the first and second times, and

Referred to the committee on state affairs.

The House took an informal recess.

The House reassembled.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Power,
Butterwick,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Colby,	Howard,	Sargent,
Cole,	Johnson,	Stevenson,
Currier,	Joy,	Swenson,
Dougherty,	Korsmo,	Syvertson,
Duncan,	Kroeger,	Tanton.
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Ebbighausen,	McPherson,	Wallace,
Francis,	Mitchell,	White,
Gaulke,	Murphy,	Wirkus,
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,	Porter,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	McGinnis,
Belden,	Hurley,	Williams,
Boyd of Cass,	Lindstrom,	Wood.
Brotnov,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Heskin,	Peoples,
Cryan,	Lenz,	Sharpe.
Erickson,	Offerdahl,	

Messrs. Boyd, of Cavalier, Erickson and Peoples being excused.

So the bill passed and the title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved

That the House resolve itself into a committee of the whole for the consideration of general orders,

And that House Bills Nos. 27 and 6 be considered first,

Which motion prevailed, and

The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Murphy to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose they made the following report:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes,

so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,

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

By substituting for the word "statutes" in the title of the bill the words "Codes of North Dakota."

By striking out from the title of the bill the words "from fifteen hundred dollars to the sum of five hundred dollars."

That the word "Codes" be substituted for the word "statutes" in the first line of the body of the bill.

By inserting after line 7 the following:

Provided, that the provisions of this section shall not apply to the enforcement of any indebtedness or liability that shall have occurred prior to the passage and approval of this act.

By striking out all of section 2.

By striking out the figures "$500" in line 6 and inserting in lieu thereof the figures "$1,000."

Also,

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota relating to usury,

And recommend that the same do pass.

Also,

House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,

And recommend that the same do pass as amended by the committee on taxes and tax laws, also the following amendment:

By adding after the word "address" in amendment in section 14 the following:

"And in case the property covered by such certificate is occupied then service of such notice shall in addition to the foregoing provision be made upon the person in possession thereof."

Also,

Substitute for House Bill No. 30,

A bill for an act to amend the following sections of the Revised Codes of 1895, viz.: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2327, 2454, 2496; and to repeal the foregoing sections, together with the following sections: 2265 to 2275 inclusive, 2286, 2295 to 2307 inclusive, 2455 to 2458 inclusive,

And recommend that the same do pass as amended by the committee on municipal corporations, also by adding the following words to the title:

"Relating to the incorporation and government of cities."

J. S. MURPHY,
Chairman.

Mr. Gaulke moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

The Speaker stated that all bills reported back from the committee of the whole would be referred to the committee on engrossing.

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

H. E. LAVAYEA,
Chief Clerk.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 6, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Boyd of Cavalier, Erickson, Francis, Lovelace and Peoples, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the thirty-second day and recommend it be amended as follows:

On page 3, after the petition presented by Mr. Hurley, add the words "which was referred to the committee on banks and banking.

On page 3, line 34, after the word "and" that the letter "W." be stricken out and the letter "R." be inserted in lieu thereof.

On page 8, line 24, that the word "stricken" be substituted for the word "stricked."

And when so amended recommend that the Journal of the thirty-second day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-second day was approved.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-second day and recommend the following additional amendments:

On page 2, line 7, strike out the name "Hankinson" and insert in lieu thereof the name "Johnson."

On page 16, line 24, strike out the word "judiciary" and insert in lieu thereof the words "taxes and tax laws."

And when so amended recommend that the Journal of the thirty-second day be adopted.

E. C. SARGENT,
Chairman.

Mr. Ryan moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-second day was approved.

PETITIONS AND COMMUNICATIONS.

The following communication was received from the attorney general:

OFFICE OF ATTORNEY GENERAL,
BISMARCK, Feb. 6, 1897.

To the Honorable House of Representatives of the State of North Dakota, Bismarck, N. D.:

GENTLEMEN: Your communication of February 4, 1897, with annexed resolution, requesting my opinion as to whether there exists any law creating or continuing the office of superintendent of irrigation and forestry has been received.

In reply I will say that I am of the opinion that chapter 76 of the laws passed at the second session of the legislative assembly of this state is still in full force and effect, notwithstanding the fact that the same was omitted from the Revised Codes of 1895.

This is the law creating and continuing the office of superintendent of irrigation and forestry.

Very truly yours,
JOHN F. COWAN,
Attorney General.

Messrs. Wallace and Duncan presented the following petition:

To Hons. John D. Wallace and Alex. Duncan, Representatives First District:

We, the undersigned voters of the First Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

J. M. WYLIE,
(And 86 others.)

Referred to committee on temperance.

Mr. Hawk presented the following petition:

To Hon W. J. Hawk, Representative Eleventh District:

We, the undersigned voters of the Eleventh Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

M. H. KIFF,
(and 37 others)

Referred to committee on temperance.

Mr. Sargent presented the following petition:

To Hon. E. C. Sargent, Representative Eleventh District:

We, the undersigned voters of the Eleventh Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members, to defeat any and

every measure that may be introduced looking to the resubmission, or the repeal, or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

W. H. HASSING,
(And 41 others).

Referred to committee on temperance.

Mr. Joy presented the following petition:

To Hon. H. N. Joy, Representative Second District:

We, the undersigned voters of the Second Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

E. A. TAYLOR,
(and 49 others.)

Referred to committee on temperance.

Mr. Boyd presented the following petition:

To Hon. R. B. Boyd, Representative Eleventh District:

We, the undersigned voters of the Eleventh Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

J. B. MEACHAM,
(and 22 others.)

Referred to committee on temperance.

Mr. Cryan presented the following petition:

To Hon. John Cryan, Representative Thirteenth District:

We, the undersigned voters of the Thirteenth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

S. H. WOOLSEY,
(And 31 others.)

Referred to committee on temperance.

Mr. Cryan presented the following petition:

To Hon. John Cryan, Representative Thirteenth District:

We, the undersigned voters of the Thirteenth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

H. W. EMANUEL,
(And 34 others).

Referred to committee on temperance.

Mr. Hurley presented the following petition:

To Hon. H. D. Hurley, Representative Eighth District:

We, the undersigned voters of the Eighth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

WILLIAM GRIFFITH
(And 19 others).

Referred to committee on temperance.

REPORTS OF STANDING COMMITTEES.

The committee on counties and county boundaries made the following report:

MR. SPEAKER:

Your committee on counties and county boundaries to whom was referred

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota,

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

Strike out in line 14, page 2, after the word "duty," the words "whenever in the judgment of," and insert in their stead the words "when ordered to do so by," and by striking out in line 15, page 2, after the word commissioners, the words, "at any meeting of the same fire breaks shall be made."

And when so amended recommend that the same do pass.

DONALD STEVENSON,
Chairman.

Mr. White moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and

The Speaker referred the bill to the committee on engrossment.

The Speaker announced that he was about to sign
Senate Bill No. 17,
A bill for an act to amend section 2898, and to repeal section 2899 of the Revised Codes.

Also,
Senate Bill No. 13,
A bill for an act to authorize the supreme court or the judges thereof to employ a stenographer.

Also,
Senate Bill No. 11,
A bill for an act to amend section 378 of the Revised Codes, relating to special terms of the supreme court.

Also,
Senate Bill No. 39,
A bill for an act to amend section 6669 of the Revised Codes of the state of North Dakota, being section 53 of the justices code, enacted by the Fourth session of the legislative assembly of the state of North Dakota.

Also,
Senate Bill No. 46,
A bill for an act to repeal article 17, of chapter 22, of the political code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weeds.

Also,
Senate Bill No. 18,
A bill for an act to amend section 2889, Revised Codes.

There being no objections the bills were signed by the Speaker.

The committee on highways, bridges and ferries made the following report:

MR. SPEAKER:
Your committee on highways, bridges and ferries to whom was referred
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive, of article 1, of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways,
Have had the same under consideration and recommend that the same do pass.

Also,
Substitute for House Bill No. 65,
A bill for an act to amend section 1138 of the Revised Codes of

North Dakota, relating to compensation of overseers of highways,

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

EGBERT GILBERTSON,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein,

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

By striking out everything after the word "follows" in line 4 of section 1, and substituting for the balance of the section the following: "He shall be entitled to receive not to exceed $400 in counties where the assessed valuation does not exceed $1,000,000; $500 in counties where the assessed valuation exceeds $1,000,000, but does not exceed $1,500,000; $600 in counties where the assessed valuation exceeds $1,500,000, but does not exceed $2,000,000; $700 in counties where the assessed valuation exceeds $2,000,000, but does not exceed $2,500,000; $800 where the assessed valuation exceeds $2,500,000, but does not exceed $3,000,000; $900 where the assessed valuation exceeds $3,000,000, but does not exceed $4,000,000; $1,000 where the assessed valuation exceeds $4,000,000, but does not exceed $5,000,000; $1,100 where the assessed valuation exceeds $5,000,000, but does not exceed $6,000,000; $1,200 where the assessed valuation exceeds $6,000,000, but does not exceed $7,000,000; $1,300 where the assessed valuation exceeds $7,000,000, but does not exceed $8,000,000; $1,400 where the assessed valuation exceeds $8,000,000, but does not exceed $9,000,000; and in counties where the assessed valuation exceeds $9,000,000 the clerk shall receive the sum of $2,000, if this amount shall be collected by him in fees, provided that no clerk of the district court shall receive for his personal services an amount in excess of $2,000 in any one year as provided by this act, to be paid monthly from the general county fund on the warrant of the county auditor."

By inserting the word "shall" between the words "which" and "be" in line 3 of section 2.

By substituting the word "shall" for the word "also" in line 8 of section 2.

By substituting the words "general county fund" for the words "special salary fund" wherever they occur in the bill.

By substituting the words "excess of" for the word "excessive" in line 8 of secion 3, and the words "have been or may be" for the words "may be" in same line.

By inserting the words "during his term of office" in line 9 of section 3, after the word "officer."

By substituting the word "three" for the word "four" in line 13 of section 4.

By striking out the word "to" in line 7 of section 5.

By substituting the word "practicable" for "practical" in line 4 of section 9.

Reference is had to printed bill.

And when so amended recommend that the same do pass.

ROBERT J. MITCHELL,
Acting Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 15,

A bill for an act entitled an act to amend section 5435 of the code of civil procedure of the state of North Dakota, relating to the jury in the trial of civil actions.

Also,

Senate Bill No. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to the state board of canvassers,

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

Respectfully yours,
J. O. SMITH,
Secretary.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committtee on judiciary to whom was referred

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state,

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

By changing the word "ordinance" to "ordinances" in line 2 of section 1 of printed bill.

By changing the word "possesses" to "possess" in line 15, section 1.

By changing the word "corporation" to "incorporation" in line 13 of section 2.

By inserting the words "or other fiduciary" after the word "administrator" in line 6 of section 4.

By inserting the word "other" before the word "fiduciary" in lines 31 and 34 of section 6.

And when so amended recommend that the same do pass.

Also,

House Bill No. 101,

A bill for an act to amend section 6776 of the Revised Codes, relating to appeals from justices of the peace,

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

By amending the title of the bill so as to read as follows: "A bill for an

act to amend section 6776 of the Revised Codes of North Dakota, relating to undertakings on appeals from judgments rendered in justices court in civil actions."

By substituting the words "before the officer specified" in place of the word "accordingly" in line 9 of the printed bill.

And when so amended recommend that the same do pass.

Also,

House Bill No. 102,

A bill for an act to regulate appeals from justice courts on questions of law,

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

By substituting the words "the justice" for the word "him" in line 5 of section 3 of the printed bill.

By substituting the words "shall be" for the word "are" in line 2 of section 5.

By inserting the word "may" between the words "and" and "direct" in line 7 of section 3.

By substituting the word "within" for the word "in" in line 5 of section 4 of printed bill.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 14,

A bill for an act entitled an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus,

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

By amending the title of the bill so as to read as follows: "A bill for an act to amend sections 8651 and 8653 of the Revised Codes of North Dakota, relating to the writ of habeas corpus."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

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

By amending the title of the bill so as to read as follows: "A bill for an act to amend section 6613 of the Revised Codes of North Dako'a, relating to the duties, fees and compensation of clerks of county courts in counties in which such courts have increased jurisdiction."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 86,

A bill for an act to amend section 2063 of the Revised Codes of North Dakota, relating to deputy clerks of district courts,

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that the subject-matter of this bill is covered by the provisions of House Bill No. 10.

ROBT. J. MITCHELL,
Acting Chairman.

Mr. Mitchell moved

That the report be adopted,

Which motion prevailed, and

The further consideration of Senate Bill No. 86 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 99,

A bill for an act to amend section 7594 of the Revised Codes of North Dakota,

Have had the same under consideration and recommend that the same be referred to the committee on temperance.

ROBT. J. MITCHELL,
Acting Chairman.

There being no objection the Speaker referred House Bill No. 99 to the committee on temperance.

House Bill No. 85,

A bill for an act to amend subdivision 48 of section 2148 of the Revised Codes of the state of North Dakota of the revision of 1895,

Was reported back by the committee on municipal corporations.

Mr. Hurley moved

That the further consideration of

House Bill No. 85,

A bill for an act to amend subdivision 48 of section 2148 of the Revised Codes of the state of North Dakota of the revision of 1895,

Be indefinitely postponed,

Which motion prevailed, and

The further consideration of

House Bill No. 85,

A bill for an act to amend subdivision 48 of section 2148, of the Revised Codes of the state of North Dakota, of the revision of 1895,

Was indefinitely postponed.

The Speaker stated that the bills reported back without amendment would be referred to the committee on engrossment.

Mr. Colby requested that the courtesies of the floor be granted to Hon. A. C. Rankin of Fargo,

Which was granted.

MOTIONS AND RESOLUTIONS.

Mr. Richards offered the following concurrent resolution.

WHEREAS, The legislative assembly of the state of North Dakota has learned with profound sor ow the irreparab e loss to the state of Pennsylvania and to the nation in the destruction of the magnificent capitol building of that state, whose founda'ion was laid by John Adams when Thomas Jefferson was yet active in the affairs of the nation, together with archives and relics of the early life and history of the nation which cannot be replaced; therefore be it

Resolved, That the sympathies of this assembly be and the same are hereby extended to Pennsylvania in this her hour of sorrow; be it further

Resolved, That copies of this resolution, signed by the Speaker of the House and the President of the senate, countersigned by the chief clerk of the House and the secretary of the senate, be forwarded to the president of the senate and speaker of the house of the state of Pensylvania as a token of the sorrow which we feel in common with them.

Mr. Richards moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

The committee on counties made the following report:

MR. PRESIDENT:

Your committee on counties to whom was referred

House Bill No. 93,

A bill for an act providing for primary elections, and prescribing the duties of primary election officers,

Also,

House Bill No. 64,

A bill for an act to provide for the publishing of county and district election returns, as soon as made official, in the county official newspapers.

Also,

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health.

Also,

House Bill No 1,

A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof.

Also,
House Bill No. 60,
A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops.

Also,
House Bill No. 56,
A bill for an act to amend section 5577 of the compiled laws of 1895.

Also,
House Bill No. 89,
A bill for an act to regulate the entry of judgments in civil actions, and the stay of execution thereon and appeals therefrom.

Also,
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224, 227 and 228 of article 3 of the political code of the Revised Codes of North Dakota.

Also,
House Bill No. 14,
A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking.

Also,
House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895.

Also,
House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships.

Also,
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Hawk moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Mr. Power moved
That the vote by which
Senate Bill No. 8,
A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,
Was passed be reconsidered,
Which motion prevailed.

Mr. Power moved that
Senate Bill No. 8,
A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,
Be recommitted to the committee of the whole,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 6, 1897.

To the House of Representatives:

GENTLEMEN: I have the honor to report to you that there has been received and filed in this office reportsf rom the sheriffs of the following counties, in the state of North Dakota, to-wit: Barnes, Burleigh, Benson, Billings, Bottineau, Cavalier, Cass, Dickey, Emmons, Eddy, Foster, Grand Forks, Kidder, Griggs, Logan, LaMoure, McLean, Mercer, Morton, McIntosh, McHenry, Oliver, Pierce, Pembina, Ransom, Rolette, Ramsey, Richland, Stark, Steele, Stutsman, Sargent, Traill, Towner, Walsh, Ward, Wells and Williams, according to the provisions of section 8604 of the Revised Codes of North Dakota, and the same await your action.

Yours respectfully,
F. A. BRIGGS,
Governor.

The Speaker referred the communication from the governor relating to the reports of sheriffs to the committee on state affairs.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 6, 1897.

To the House of Representatives:

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

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by judges of the county courts during their term of office in counties in which said courts have increased jurisdiction,

I have the honor to be,

Yours very respectfully,
FRANK A. BRIGGS,
Governor.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Sargent introduced

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports.

Mr. Goplerud introduced

House Bill No. 108,

A bill for an act requiring the county superintendent of schools 6o file an annual statement in the office of the county auditor to determine the salary of such superintendent as provided in section t52 of the Revised Codes of 1895.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports,

Was read the first and second times, and

Referred to the committee on education.

House Bill No. 108,

A bill for an act requiring the county superintendent of schools to file an annual statement in the office of the county auditor to determine the salary of such superintendent as provided in section 652 of the Revised Codes of 1895,

Was read the first and second times, and

Referred to the committee on education,

Mr. Hurley moved

That the rules be suspended, and that

House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,

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

Which motion prevailed.

Mr. Ryan moved
A call of the House,
Which motion prevailed.

The roll being called, the following members were found to be absent without excuse:
Messrs. Cole, Tanton and Twichell.

Mr. Hankinson moved
That further proceedings under the call of the House be dispensed with,
Which motion prevailed, and
The call of the House was raised.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called their were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Belden,	Hankinson,	Porter,
Boyd of Cass,	Hawk,	Power,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sargent,
Colby,	Johnson,	Sharpe,
Cryan,	Joy,	Stevenson,
Currier,	Korsmo,	Swensen,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Wood,
Goplerud,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Francis,	Tanton,
Cole,	Lovelace,	Twichell.
Erickson,	Peoples,	

So the bill passed and the title was agreed to.

Mr. Hurley moved
That the vote by which House Bill No. 42 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 15.
A bill for an act entitled an "act to amend section 5435 of the code of civil procedure of the state of North Dakota, relating to the jury in the trial of civil actions,"
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 83,
A bill for an act to amend section 536 of the Revised Codes, relating to state board of canvassers,
Was read the first and second times, and
Referred to the committee on elections and privileges.

The House took an informal recess.

HOUSE REASSEMBLED.

Mr. Hankinson moved
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500.

Also,
House Bill No. 6,
A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,
Be made a special order for next Wednesday at 3 o'clock,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

A joint memorial to congress relative to the relief of settlers on lands of the United States formerly within the limits of Indian reservations,

Which the Senate has concurred in.

Also,

Senate Bill No. 22,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the revised civil code of 1895, relating to banking.

Also,

Senate Bill No. 33,

A bill for an act to amend chapter 29, Revised Codes of 1 895. entitled villages.

Also,

Senate Bill No. 2,

A bill for an act to amend section 4681 of the civil code of the state of North Dakota.

Also,

Senate Bill No. 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota.

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

Respectfully yours,
J. O. SMITH,
Secretary.

THIRD READING OF SENATE BILLS.

Senate Bill No. 4,

A bill for an act to provide for refunding the outstanding bonded and other indebtedness of the state of North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Porter,
Belden,	Hawk,	Power,
Boyd of Cass,	Heskin,	Richards,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Dunton,	Lindstrom,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Gaulke,	McPherson,	Wood,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Murphy,	Mr. Speaker.
Guinan,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Erickson,	Peoples,
Cole,	Francis,	Ryan,
Duncan,	Lovelace,	Tanton.

Messrs. Boyd of Cavalier, Erickson, Francis, Lovelace, Peoples and Tanton being excused.

So the bill passed and the title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved

That the House resolve itself into the committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole for The consideration of general orders.

The Speaker called Mr. Wallace to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee of the whole House have had under consideration

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,

And recommend that the bill do pass with the following amendment:

That section 1 of Senate Bill No. 8 be amended as follows: "After the word "corporations" in line 7 of printed bill, strike out the words "except as herein otherwise provided;" and to amend section 3 as follows: By striking out of said section all after the word "maintained."

Also,

House Bill No. 61,

A bill for an act to amend section 1804 of the Revised Codes of North Dakota,

And recommend that the bill do pass as amended by the committee on judiciary.

Also,

By amending the title so as to read as follows:

"A bill for an act to amend section 1804 of the Revised Codes of North Dakota relating to the qualification of newspapers to do legal printing."

Also,

House Bill No. 74,

A bill for an act providing for a change of the place of trial in civil actions in the district court on the ground of prejudice in the trial judge,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

Senate Bill No. 12,

A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895, relating to the printing of briefs and abstracts,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 11,

A bill for an act to amend section 515 of the Revised Codes of 1895 relating to the marking of official ballots,

And recommend that the same do pass as amended by the committee on elections and privileges.

Also,

House Bill No. 68,

A bill for an act regulating the disposition of road work and taxes by the board of township supervisors,

And recommend that the same do pass as amended by the committee on highways, bridges and ferries.

Also,

House Bill No. 77,

A bill for an act to amend the political code, relating to the game of football,

And recommend that further consideration of the bill be indefinitely postponed.

J. D. WALLACE,
Chairman.

Mr. Mitchell moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted.

Mr. Hankinson and Mr. Guinan were excused until next Wednesday.

Mr. Twichell, Howard, Lindstrom and Sargent were excused until next Tuesday.

Mr. Joy moved

That the House do now adjourn,

Which motion prevailed and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

THIRTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 8, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankinson, Howard, Lindstrom, McGinnis, Richards, Sargent, Twichell and Wallace who were excused.

Mr. Cole requested that the courtesies of the floor be extended to Dr. I. N. Wear and L. P. Pritchard of Fargo.

Mr. Lenz requested that the courtesies of the floor be extended to Anton Haas of Stutsman county.

Mr. Johnson requested that the courtesies of the floor be extended to J. P. Fahnlender of Richland county.

Mr. White requested that the courtesies of the floor be extended to P. J. Pellissier of Billings county.

Mr. Baker requested that the courtesies of the floor be extended to O. B. Bryant of Logan county.

Mr. Wood requested that the courtesies of the floor be extended to Dr. H. M. Wheeler of Grand Forks county.

Mr. Ryan requested that the courtesies of the floor be extended to E. C. Carruth of Grand Forks,
Which was granted.

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

MR. SPEAKER:
Your committee on agriculture to whom was referred
House Bill No. 87,
A bill for an act to protect song and insect-eating birds and their nests.
Have had the same under consideration and recommend that the same do not pass, as same is covered by code.

H. M. WILLIAMS,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred,
Senate Bill No. 79,
A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners,
Have had the same under consideration and recommend that the same be referred to the judiciary committee, as they have another bill on the same subject under consideration.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
Senate Bill No. 79 was
Referred to the committee on judiciary.

The committee on corporations other than municipal made the following report:

MR. SPEAKER:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 19,

A bill for an act entitled an act to regulate domestic corporations,

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

J. S. JOHNSON,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

House Bill No. 100,

A bill for an act repealing an act entitled an act creating the office of state superintendent of irrigation and forestry and prescribing the duties thereof.

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

That before the words "entitled" in the first line of the title of the original bill, the words "repealing an act" be inser ed.

And when so amended recommend that the same do pass.

E. F. PORTER,
Chairman.

The committee on supplies and expenditures made the following report:

MR. SPEAKER:

The committee on supplies and expenditures to whom was referred

Mr. Cryan's resolution of January 29, calling for report from state treasurer, respectfully submit the following report:

BISMARCK, N. D., January 30, 1897.

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

Pursuant to your resolution of January 29th I respectfully transmit the following information:

Respectfully yours,
G. E. NICHOLS,
State Treasurer.

Cash on hand at close of business January 30, 1897, three hundred and

twenty-four thousand six hundred and fifty-five and ninety-three one hundredths dollars ($324,655.93), and belonging to the following-named funds:

General fund	$	17,264	39	
Permanent school fund		150,766	68	
Capitol building fund		27	00	
Trust fund		490	44	
Grafton school for the feeble-minded		26,370	14	
Russian thistle and French weed fund		916	38	
Interest and income fund		32,280	65	
State tuition fund		91,039	70	
Bond interest fund		5,500	55	—$324,655 93

Deposited as follows:

First National bank, Bismarck	$	24,964	84	
First National bank, Fargo		34,364	73	
Red River Valley National bank, Fargo		22,436	14	
Merchants State bank, Fargo		20,979	35	
First National bank, Dickinson		15,458	52	
Goose River bank, Mayville		8,848	55	
Grafton National bank, Grafton		1,095	76	
First National bank, Mandan		6,307	87	
First National bank, Pembina		8,252	66	
First National bank, Lisbon		9,542	79	
First National bank, Casselton		10,407	73	
First National bank, Park River		6,210	11	
Citizens National bank, Wahpeton		9,047	75	
Cummings State bank, Cummings		2,301	89	
State Bank of Page		2,758	10	
State Bank of Lisbon		933	29	
Cass County State bank, Casselton		5,055	26	
State Bank of Buffalo		2,327	74	
The National bank, Wahpeton		3,959	56	
State Bank of Sheldon		2,506	04	
First National bank, Larimore		782	69	
Morton County State bank, Mandan		2,502	79	
Hillsboro National bank, Hillsboro		4,145	04	
First National bank, Devils Lake		2,890	45	
First National bank, Grand Forks		10,803	37	
Funding warrants, not collected		40,000	00	—$258,883 02

Amount on deposit in suspended banks:

Citizens National bank, Fargo	$	47,801	93	
Grand Forks National bank		9,712	30	
Second National bank, Grand Forks		3,124	95	
First National bank, Minot		2,866	64	
First National bank, Minot, draft deposited, payment stopped and now in litigation		2 267	09	—$ 65,772 91
Total				$324,655 93

Each of the above depositories have given bonds to the state of North Dakota for double the amount of deposit, which in every case is ample security for the amount asked for.

I have carefully investigated the bonds of the suspended banks, and am satisfied that the state is well secured and will receive every dollar that is due.

The provisions of article four (4) of chapter four (4) of the Revised Codes have been complied with so far as it applies to this office.

H. PEOPLES,
Chairman.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. PRESIDENT:

Your committee on engrossed bills to whom was referred

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota, relating to service of papers when a party shall have an attorney in the action.

Also,

House Bill No. 32,

A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes of North Dakota, relating to the service of summons on domestic corporations in civil actions.

Also,

House Bill No. 33,

A bill for an act to amend section 5730 of the Revised Codes of North Dakota, relating to the service of papers on non-residents after demurrer, answer or notice of appearance.

Also,

House Bill No. 44,

A bill for an act to amend section 2345 of the Revised Codes of North Dakota relating to the incorporation of villages.

Also,

House Bill No. 95,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Belden presented the following:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That we watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty. The government of Spain having lost control of Cuba and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the government of the United States should actively use its influences and its good offices to restore peace and to give independence to the island.

Mr. Belden moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Hurley offered the following:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring:

That the superintendent of public instruction be and hereby is requested to take such steps as may be necessary to secure the celebration of Lincoln's birthday, now a legal holiday in this state, by appropriate readings and exercises in the public schools of this state.

Mr. Hurley moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Hurley moved
That 250 additional copies of the Journal of the tnirty-fifth day be printed for the use of the superintendent of public instruction,
Which motion prevailed.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Hawk introduced
House Bill No. 109,
A bill for an act to amend the Revised Codes relating to elections.

Mr. Johnson introduced
House Bill No. 110,
A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 109,
A bill for an act to amend the Revised Codes relating to elections,
Was read the first and second times, and
Referred to the commiittee on elections and privileges.

House Bill No 110,
A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on education.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 1,

A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof,

Was read the third time.

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

The roll being called there were ayes 37, nays 8, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Peoples,
Baker,	Heskin,	Porter,
Belden,	Hurley,	Power,
Boyd, of Cass,	Joy,	Ryan,
Colby,	Korsmo,	Sharpe,
Cole,	Kroeger,	Stevenson,
Dunton,	Lenz,	Towle,
Earl,	Lovelace,	White,
Ebbighausen,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Butterwick,	Duncan,	McConnachie,
Carlin,	Goplerud,	Swenson.
Dougherty,	Johnson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cavalier,	Hankinson,	Sargent,
Brotnov,	Howard,	Syvertson,
Cryan,	Lindstrom,	Tanton,
Currier,	McGinnis,	Twichell,
Erickson,	Offerdahl,	Wallace.
Guinan,	Richards,	

Messrs Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankinson, Howard, Lindstrom, Sargent, Twichell and Wallace being excused.

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

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health,

Was read the third time.

Mr. McPherson moved
That the bill be recommitted to general orders,
Which motion prevailed, and
House Bill No. 13 was recommitted to general orders.

House Bill No. 14,
A bill for an act to amend sections 3231, 3254, 3255, 3256, and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking,
Was read the third time.

Mr. Joy moved
That the bill be recommitted to the committee on banks and banking,
Which motion prevailed, and
House Bill No. 14 was recommitted to the committee on banks and banking.

House Bill No. 89,
A bill for an act to regulate the entry of judgments in civil actions and the stay of execution thereon, and appeals therefrom,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Butterwick,	Heskin,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lovelace,	White,
Dunton,	McConnachie,	Wirkus,
Earl,	McPherson,	Williams,
Ebbighausen,	Mitchell,	Wood,
Francis,	Murphy,	Mr. Speaker.
Gaulke,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Howard,	Sargent,
Erickson,	Lindstrom,	Twichell,
Guinan,	McGinnis,	Wallace.

Messrs. Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankinson, Howard, Lindstrom, McGinnis, Sargent, Twichell and Wallace being excused:

So the bill passed and the title was agreed to.

House Bill No. 93,
A bill for an act providing for primary elections, and prescribing the duties of primary election officers,
Was read the third time.

Mr. Hurley moved
That the bill be recommitted to general orders,
Which motion prevailed, and
House Bill No. 93 was recommitted to general orders.

House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 and 228, of article 3, of the political code of the Revised Codes of North Dakota,
Was read the third time.

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

The roll being called there were ayes 49, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ans,	Goplerud,	Offerdahl,
Baker,	Hammond,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cass,	Heskin,	Power,
Butterwick,	Hurley,	Ryan,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Tanton,
Duncan,	Lovelace,	Towle,
Dunton,	McConnachie,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Francis,	Murphy,	Wood,
Gaulke,	Northrop,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Howard,	Sargent,
Cole,	Lindstrom,	Twichell,
Erickson,	McGinnis,	Wallace.
Guinan,		

Messrs. Boyd of Cavalier, Brotnov, Cole, Erickson, Guinan,

Hankinson, Howard, Lindstrom, McGinnis, Richards, Sargent, Twichell and Wallace being excused.

Mr. Sharpe asked unanimous consent to amend the title by adding the words, "relating to the board of university and school land," which was granted

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

House Bill No. 64,
A bill for an act to provide for the publishing of county and district election returns, as soon as made official, in the county official newspapers,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 5, nays 43, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Syvertson.
Belden,	Murphy,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Butterwick,	Heskin,	Power,
Carlin,	Hurley,	Ryan,
Colby,	Johnson,	Sharpe,
Cole,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	Lenz,	Tanton,
Dougherty,	Lovelace,	Towle,
Dunton,	McConnachie,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Francis,	Northrop,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Howard,	Sargent,
Duncan,	Kroeger,	Twichell,
Erickson,	Lindstrom,	Wallace.
Guinan,	McGinnis,	

Messrs. Boyd of Cass, Brotnov, Erickson, Guinan, Hankinson, Howard, Lindstrom, McGinnis, Sargent, Twichell and Wallace being excused.

So the bill was lost.

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops,

Was read the third time.

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

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Butterwick,	Heskin,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Lenz,	Tanton,
Dougherty,	Lovelace,	Towle,
Dunton,	McConnachie,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Francis,	Murphy,	Wood,
Gaulke,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Howard,	Sargent,
Duncan,	Kroeger,	Twichell,
Erickson,	Lindstrom,	Wallace.
Guinan,	McGinnis,	

Messrs. Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankinson, Howard, Lindstrom, McGinnis, Sargent, Twichell and Wallace being excused.

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

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-third day and recommend the following amendments:

On page 2, line 6, after the word "letter" the letter "H" be stricken out and the letter "R" be inserted in lieu thereof.

On page 4, line 7, strike out the name "Guinan" and insert in lieu thereof the name "Joy." On lines 26 and 28 substitute the words "engrossment" for the words "counties."

On page 14, line 16, after the word "schools" that the number "60" be stricken out and the word "to" be inserted in lieu thereof.

And when so amended recommend that the Journal of the thirty-third day be adopted.

R. B. BOYD,
Acting Chairman.

Mr. Boyd of Cass moved
That the report of the committee be adopted,
Which motion prevailed, and.
The report of the committee was adopted, and
The Journal of the thirty-third day was approved.

The House took an informal recess.

The House reassembled.

The House returned to the ninth order of business.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Mitchell introduced
House Bill No. 111,
A bill for an act to amend sections 6020, 6046, 6089, 6090, 6091 and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency.

Also,
House Bill 112,
A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home.

Mr. Gaulke introduced
House Bill No. 113,
A bill for an act to repeal sections 1759, 1760, 1761, 1762, 1763, 1764, 1764, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773 of the Revised Codes of North Dakota.

Mr. Dougherty introduced
House Bill No. 114,
A bill for an act repealing sections 1586 and 1587 of the Revised Codes of 1895.

Also,
House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein.

Mr. Carlin introduced
House Bill No. 116,
A bill for an act to provide for the subdivision of school town-

ships and the establishment of independent school districts therefrom.

The House returned to the seventh order of business.

MOTIONS AND RESOLUTIONS.

Mr. Currie moved

That the committee on judiciary be requested to return House Bill No. 67 back to the House, that it may be withdrawn by the author,

Which motion prevailed, and

The bill was returned to the House by the committee on judiciary,

And there being no objection House Bill No. 67 was withdrawn by its author, Mr. Currier.

The House returned to the fifth order of business.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Duncan presented the following petition:

To Hon. Alex Duncan, Representative First District:

We, the undersigned voters of the First Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

H. C. THOMSON,
(And 16 others).

Referred to committee on temperance.

Mr. Swenson presented the following petition:

To Hon. Nicolai Swenson, Representative Sixteenth District:

We, the undersigned voters of the Sixteenth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

C. T. NHUDDEN,
(And 42 others).

Referred to committee on temperance.

Mr. Hammond presented the following petition:

To Hon F. M. Hammond, Representative Twenty-Eighth District:

We, the undersigned voters of the Twenty-Eighth Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the

legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

J. E. BRITTON,
(And 50 others.)

Referred to committee on temperance.

The House returned to the sixth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 15,

A bill for an act entitled an act to amend section 5435 of the code of civil procedure of the state of North Dakota, relating to the jury in the trial of civil actions,

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

Also,

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage,

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

By omitting the words "and re-enacted" in line 2 of the printed bill.

By changing the word "sixteen to "fifteen," and the figures "16" to "15" in line 2 of section 2721.

By changing the word "is" to "be" in line 7 of section 2721.

By omitting all of section 2.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 21,

A bill for an act entitled "an act amending section 5542 of the Revised Codes of North Dakota of 1895, relating to the redemption of real estate from judicial sales,"

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

ORIN W. FRANCIS,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota,

Was read the first and second times, and
Referred to the committee on public health.

Senate Bill No. 2,
A bill for an act to amend section 4681 of the civil code of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 22,
A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the revised civil code of 1895, relating to banking,
Was read the first and second times, and
Referred to the committee on banks and banking.

Substitute for Senate Bill No. 33,
A bill for an act to amend chapter 29, Revised Codes of 1895, entitled villages,
Was read the first and second times, and
Referred to the committee on municipal corporations.

THIRD READING OF SENATE BILLS.

Senate Bill No. 8,
A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state.
Was read the third time.

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

The roll being called there were ayes 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Butterwick,	Heskin,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Dougherty,	Korsmo,	Syvertson,
Duncan,	Lovelace,	Tanton,
Dunton,	McConnachie,	Towle,
Earl,	McPherson,	White,
Ebbighausen,	Mitchell,	Wirkus
Francis,	Murphy,	Williams,
Gaulke,	Northrop,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Guinan,	McGinnis,
Boyd of Cavalier,	Hankinson,	Richards,
Brotnov,	Howard,	Sargent,
Cole,	Kroeger,	Twichell,
Currier,	Lenz,	Wallace.
Erickson,	Lindstrom,	

Messrs. Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankinson, Howard, Kroeger, Lindstrom, McGinnis, Sargent, Twichell and Wallace being excused.

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

Senate Bill No. 12,
A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895, relating to the printing of briefs and abstracts,

Was read the third time.

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

The roll being called there ayes 47, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Goplerud,	Porter,
Be den,	Hammond,	Power,
Boyd of Cass,	Hawk,	Ryan,
Butterwick,	Heskin,	Sharpe,
Carl n,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cryan,	Joy,	Syvertson,
Currier,	Korsmo,	Tanton,
Dougherty,	Lovelace,	Towle,
Duncan,	McConnachie,	White,
Dunton,	McPherson,	Wirkus,
Earl,	Mitchell,	Williams,
Ebb ghausen,	Murphy,	Wood,
Francis,	Northrop,	Mr. Speaker.
Gaulke,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	McGinnis,
Brotnov,	Howard,	Richards,
Cole,	Kroeger,	Sargent,
Erickson,	Lenz,	Twichell,
Guinan,	Lindstrom,	Wallace.

Messrs. Boyd of Cavalier, Brotnov, Erickson, Guinan, Hankin-

son, Howard, Kroeger, Lindstrom, McGinnis, Sargent, Twichell and Wallace being excused.

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

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

H. E. LAVAYEA,
Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 9, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Guinan who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-fifth day and recommend it be amended as follows:

On page 1, line 12, strike out the word "Cass" and insert in lieu thereof the word "Cavalier."

On page 6, line 21, add the letter "k" to the second word making it read "Mr. Hawk."

On page 3 strike out all after the word "inserted" in line 19 and all of line 20.

On page 13, line 3, strike out the word "ninth" and insert in lieu thereof the word "seventh."

On page 13, line 13, add the letter "r" to the name "Currie" making it read "Currier."

On page 14, line 10, strike out the word "fifth" and insert in lieu thereof the word "sixth."

And when so amended recommend that the Journal of the thirty-fifth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-fifth day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Earl presented the following petition:

To Hon. George Earl, Representative Fifteenth District:

We, the undersigned voters of the Fifteenth Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

W. VAN STEENBERGH,
(and 29 others.)

Referred to committee on temperance.

Mr. Joy presented the following petition:

To Hon. H. N. Joy, Representative Second District:

We, the undersigned voters of the Second Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

H. FENNELL,
(and 36 others)

Referred to committee on temperance.

Mr. Lenz presented the following petition:

To Hon. F. A. Lenz, Representative Twenty-third District:

We, the undersigned voters of the Twenty-third Legislative district, hereby

request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

ORIN BARTER,
(And 39 others.)

Referred to committee on temperance.

Mr. McGinnis presented the following petition:

To Hon. John McGinnis, Representative Twenty-third District:

We, the undersigned voters of the Twenty-third Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

HUGH T. KENNEDY,
(And 50 others.)

Referred to committee on temperance.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 9, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 68,
A bill for an act relating to the duty of sheep inspectors.

Also,
Senate Bill No. 96,
A bill for an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers.

Also,
Senate Bill No. 98,
A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895.

Also,
Senate Bill No. 78,
A bill for an act relating to negotiable instruments, being an act

to establish a law uniform with the laws of other states on the subject.

Also,

Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of his state will take judicial notice,

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

Respectfully yours,
J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report:

MR. SPEAKER:

Your committtee on temperance beg leave to report the accompanying resolution:

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, now in Session:

That a special committtee of five members of this House, consisting of Representatives Hurley, Murphy, Colby, Towle and Aas, be raised, whose duty it shall be fully and impartially to investigate and inquire into the reasons and causes inducing or permitting the open violation of the statutes of the state relating to the sale of intoxicating liquors, gambling and other criminal offenses in the county of Burleigh and in the city of Bismarck; and whether the officers whose duty it is to attend to the enforcement of such laws in said county and city are interested in their violation, or whether they are doing all in their power, as such officers, to enforce such laws; and whether such officers are directly or indirectly, as reported and alleged, interested in such violation or otherwise promoting the same.

That said special committee, and a majority of the members thereof, are hereby invested with plenary power to perform and discharge the duty by this resolution enjoined; and in the exercise of the plenary power aforesaid, among other necessary things, may send for and compel the attendance of persons before them and the production of papers, documents and records for their inspection and use as evidence. Said committe shall also have power to appoint a clerk from the House force, whose duty it shall be to do such writing as shall be directed by said committee.

Said committee shall with all reasonable dispatch discharge the duty hereby imposed, and report to this House the facts found and the testimony taken by them and their recommendations thereon.

Have had the same under consideration and recommend its adoption.

N. A. COLBY,
Chairman.

Mr. Colby moved
That the report be adopted.

Mr. McGinnis moved
To lay the report on the table.

Roll call demanded.

The question being upon the motion to lay on the table.

The roll being called there were ayes 15, nays 46, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Porter,
Cole,	Hankinson,	Ryan,
Currier,	Lenz,	Stevenson,
Earl,	McGinnis,	White,
Ebbighausen,	Peoples.	Wirkus.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Belden,	Hawk,	Offerdahl.
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Swenson,
Co'by,	Korsmo,	Syvertson,
Cryan,	Kroeger,	Tanton,
Dougherty,	Lindstrom,	Towle,
Duncan,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Francis,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,		

Mr. Guinan being excused.

So the motion to lay on the table was lost.

The question recurring on the adoption of the resolution,
Mr. Hankinson moved

To amend by striking out the word "Burleigh" and inserting the words "all counties where the prohibition law is being violated."

Roll call demanded.

The question being upon the adoption of the amendment offered by Mr. Hankinson,

The roll being called there were ayes 30, nays 31, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Peoples
Belden,	Hammond,	Porter,
Boyd of Cass,	Hankinson,	Richards,
Brotnov,	Hawk,	Ryan,
Carlin,	Johnson,	Stevenson,
Cole,	Kroeger,	Syvertson,
Cryan,	Lenz,	White,
Currier,	Lovelace,	Wirkus,
Earl,	McGinnis,	Wood,
Ebbighausen,	Mitchell,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Offerdahl,
Boyd of Cavalier,	Howard,	Power,
Butterwick,	Hurley,	Sargent,
Colby,	Joy,	Sharpe,
Dougherty,	Korsmo,	Swenson,
Duncan,	Lindstrom,	Tanton,
Dunton,	McConnachie,	Towle,
Francis,	McPherson,	Twichell.
Gaulke,	Murphy,	Wallace,
Gilbertson,	Northrop,	Williams.
Goplerud,		

Mr. Guinan being excused.

So the amendment was lost.

Mr. Cole moved

As an amendment that this investigation be made public and that every member of the House and every member of the Senate be subpœnaed to appear before the committee.

Roll call demanded.

The question being upon the adoption of the amendment offered by Mr. Cole,

The roll being called there were ayes 21, nays 39, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Power,
Carlin,	Hawk,	Richards,
Cole,	Johnson,	Ryan,
Currier,	Kroeger,	Stevenson,
Earl,	Lenz,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	Porter,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas.	Gilbertson,	Murphy,
Belden,	Goplerud.	Northrop,
Boyd of Cass.	Hammond,	Offerdahl,
Boyd of Cavalier,	Heskin.	Peoples,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe.
Colby,	Joy,	Swenson,
Cryan,	Korsmo,	Tanton,
Dougherty,	Lindstrom,	Towle,
Duncan,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Francis,	McPherson,	Williams.
Gaulke,	Mitchell,	Mr. Speaker.

Mr. Guinan being excused.

So the amendment was lost.

Mr. Cole moved
That the investigation be confined to the knowledge of the committee pertaining to the matter under consideration.

The Speaker declared the motion out of order.

Mr. Hankinson moved
That Richland, Stark, Foster and Walsh be included in the resolution.

Mr. Ebbighausen moved
That the motion be laid on the table,
Which motion was lost.

The question recurring on the amendment offered by Mr. Hankinson.

The amendment was lost.

The question recurring on the adoption of the resolution.

The roll being called there were ayes 40, nays 20, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Belden,	Goplerud,	Northrop,
Boyd of Cass,	Hawk,	Offerdahl,
Boyd of Cavalier,	Heskin,	Power,
Brotnov.	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Colby,	Joy.	Swenson.
Cryan,	Korsmo,	Syvertson.
Currier,	Lindstrom,	Tanton,
Dougherty,	Lovelace,	Towle,
Duncan,	McConnachie,	Twichell,
Dunton,	McPherson,	Wallace.
Francis,	Mitchell,	Williams.
Gaulke,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Ryan,
Carlin,	Kroeger,	Stevenson,
Cole,	Lenz,	White.
Earl,	McGinnis,	Wirkus,
Ebbighausen,	Peoples,	Wood.
Erickson,	Porter,	Mr. Speaker.
Hammond,	Richards,	

Mr. Guinan being excused.

So the resolution was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred

Senate Bill No. 79,

A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners,

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

Also,

House Bill No. 78,

A bill for an act to amend section 1892, of article 7, of chapter 26, Revised Codes,

Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that Senate Bill No. 79 already passed by the Senate covers the same subject matter.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

That the report be adopted,

Which motion prevailed, and

The report was adopted, and

The further consideration of House Bill No. 78 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

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

By amending the title of the bill so as to read as follows:

A bill for an act to amend section 371 of an act passed by the Fourth Legislative assembly of the state of North Dakota, entitled an act to establish a penal code for the state of North Dakota and approved March 2, 1895; and to amend section 7169 of the Revised Codes of North Dakota, relating to adultery,

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

The committee on temperance made the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred

House Bill No. 54,

A bill for an act to amend chapter 110 of the revised laws of

1890, being an act entitled an act to prescribe penalties for the unlawful manufacture, sale and keeping for sale intoxicating liquors, and to regulate the sale, barter and giving away of such liquors for medical, scientific and mechanical purposes in order to give a reward to those who shall secure evidence of violators of said act and swear out complaints against its violation and violators in such act where conviction shall be obtained.

Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

Mr. Colby moved
The adoption of the report,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 54 was indefinitely postponed.

The committee on temperance made the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred
House Bill No. 99,
A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota,
Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

Mr. Colby moved
That the report be adopted,
Which motion was lost.

Mr. Hawk moved
That House Bill No. 99 be made a special order for next Tuesday at 3 o'clock.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Ebbighausen introduced
House Bill No. 117,
A bill for an act limiting the term of holding of offices of county treasurer, sheriff, superintendent of public instruction, auditor, register of deeds, clerk of district court and county judge.

Mr. Northrop introduced
House Bill No. 118,
A bill for an act to amend section 7506 of the Revised Codes.

Mr. Howard introduced
House Bill No. 119,
A bill for an act to amend section 137 of the Revised Codes of 1895, relating to the duties of state examiner.

Mr. Duncan introduced
House Bill No. 120,
A bill for an act to amend section 172 of article 3 of chapter 4 of the Revised Codes of North Dakota, relating to the investment of the permanent school fund.

Mr. Williams introduced
House Bill No. 121,
A bill for an act to regulate common carriers, to define the duties of the commissioners of railroads, and to provide for the control of common carriers within the state.

Mr. Kroeger introduced
House Bill No. 122,
A bill for an act providing for the taxation of sleeping car companies.

Mr. Richards introduced
House Bill No. 123,
A bill for an act to amend section 1482 of the Revised Codes of North Dakota, relating to the support of the poor.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 111,
A bill for an act to amend sections 6020, 6046, 6089, 6090, 6091 and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 112,
A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 113,
A bill for an act to repeal sections 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772 and 1773 of the Revised Codes of North Dakota,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 114,
A bill for an act repealing sections 1586 and 1587 of the Revised Codes of 1895,

Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 116,
A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 117,
A bill for an act limiting the term of office of county treasurer, sheriff, superintendent of public instruction, auditor, register of deeds, clerk of district court and county judge,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 118,
A bill for an act to amend section 7506 of the Revised Codes,
Was read the first and second times, and
Referred to the committee on agriculture.

House Bill No. 119,
A bill for an act to amend section 137 of the Revised Codes of 1895 relating to the duties of state examiner,
Was read the first and second times, and
Referred to the committee on banks and banking.

House Bill No. 120,
A bill for an act to amend section 172 of article 3 of chapter 4 of the Revised Codes of North Dakota, relating to the investment of the permanent school fund,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 121,
A bill for an act to regulate common carriers, to define the duties of commissioners of railroads and to provide for the control of common carriers within the state,
Was read the first and second times, and
Referred to the committee on railroads.

House Bill No. 122,
A bill for an act providing for the taxation of sleeping car companies,
Was read the first and second times, and
Referred to the committee on railroads.

House Bill No. 123,
A bill for an act to amend section 1482 of the Revised Codes of North Dakota, relating to the support of the poor,
Was read the first and second times, and
Referred to the committee on state affairs.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 11,
A bill for an act to amend section 515 of the Revised Codes of 1895, relating to marking of official ballots.

Also,
House Bill No. 104,
A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Also,
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224, 227 and 228 of article 3 of the political code of the Revised Codes of North Dakota.

Also,
House Bill No. 87,
A bill for an act to protect song and insect-eating birds and their nests.

Also,
House Bill No. 74,
A bill for an act providing for a change of place of trial in civil actions in the district court on the grounds of prejudice in the trial judge.

Also,
House Bill No. 68,
A bill for an act regulating the disposition of road work and taxes by the board of township supervisors.

Also,
House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,
Substitute for House Bill No. 65,
A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to compensation of overseers of highways.

Also,

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota, relating to the incorporation and government of cities.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The House took an informal recess.

HOUSE REASSEMBLED.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

The joint 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, praying for the passage of an act for the relief of settlers on lands of the United States, formerly embraced within the limits of Indian reservation in triplicate,

And find the same correctly enrolled.

R. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

The Joint Memorial in relation to the relief of settlers on lands formerly embraced in Indian reservations.

There being no objection the memorial was signed.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 32,

A bill for an act to amend section 5252 of the Revised Codes,

Was read the third time.

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

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Hammond,	Peoples,
Belden,	Hawk,	Porter,

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cole,	Kroeger,	Syvertson,
Cryan,	Lenz,	Towle,
Dougherty,	Lindstrom,	Twichell,
Duncan,	Lovelace,	Wallace,
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Ebbighausen,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Northrop,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Hankinson,	Ryan,
Gaulke,	Murphy,	Tanton.
Guinan.		

Mr. Guinan being excused.

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

House Bill No. 33,
A bill for an act to amend section 5730 of the Revised Codes,
Was read the third time.

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

The roll being called there were ayes, 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerhahl,
Baker,	Goplerud	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Hankinson,	Power.
Guinan,	Murphy,	

Mr. Guinan being excused.

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

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota,

Was read the third time.

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

The roll being called there were ayes 57, nays none, absent and voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Baker,	Gilbertson,	Peoples,
Belden,	Goplerud,	Porter,
Boyd of Cass,	Hammond,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cole,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Guinan,	McGinnis,	Power.
Hankinson,	Murphy,	

Mr. Guinan being excused.

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

Mr. Hurley moved

That the rules be suspended and that the House resolve itself into the committee of the whole for the consideration of general orders,

Which motion was lost.

House Bill No. 44,

A bill for an act to amend section 2345 of the Revised Codes of North Dakota, relating to the incorporation of villages,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Baker,	Gilbertson,	Peoples,
Belden,	Goplerud,	Power,
Boyd of Cass,	Hammond,	Richards,
Boyd of Cavalier,	Hankinson,	Ryan,
Brotnov,	Hawk,	Sargent,
Butterwick,	Heskin,	Sharpe,
Carlin,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cole,	Johnson,	Syvertson,
Cryan,	Joy,	Tanton,
Currier,	Korsmo,	Towle,
Dougherty,	Kroeger,	Twichell,
Duncan,	Lenz,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Guinan,	McGinnis,	Porter.
Lindstrom,	Murphy,	

Mr. Guinan being excused.

So the bill passed and title was agreed to.

House Bill No. 56,

A bill for an act to amend section 5577 of the compiled laws of 1895,

Was read the third time.

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

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Ryan,
Boyd of Cavalier,	Hawk,	Sargent,

Messrs—	Messrs—	Messrs—
Brotnov,	Heskin,	Sharpe,
Butterwick,	Howard,	Stevenson,
Carlin,	Hurley,	Swenson,
Colby,	Johnson,	Syvertson,
Cole,	Joy,	Tanton,
Cryan,	Korsmo,	Towle,
Currier,	Kroeger,	Twichell,
Dougherty,	Lenz,	Wallace,
Duncan,	Lovelace,	White,
Dunton,	McConnachie,	Wirkus,
Earl,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Northrop,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	McGinnis,	Porter,
Guinan,	Murphy,	Richards.
Lindstrom,		

Mr. Guinan being excused.

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

Mr. Twichell moved

To amend House Bill No. 56 as follows:

The words "the sum of twenty-five dollars" be substituted when the words "the sum of thirty-five dollars" occur.

The words "the sum of forty dollars" be substituted when the words "the sum of fifty dollars" occur.

The words "one per cent" be substituted when the words "two per cent" occur,

Which motion prevailed, and

The amendment was adopted.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

A JOINT MEMORIAL

Of the Senate and House of Representatives of North Dakota to the Senate and House of Representatives of the United States, praying for the passage of House File No. 1, now pending in congress, being an act to reclassify and prescribe the salaries of railway postal clerks.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and Speaker of the House of Representatives, attested by the secretary of the Senate and chief clerk of the House of Repr sentatives, be sent to the Senate and House of Represen atives in congress assembled:

WHEREAS, The efficiency of the railway mail service is of the greatest importance to all who have occasion to use the mails; and,

WHEREAS, There has not been a reorganization of the service for the past

twenty-five years, and in consequence there is a great disparity in salaries as compared with the service performed; and,

WHEREAS, The efficiency of the service can be promoted by paying salaries in proportion to the service performed and the efficiency of the clerks, especially in view of the frequent accidents on railways which involve injuries to railway clerks often where passengers escape unharmed; and a bill is now pending before the congress to reclassify and prescribe the salaries of railway postal clerks, therefore, be it,

Resolved by the House of Representatives, the Senate Concurring:

That it is the sense of the Fifth legislative assembly of the state of North Dakota, that said bill, known as House File No. 1, should pass the congress and become a law, and for its passage we humbly pray.

And find the same correctly enrolled in quadruplicate.

ROBT. J. MITCHELL,
Chairman.

House Bill No. 95,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 37, nays 21, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Boyd of Cass,	Hankinson,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Butterwick,	Heskin,	Richards,
Colby,	Johnson,	Sargent,
Cryan,	Joy,	Sharp,
Currier,	Korsmo,	Swenson,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Erickson,	McConnachie,	Towle,
Francis,	McPherson,	Wallace,
Gaulke,	Mitchell,	Mr Speaker.
Gilbertson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Ryan,
Belden,	Hurley,	Stevenson,
Brotnov,	Lindstrom,	Twichell,
Carlin,	Lovelace,	White,
Cole,	Murphy	Wirkus,
Earl,	Offerdahl,	Williams,
Hammond,	Power,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunton,	Guinan,	McGinnis.
Ebbighausen,		

Mr. Guinan being excused.

So the bill passed and its title was agreed to.

The Speaker announced that he was about to sign Resolution requesting congress to pass House File No. 1, relating to railway postal clerks, enrolled in quadruplicate.

There being no objection the resolution was signed.

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

H. E. LAVAYEA,
Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February, 10, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Hankinson and McPherson, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-sixth day and recommend that it be amended as follows:

On page 18 strike out all of lines 17, 18, 19, 20, 21, 22 and 23 and insert in lieu thereof.

"House Bill No. 95,

"A bill for an act to amend section 6874 of the Revised Codes of North Dakota, relating to Sabbath breaking."

And when so amended recommend the adoption of the Journal of the thirty-sixth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-sixth day was approved.

Mr. Howard requested that the courtesies of the floor be extended to Exling Stoa of Traill county.

Mr. Cole requested that the courtesies of the floor be extended to Rev. Van Horn and G. D. Hall of Fargo.

Mr. Ryan requested that the courtesies of the floor be extended to E. C. Cooper of Grand Forks.

Mr. Lenz requested that the courtesies of the floor be extended to James Murphy and H. H. Flint of Stutsman county.

Which requests were granted.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Lovelace presented the following petition:

To Hon. E. S. Lovelace, Representative Fourteenth District:

We, the undersigned voters of the Fourteenth Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

H. B. CANELL,
(and 17 others.)

Referred to committee on temperance.

Mr. Towle presented the following petition:

To Hon. Mr. Towle, Representative Third District:

We, the undersigned voters of the Third Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legis-

lature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

TH. N. LARSON,
(And 33 others).

Referred to committee on temperance.

Mr. Wallace presented the following petition:

To Hon. Mr. Wallace, Representative First District:

We, the undersigned voters of the First Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

HUGH MILL,
(and 15 others)

Referred to committee on temperance.

Mr. Tanton presented the following petition:

To Hon. A. G. Tanton, Representative Twenty-first District:

We, the undersigned voters of the Twenty-first Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

C. G. FAIRBANKS,
(And 24 others.)

Referred to committee on temperance.

Mr. Guinan presented the following petition:

To Hon. H. N. Joy, Representative Second District:

We, the undersigned voters of the Second Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

L. MCLEAN,
(and 65 others.)

Referred to committee on temperance.

Mr. Offerdahl presented the following petition:

To Hon. Andrew Offerdahl,, Representative Seventh District:

We, the undersigned voters of the Seventh Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

W. L. SMITH,
(And 88 others).

Referred to committee on temperance.

Mr. Currier presented the following petition:

To Hon. C. A. Currier, Representative Twenty-first District:

We, the undersigned voters of the Twenty-first Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

JOHN A. HING,
(And 21 others.)

Referred to committee on temperance.

Mr. Currier presented the following petition:

To Hon. C. A. Currier, Representative Twenty-first District:

We, the undersigned voters of the Twenty-first Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

C. G. FAIRBANKS,
(And 23 others.)

Referred to committee on temperance.

Mr. Gaulke presented the following petition:

To Hon. F. H. Gaulke, Senator Seventh Legislative District:

We, the undersigned voters of the Seventh Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

W. F. SMITH,
(And 88 others.)

Referred to committee on temperance.

Mr. Howard presented the following petition:

To the Senate and House of Representatives in Session Assembled at Bismarck, North Dakota:

Your petitioners, the undersigned, would respectfully show that they are citizens and tax payers of the counties of Cass and Traill in the said state of North Dakota. That they have been to great expense to maintain a crossing over the Red river, defrayed by subscription. That during high water they have no crossing at all, much to the detriment and inconvenience of business. That there is no permanent bridge over the Red river between Grand Forks and Fargo, a distance of about eighty (80) miles, and that they are now desirous of building a permanent iron bridge over the said Red river, but are financially unable to do so, and hereby petition your honorable body to appropriate the sum of six thousand ($6,000) dollars to defray one-half (½) the expense of building an iron bridge over the Red river on the section line between sections twenty-four (24) and twenty-five (25), township one hundred and forty-four (144), of range forty-nine (49), west of the fifth principal meridian in North Dakota.

Conditioned that the state of Minnesota appropriate a like amount to build the remaining one-half (½) of the said bridge.

THOS. ELLIOTT,
(And 99 others.

Referred to the committee on appropriations.

The following communication was received:

To the Honorable House of Representatives of the Legislative Assembly of North Dakota:

GENTLEMEN: Inasmuch as the necessity and advantages of the department of irrigation, forestry and fish had due consideration at the hands of the people and legislators for a number of years before the same was established, it would seem wise and just that those who consider this branch of state service is of value, should have an opportunity to express their views before the committee having the repeal bill under consideration. Nevertheless, by some oversight, so far as I can learn, no one outside of the members of the committee was called to present the advantages of the continuation of the office. Hence I deem it my duty to present a few facts to your honorable body for the enlightenment and consideration of each legislator.

Through the working of this department the advantages, economization, necessity and profitableness of an intelligent use of water in connection with agricultural pursuits have been explained; forestry in all its phases has been fully elucidated, and the economic benefits of fish culture made manifest.

The creation of the department was based upon true state policy, as a economic method for the development of the resources of the country, for the enrichment and comfort of the people of the commonwealth, and the operation of the office has always tended in that direction,

It must be apparent to most minds that the cultivation and growth of trees and forests is of paramount importance in a prairie state like ours. There is no state in the west having more favorable conditions for tree growth than North Dakota, where there are now near 45,000 acres of domestic trees under a good state of development.

Our waters and climate are admirably adapted to fish culture, which furnish cheap and nutritious food for the mass of the people at large

Other states are annually spending many thousands of dollars for the maintenance of state departments, having in charge the systems of irrigation; forestry and fish; and it is safe to say a large majority of the people and the

legislators of North Dakota believe these economic departments should continue to receive the fostering care of our state.

But some contend that in the name of economy, the department under consideration should be blo'ted out. Let it be remembered, as all bounties for tree culture have been discontinued by the state, the maintenance of this office is the only expense incurred by the state in the interests of forestry, except, however, the printing of the governor's Arbor day proclamation, and postage for mailing the same.

This is the cost per year to the state for the running of this department, to-wit: $1,000 for salary of superintendent, and $500 for traveling and other expenses. Judging by the cost of other reports, the expense of printing the present report must be not over, but less than $300, making a total of $1,800 a year which covers all the expenses of the office.

But the total traveling and other expenses of my department since 1891 to the present time, as rendered to and paid by the state has been less than $500, or less than $85 per year, making the total expenditure not over $1,385 per year, less than the sum usually paid for a good clerk in the state departments The balance of my traveling and other expenses have come out of my own private bank account. I sometimes secure free transportation on the railways; but I have never, at any time, charged the state one cent for transportation when traveling on free passes. Hence, all can see the state has never been charged for any extravagancies on the part of the subscriber, when in the discharge of his official duties.

It is the current testimony that my reports will bear instruction; that they are standard productions, and reliable text books and of great value to the farmer, the statesman and the author, and that they present a mass of facts pertaining to our state and its wonderful resources that cannot be secured from any other source.

Is not the amount and quality of the work performed and the practical success of this department worth the sum of $1,385 per year?

The fish culture branch of this department of our state is of vital importance and value to the people, and yet the writer receives no salary for the vast amount of work performed. Can the same amount of efficient and practical work be done any cheaper? The state superintendent of irrigation and forestry is ex-officio state fish commissioner for North Dakota. Hence the repeal of the law creating the former office makes null and void the latter.

I respectfully urge this: That the question of the repeal of the law creating the office of state superintendent of irrigation and forestry may have due consideration that parties to both sides of the question may be thoroughly informed in regard to the same. I also ask that my report, which will soon be here, may be thoroughly investigated. Then I urge all legislators who sincerely and honestly believe it will be for the best interest of the commonwealth and its citizens to wipe out the department of irrigation, forestry and fish, to use every fair and honorable means by words or parliamentary action to accomplish their desire; and I also respectfully urge that all legislators who honestly and sincerely believe that said department should be continued for the practical benefit of our progressive state and people, to stand fast to their convictions, and by strong, truthful words, and fair parliamentary movements, strive to sustain the office of the state superintendent of irrigation and forestry, and the state fish commissioner of North Dakota. I ask these things because, as a humble citizen of North Dakota, I desire an intelligent, fair and honest discussion as regards the merits and usefulness of this branch of state service. It is safe to trust the issue to the battle of wisdom between the two opposing and equally honest and faithful parties, both of whom are seeking the welfare, as they view the situation, of the country and its denizens.

I cannot but trust and believe the majesty of this intelligent body, after due investigation, will deem it wise and best to continue the department of irrigation, forestry and fish, and will act accordingly.

Yours respectfully,

W. H. BARRETT.

The Speaker presented the following communication:

To the Hon. Speaker of the House of Representatives of the State of North Dakota:

I have the honor to inform your honorable body that the joint resolution and memorial herewith transmitted has passed both houses of the legislature of the state of South Dakota and has been approved by the governor. And further, I have been directed to request the adoption and transmission of a like memorial by the honorable legislative assembly of the state of North Dakota.

Respectfully submitted,
JOHN COLVIN,
Speaker.

Attest:
JONAS H. LIEN,
Chief Clerk.

A JOINT RESOLUTION.

Enquiring into the Alien Ownership of Lands, Etc., in the United States.

Be it Resolved by the House of Representatives of the State of South Dakota, the Senate Concurring:

WHEREAS, A general opinion prevails among our people, that non-resident aliens own a large percentage of the wealth of the United States; therefore be it

Resolved, That we urge upon our representatives in congress that a provision be made in the twelfth census for ascertaining the amount of real estate, bonds, stocks, shares, machinery or any other property whatever owned by non-resident aliens of the United States; and be it further

Resolved, That a copy of this joint resolution be forthwith transmitted to our representatives in congress.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report as follows:

That the joint memorial praying for relief of settlers on lands formerly within the limits of Indian reservations,

Having been duly signed in triplicate by the Speaker of the House and the President of the Senate, was delivered to the honorable, the secretary of state, this 10th day of February, 1897, at 2:15 o'clock p. m.

Also,

That the concurrent resolution for a memorial to congress, praying for the passage of the bill (H. F. No. 1) to reclassify and prescribe the salaries of railway postal clerks,

Having been duly signed in quadruplicate by the Speaker of the House and President of the Senate was delivered to the honorable, the secretary of state, this 10th day of February at 2:16 o'clock p. m.

ROBT. J. MITCHELL,
Chairman.

The committee on public health made the following report:

MR. SPEAKER:

Your committee on public health to whom was referred
Senate Bill No. 109,
A bill for an act relating to the practice of osteopathy in the state of North Dakota,
Have had the same under consideration, and a majority recommend that further consideration of the bill be indefinitely postponed.

G. W. EARL,
Chairman.

A minority of the committee on public health made the following report:

MR. SPEAKER:

A minority of the committee on public health to whom was referred
Senate Bill No 109,
A bill for an act relating to the practice of osteopathy in the state of North Dakota,
Have had the same under consideration and recommend that the same do pass.

G. W. EARL,
E. C. SARGENT,
C. A. ERICKSON,
A Minority of the Committee.

Mr. Hawk moved
That Senate Bill No. 109 be committed to general orders,
Which motion prevailed.

The committee on forestry made the following report:

MR. SPEAKER:

Your committee on forrestry to whom was referred
House Bill No. 12,
A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SCHOOL OF FORESTRY—LOCATION.] A state school of forestry, to be known as the North Dakota School of Forestry, the special object of which shall be the instruction in such arts and sciences as shall hereafter be determined by the board of directors, and especially in the art and science of forest culture, and which shall embrace a preparatory department, where all the various branches shall be taught pertaining to a good common

school education, is located at Bottineau, in the county of Bottineau, state of North Dakota, by virtue of the vote taken thereon in accordance with chapter 120 of the session laws of 1893.

SEC. 2. MANAGEMENT.] The said school shall be under the direction of a board of directors, and shall be governed and supported as hereinafter provided.

SEC. 3. BOARD HOW APPOINTED.] The board of directors shall consist of three members to be appointed by the governor with the consent and advice of the Senate, two of whom shall be appointed for the term of two years and one for a term of four years. Thereafter and at each biennial session of the legislative assembly and on or before the third Monday in February during each session there shall be nominated by the governor and by and with the advice of the Senate appoint for the term of four years, commencing on the first Tuesday in April following such appointment, directors to fill vacancies occurring by the expiration of the term of office of those previously appointed. The governor shall have power to fill all vacancies in said board which may occur when the legislative assembly is not in session, and the members of said board shall hold office until their successors are appointed and qualified as provided by this act. Provided, further, that in all cases where the governor has made an appointment to fill a vacancy when the legislative assembly is not in session the term of office of the director or directors so appointed shall expire on the first Tuesday in April following the next session of the legislative assembly.

SEC. 4. COMMISSION—OATH—ORGANIZATION.] The governor shall cause to be issued to each of said directors a commission, which shall be under the seal of the state. At the first meeting of said board the members thereof shall take and subscribe the oath of office required of all civil officers of the state, and shall then proceed to elect a president, secretary and treasurer, but the treasurer shall not be a member of said board of directors. A majority of said board shall be a quorum for the transaction of business. The board shall require a bond of its treasurer, and fix the amount thereof.

SEC. 5. MEETINGS—COMPENSATION.] The board of directors shall hold its meetings at Bottineau and fix the time of holding the same, provided there shall not exceed three regular meetings in each year. The members shall receive as compensation for their services three (3) dollars per day for each day employed, and all traveling expenses necessarily incurred therein, which sum shall be paid out of the state treasury upon vouchers of said board duly certified by the president and secretary thereof, which sum is hereby appropriated therefor. The president of said board shall have power to call special meetings whenever in his judgment it becomes necessary.

SEC. 6. ACCOUNTS—HOW AUDITED.] The board shall audit all accounts against the funds appropriated by the legislative assembly of the state of North Dakota, or held by the state for the use of the school of foresty, and the state auditor shall issue his warrants upon the state treasurer for the amount of all accounts which shall have been so audited and allowed by the board of directors and attested by the president and secretary of the same.

SEC. 7. REPORT.] The board of directors shall make a report to the governor on or before the first Monday in December next preceding each biennial session of the legislative assembly, to be published in the biennial report of the superintendent of public instruction, in addition to the other publications as provided by law.

And when so amended recommend that the same do pass.

J. B. BOYD,
Chairman.

Mr. Hurley moved
That the bill be referred to general orders,
Which motion prevailed, and
House Bill No. 12 was so referred.

The committee on education made the following report:

MR. SPEAKER:

Your committee on education to whom was referred

House Bill No. 108,

A bill for an act requiring the county superintendent of schools to file an annual statement in the office of the county auditor to determine the salary of such superintendent as provided in section 652 of the Revised Codes of 1895,

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

Also,

House Bill No 110,

A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota,

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

That the title be amended by adding the following: "Relating to the duties and compensation of the directors of school districts."

And when so amended recommend that the same do pass.

Also,

House Bill No. 70.

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state, and educational institutions receiving aid from the state,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. S. MURPHY,
Chairman.

Mr. Porter moved

That the report be adopted,

Which motion prevailed, and

The report was adopted, and

The further consideration of House Bill No. 70 was indefinitely postponed.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

Substitute for House Bill No. 53,

A bill for an act to repeal section 482 of the Revised Codes of North Dakota,

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

Also,
Senate Bill No. 83,
A bill for an act to amend section 536 of the Revised Codes, relating to the state board of canvassers,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 109,
A bill for an act to amend the Revised Codes relating to elections.

Also,
House Bill No. 38,
A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to the preparation of ballots to be used at all general and special elections for state, county, city, district, villages, or other public officers within the state, and prescribing the manner of arranging thereon the names of candidates to be voted for and the questions to be voted upon,
Have had the same under consideration and report them back with a substitute therefor.

C. L. LINDSTROM,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1897.

MR. SPEAKER:
I have the honor to return herewith
Substitute for House Bill No. 15,
A bill for an act providing for the taxation of insurance companies,

Also,
Concurrent resolution offered by Mr. Williams of Burleigh.

Also,
House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,

Also,
House Bill No. 51,
A bill for an act fixing the date when the term of office of county auditor shall commence,
Which the Senate has passed.

I also have the honor to return
House Bill No. 59,
A bill to provide for the allowance and payment of witness fees in certain cases,
Which the Senate has amended as follows:

By inserting in line 6, section 1, after the word "committed" and before the word "section" in line 7, the words "to and confined in prison, under,"
And passed as amended.

Also,
House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary,
Which the Senate has amended by adding a repealing clause as follows:

"All acts or parts of acts in conflict of this act are hereby repealed,"
And passed as amended.

Also,
A concurrent resolution introduced by Mr. Murphy,
Which the Senate has indefinitely postponed.

Respectfully yours,
J. O. SMITH,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Towle moved
That the committee on judiciary be requested to report back
House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,
Without recommendation,
Which motion prevailed, and
The bill was reported back without recommendation.

Mr. Towle requested unanimous consent to withdraw
House Bill No. 47,
A bill for an act to require manufacturers to label, print or brand each package manufactured and offered for sale in this state, the name of article, quality and amount,
Which was granted, and
House Bill No. 47 was withdrawn.

Mr. Currier moved
That the vote by which the resolution introduced by the tem-

perance committee yesterday was adopted be reconsidered for the purpose of making a motion that the field of investigation for this committee be extended so far as possible during the time they can give to the object of the resolution.

Roll call demanded.

The question being upon the motion to reconsider.

The roll being called there were ayes 36, nays 19, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Porter,
Belden,	Johnson,	Power,
Boyd, of Cass,	Kroeger,	Richards,
Boyd, of Cavalier,	Lenz,	Ryan,
Butterwick,	Lindstrom,	Sargent,
Carlin,	Lovelace,	Sharpe,
Cole,	McConnachie,	Stevenson,
Currier,	McGinnis,	Twichell,
Earl,	Mitchell,	White,
Ebbighausen,	Murphy,	Wirkus,
Erickson,	Offerdahl,	Wood,
Gaulke,	Peoples,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Korsmo,
Brotnov,	Goplerud,	Northrop,
Colby,	Heskin,	Swenson,
Dougherty,	Howard,	Tanton,
Duncan,	Hurley,	Towle,
Dunton,	Joy,	Wallace.
Francis,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Hawk,	Syvertson,
Guinan,	McPherson,	Williams.
Hankinson,		

So the motion to reconsider was carried.

Mr. Currier moved

That the resolution be amended by striking out the words "county of Burleigh and city of Bismarck" when they occur in said resolution, and insert the words "in the different counties and cities in the state."

Which motion prevailed, and

The amendment was carried.

Mr. Hawk moved

That after the name "Aas" insert "and five other members of this House to be appointed by the Speaker,"

Which motion was lost.

Mr. Dougherty moved

That the entire proceedings be expunged from the record,

Which motion was lost.

Roll call demanded on the adoption of the resolution as amended.

The question being upon the adoption of the resolution as amended.

The roll being called there were ayes 36, nays 21, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Murphy,
Belden,	Hawk,	Northrop,
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Swenson,
Colby,	Joy,	Tanton,
Currier,	Korsmo,	Towle,
Dunton,	Lindstrom,	Twichell,
Francis,	Lovelace,	Wallace,
Gilbertson,	McConnachie,	Wood,
Goplerud,	Mitchell,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Ebbighausen,	Peoples,
Carli,	Erickson,	Porter,
Cole,	Gaulke,	Ryan,
Cryan,	Guinan,	Sharpe,
Dougherty,	Kroeger,	Stevenson,
Duncan,	Lenz,	White,
Earl,	McGinnis,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	Offerdahl,	Williams.
McPherson,	Syvertson,	

Messrs. Hankinson and McPherson being excused.

So the resolution was adopted as amended.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 73,

A bill for an act to amend sections 8518 and 8519 of the Revised

Codes of 1895, as to the boards of trustees and the appointment of members thereof for the state penitentiary and the state reform school,

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

Also,

A concurrent resolution in regard to Cuban liberty,

Which the Senate has concurred in.

Also,

A concurrent resolution regarding the observance of Lincoln's birthday in the public schools,

Which the Senate has concurred in.

Respectfully yours,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1897.

MR. SPEAKER:

I have the honor to inform you

That the Senate has passed a resolution appointing a joint committee of four from the Senate and four from the House to whom shall be referred all election bills, and the President has appointed as such committee on the part of the Senate Messrs. Marshall, Hanna, Wishek and McCarten.

Respectfully yours,
J. O. SMITH,
Secretary.

The House took an informal recess.

THE HOUSE REASSEMBLED.

The hour having arrived for the consideration of the special orders,

House Bill No. 27,

A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500.

Was read the third time.

Mr. Mitchell moved

To amend the bill by striking out the word "occurred" and inserting the word "accrued,"

Which motion prevailed.

Mr. McGinnis moved
That further consideration of
House Bill No. 27,
A bill for an act to amend section 5518 of the revised statutes, so as to reduce the additional personal property exemptions from $1,500 to the sum of $500,
Be indefinitely postponed,
Which motion was lost.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays 31, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Murphy,
Belden,	Gilbertson,	Peoples.
Boyd of Cass.	Johnson,	Power,
Boyd of Cavalier,	Joy.	Sargent,
Colby,	Korsmo,	Sharpe,
Cole,	Kroeger,	Swenson,
Currier,	Lenz,	Towle,
Dunton.	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

Those voting in the negative were:

Messrs—	Messers—	Messrs—
Aas,	Hammond,	Richards,
Brotnov,	Hawk,	Ryan.
Butterwick,	Heskin.	Stevenson,
Carlin,.	Howard,	Syvertson,
Cryan,	Lindstrom,	Tanton,
Duncan,	Lovelace.	Twichell,
Earl,	McGinnis,	White,
Erickson,	Northrop,	Wirkus,
Francis,	Offerdahl,	Wood,
Gaulke,	Porter,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Hankinson,	McPherson.
Ebbighausen,	Hurley,	

Messrs. Hankinson and Hurley being paired.

Mr. McPherson being excused.

So the bill was lost.

Mr. Gaulke moved
That the vote by which House Bill No. 27 was lost be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed, and
The motion to reconsider was laid on the table.

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,

Was read the third time.

Mr. Wallace moved

That the further consideration of the bill be indefinitely postponed.

Roll call demanded.

The question being upon the motion to indefinitely postpone.

The roll being called there were ayes 22, nays 36, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hawk,	Richards,
Cole,	Howard,	Swenson,
Dougherty,	Joy,	Twichell,
Ebbighausen,	Lenz,	Wallace,
Erickson,	Lindstrom,	White,
Francis,	Lovelace,	Wirkus,
Gaulke,	Mitchell,	Wood.
Goplerud,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Earl,	Offerdahl,
Baker,	Gilbertson,	Peoples,
Beldeu,	Guinan,	Porter,
Boyd of Cass,	Hammond,	Power,
Brotnov,	Heskin,	Ryan,
Butterwick,	Johnson,	Sargent,
Carlin,	Korsmo,	Sharpe.
Colby,	Kroeger,	Syverison,
Cryan,	McConnachie,	Tanton,
Currier,	McGinnis,	Towle,
Dunc n,	Murphy,	Williams.
Dunton,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	McPherson,	Stevenson.
Hurley,		

Messrs. Hankinson and Hurley being paired.

Messrs. Hankinson and McPherson being excused.

So the motion to indefinitely postpone was lost.

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

The roll being called there were ayes 34, nays 24, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Ryan,
Boyd of Cass,	Heskin,	Sargent,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Korsmo,	Stevenson,
Carlin,	Kroeger,	Syvertson,
Colby,	McConnachie,	Tanton,
Cryan,	McGinnis,	Towle,
Duncan,	Murphy,	Williams,
Dunton,	Northrop,	Mr. Speaker.
Earl,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hawk,	Power,
Cole,	Howard,	Richards,
Currier,	Joy,	Swenson,
Dougherty,	Lenz,	Twichell,
Ebbighausen,	Lindstrom,	Wallace,
Erickson,	Lovelace,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Porter,	Wood.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hankinson,	Hurley,	McPherson.

Messrs. Hankinson and Hurley being paired.

Messrs. Hankinson and McPherson being excused.

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

Mr. Cryan moved

That the vote by which House Bill No. 6 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed, and

The motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,

Which the Senate has passed.

Respectfully yours,
J. O. SMITH,
Secretary.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Howard introduced
House Bill No. 124,
A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen free competition in the importation or sales of articles imported into the state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price of such product or articles to producer or consumer, or any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for violations of this act; to authorize any person or corporation damaged by any such trust, agreement or combination to sue for the recovery of such damage, and for other purposes.

Mr. Hurley introduced
House Bill No. 125,
A bill for an act to amend section 6841 of the Revised Codes of North Dakota relating to Sabbath breaking.

Mr. Kroeger introduced
House Bill No. 126,
A bill for an act defining telegraph and telephone companies, and providing for their assessment and taxation.

Mr. Brotnov introduced
House Bill No. 127,
A bill for an act to amend section 346 of the Revised Codes of the state of North Dakota, relating to the filing of bonds of township officers, and duties of county auditors and township clerks in relation thereto.

Mr. Colby introduced
House Bill No. 128,
A bill for an act to create the office of state temperance commissioner.

The committee on elections and privileges introduced
Substitute for House Bill No. 38 and House Bill No. 109,
A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota, relating to elections.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed, or which tend to advance, reduce or control the price of such product or article sto producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney-general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for violations of this act; to authorize any person or corporation damaged by any such trust, agreement or combination, to sue for the recovery of such damage and for other purposes,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 125,

A bill for an act to amend section 6841 of the Revised Codes of North Dakota, relating to Sabbath breaking,

Was read the first and second times, and

Referred to the committee of the whole

House Bill No. 126,

A bill for an act defining telegraph and telephone companies, and providing for their assessment and taxation,

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

House Bill No. 127,

A bill for an act to amend section 346 of the Revised Codes of the state of North Dakota, relating to the filing of bonds of township officers and duties of county auditor and township clerks in relation thereto,

Was read the first and second times and

Referred to the committee on state affairs.

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond,

Was read the first and second times, and

Referred to the committee on temperance.

Substitute for House Bill No. 38 and House Bill No. 109,

A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota relating to elections,

Was read the first and second times, and

Referred to the committee of the whole.

Mr. Twichell asked unanimous consent to introduce a concurrent resolution,

Which was granted, and

Mr. Twichell introduced the following concurrent resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives the Senate Concurring:

SECTION 1. That the following proposed amendmend of section 179 of the constitution of the state of North Dakota, relating to the assessment of railroads, express companies, sleeping car companies, dining car companies, telegraph companies and telephone companies, be referred to the legislative assembly to be chosen at the next general elec ion in said state, to be by said last mentioned legislative assembly submitted to the people of said state for adoption or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

SEC. 2. That section 179 of the constitution of the state of North Dakota be amended to read as follows:

SEC. 179. All property, except as hereinafter in this section provided, shall be assessed in the county, city, township, town, village or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails and rolling stock of all railroads; and the franchise and all other property of all express companies, sleeping car companies, dining car companies, telegraph or telephone companies or corporations used or operated in this state, or engaged directly or indirectly in the carrying of persons, property or messages, shall be assessed by the state board of equalization at their actual value, and such assessed valuation shall be apportioned to the counties, cities, towns, villages, townships and districts in which such railroad companies, express companies, sleeping car companies, dining car companies, telegraph and telephone companies are located, or through which they are operated, as a basis for the taxation of such property, in proportion to the number of miles of such property within such counties, cities, towns, villages, townships and districts, or over which any part of such property is used or operated within such counties, cities, towns, villages, townships and districts. But should any railroad allow any portion of its roadway to be used for any purpose other than the operation of a railroad thereon, such portion of its roadway, while so used, shall be assessed in the manner provided for the assessment of other real estate property.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Wood asked unanimous consent to introduce a resolution

Which was granted, and

Mr. Wood introduced the following resolution:

WHEREAS, House Bill No. 42 prescribes certain duties to be performed by the county treasurers and clerks of the district courts of the state, immediately upon its passage and approval, and

WHEREAS, To intelligently discharge such duties they should have correct copies of the bill as it passed the House and Senate; therefore, be it

Resolved, That 200 copies of the bill as passed be printed and delivered to

the state auditor, who is hereby requested to transmit copies thereof to each county treasurer and clerk of the district court in the state.

Mr. Wood moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 11,
A bill for an act to amend section 515 of the Revised Codes of 1895 relating to the marking of official ballots,

Was read the third time.

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

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Porter,
Baker,	Heskin,	Power,
Belden,	Howard,	Richards,
Boyd of Cass,	Hurley,	Ryan,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Carlin,	Korsmo,	Stevenson,
Colby,	Kroeger,	Swenson,
Cole,	Lenz.	Syvertson,
Cryan,	Lindstrom,	Tanton,
Dougherty,	Lovelace,	Towle,
Duncan,	McConnachie,	Twichell,
Dunton,	McGinnis,	Wallace,
Ebbighausen,	Mitchell,	White,
Francis,	Murphy,	Wirkus,
Gilbertson,	Northrop,	Williams,
Goplerud,	Offerdahl,	Wood,
Guinan,	Peoples,	Mr. Speaker.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Erickson,	Hankinson,
Currier,	Gaulke,	McPherson.
Earl,		

Messrs. Hankinson and McPherson being excused.

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

House Bill No. 30,
A bill for an act to amend the following sections of the politica code of 1895, viz.: 2148, 2176, 2189, 2287, 2288, 2292, 2293, 2294 2302, 2311, 2312, 2314, 2327, 2454, 2496, and to repeal the foregoing

sections, together with the following sections, 2265 to 2275 inclusive, 2286, 2295 to 2301 inclusive, 2303 to 2307, inclusive, 2455 to 2458 inclusive,

Was read the third time.

Mr. Hurley offered the following amendment:

In subdivision 62, section 1, line 3, page 12, on printed bill, strike out the words "breweries, distilleries."

In subdivision 69, section 1, line 1, page 13, on printed bill, strike out the words "distillers, brewers,"

And moved its adoption,
Which motion prevailed, and
The amendment was adopted.

Mr. Francis offered the following amendment:

Amend subdivision 67 of section 1 by striking out all of said subdivision after the word "limits" in line 4 thereof,

And moved its adoption,
Which motion prevailed, and
The amendment was adopted.

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

The roll being called there were ayes 58, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Peoples,
Baker,	Hammond,	Porter,
Belden,	Hawk,	Power,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cole,	Kroeger,	Syvertson,
Cryan,	L-nz,	Tanton,
Currier,	Lindstrom,	Towle,
Dougherty,	Lovelace,	Twichell,
Duncan,	McConnachie,	Wallace,
Dunton,	McGinnis,	White,
Earl,	Mitchell,	Wirkus,
Ebbighausen,	Murphy,	Williams,
Francis,	Northrop,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Erickson,	Hankinson,	McPherson.
Gaulke,		

Messrs. Hankinson and McPherson being excused.

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

The Speaker announced that he was about to sign
Senate Bill No. 4,
A bill for an act providing the outstanding bonded and other indebtedness of the state of North Dakota,
There being no objection the bill was signed by the Speaker.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 56,
A bill for an act to amend section 5577 of the Revised Code of North Dakota,

Also,
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Murphy moved
That the rules be suspended and Senate Bill No. 73 be read the first and second times and referred to its proper committee,
Which motion prevailed, and
Senate Bill No. 73,
A bill for an act to amend sections 8518 and 8519 of the Revised Code of 1895, as to the boards of trustees and the appointment of members thereof for the state penitentiary and state reform school,
Was read the first and second times, and
Referred to the committee on judiciary,

Mr. Cole moved
That the House no now adjourn,
Which motion was lost.

Mr. Earl moved
That Substitute for House Bill No. 38 and House Bill No. 109, be printed,
Which motion prevailed, and
The substitute bill was ordered printed.

House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota,
Was read the third time.

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

The roll being called there ayes 53, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Goplerud,	Power,
Be'den,	Guinan,	Richards,
Boyd of Cass,	Hawk,	Ryan,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cole,	Korsmo,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Wallace,
Dougherty,	Lindstrom,	White,
Duncan,	Lovelace,	Wirkus,
Dunton,	McConnachie,	Williams,
Earl,	McGinnis,	Wood,
Ebbighausen,	Mitchell,	Mr. Speaker.
Francis,	Northrop,	

Absent and not voting:

Messrs--	Messrs—	Messrs—
Erickson,	Hankinson,	Offerdahl,
Gaulke,	McPherson,	Porter,
Hammond,	Murphy,	Twichell.

Messrs. Hankinson and McPherson being excused.

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

Substitute for House Bill No. 65,

A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to the compensation of overseers of highways,

Was read the third time.

Mr. Duncan moved

That the bill be recommitted to the committee on highways, bridges and ferries,

Which motion prevailed, and

The bill was recommitted to the committee on highways, bridges and ferries.

House Bill No. 68,

A bill for an act regulating the disposition of road work and taxes by the board of township supervisors,

Was read the third time.

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

The roll being called there were ayes 35, nays 23, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Goplerud,	Ryan,
Boyd of Cass,	Hurley,	Sharpe,
Boyd of Cavalier,	Johnson,	Stevenson,
Butterwick,	Korsmo,	Swenson,
Carlin,	Lenz,	Syvertson.
Cryan,	Lindstrom,	Tauton,
Currier,	Lovelace,	Towle,
Duncan,	McConnachie,	Wallace,
Dunton,	Mitchell,	White,
Earl,	Murphy,	Williams,
Gaulke,	Power,	Mr. Speaker.
Gilbertson,	Richards,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Brotnov,	Hawk,	Peoples,
Colby,	Heskin,	Porter,
Dougherty,	Howard,	Sargent,
Ebbighausen,	Joy,	Twichell,
Erickson,	Kroeger,	Wirkus.
Francis,	McGinnis,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	McPherson,	Wood.
Hankinson,		

Messrs. Hankinson and McPherson being excused.

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

Mr. Ebbighausen moved
That the House do now adjourn,
Which motion was lost.

House Bill No. 74,
A bill for an act providing for a change of the place of trial in civil actions in the district court on the ground of prejudice in the trial judge,
Was read the third time.

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

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cavalier,	Hawk,	Power,
Brotnov,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,

Messrs—	Messrs—	Messrs—
Carlin,	Hurley,	Sharpe,
Cryan,	Johnson,	Stevenson,
Currier,	Korsmo,	Swenson
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Dunton,	Lindstrom,	Towle,
Earl,	Lovelace,	Twichell,
Ebbighausen,	McConnachie,	Wallace,
Erickson,	McGinnis,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Richards,
Colby,	Joy,	White.
Cole,	McPherson,	

Messrs. Hankinson and McPherson being excused.

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

Mr. Dougherty moved
That the House do now adjourn,
Which motion was lost.

House Bill No. 87,
A bill for an act to protect song and insect-eating birds and their nests,
Was placed upon its third reading.

Mr. Williams moved
That further consideration of House Bill No. 87 be indefinitely postponed,
Which motion prevailed, and
The further consideration of House Bill No. 87
Was indefinitely postponed.

House Bill No. 104,
A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota,
Was read the third time.

Mr. Mitchell moved
That the bill be recommitted to committee on judiciary,
Which motion prevailed, and
The bill was recommitted to
The committee on judiciary.

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

H. E. LAVAYEA,
Chief Clerk

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 11, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ebbighausen, Hankinson and Peoples, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-eighth day and recommend it be amended as follows:

On page 2, line 24, strike out the words "was granted" and insert in lieu thereof "requests were granted."

On page 7, line 38, after the letter "H," strike out the letter "R." and insert in lieu thereof the letter "F."

On page 9, line 2, insert the letter "t" in the word vote.

On page 14, line 7, insert "36" in place of "21," and "21" in lieu of "36."

On page 17, line 40, after the letter "i" in Hankison insert the letter "n."

On page 18, line 33, strike out the number "42" and insert in lieu thereof the number "6."

On page 21, line 12, insert the letter "e" in the word amendment.

On page 21, line 26, insert the letter "l" in the word sleeping after the letter "s."

On page 28, line 31, strike out the letter "n" and insert in lieu thereof the letter "D."

And when so amended recommend that the Journal of the thirty-seventh day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-seventh day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. White presented the following petition:

To Hon. A. White, Representative Thirty-first district:

We, the undersigned voters of the Thirty-first Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

ANDY KNUDSON,
(And 19 others.)

Referred to the committee on temperance.

Messrs. Butterwick and Boyd presented the following petition:

To Hons. John Butterwick and J. B. Boyd, Representatives Eighteenth District:

We, the undersigned voters of the Eighteenth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

H. T. HELGESON,
(and 47 others.)

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred
House Bill No. 36,
A bill for an act to provide for granting of the right of way by

municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,

Have had the same under consideration and recommend that the same do pass as amended by the judiciary committee.

E. F. PORTER,
Chairman.

The committee on state affairs made the following majority report:

MR. SPEAKER:

The majority of your committee on state affairs to whom was referred

House Bill No. 49.

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 recommend that the same be amended as follows:

That the figures "35" be inserted after the dollar sign in line 4, section 2 of the original bill.

And when so amended recommend that the same do pass.

P. N. KORSMO,
THOS. RICHARDS,
THEO. NORTHROP,
JOHN CRYAN.

A minority of the committee on state affairs made the following report:

MR. SPEAKER:

A minority of your committee on state affairs to whom was referred

House Bill No. 49,

A bill for an act fixing the maximum rate railroad companies may charge for the transportation of coal mined within the state of North Dakota,

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. PORTER,
W. J. HAWK,
D. STEVENSON.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred,
House Bill No 123,
A bill for an act to amend section 1482 of the Revised Codes of North Dakota, relating to the support of the poor,
Have had the same under consideration and report it back without recommendation.

E. F. PORTER,
Chairman.

The committee on municipal corporations made the following report:

MR. SPEAKER:

Your committee on municipal corporations to whom was referred
Substitute for Senate Bill No. 33,
A bill for an act to amend section 2365, article 2, chapter 29 of the Revised Codes of 1895, relating to powers of board of trustees of villages,
Have had the same under consideration and recommend that the same be amended as follows:

In section 16 of engrossed bill strike out the words "and twenty-five cents poll tax on all property subject by law to taxation."

And when so amended recommend that the same do pass.

T. TWICHELL,
Chairman.

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred
House Bill No. 23,
A bill for an act authorizing the building and construction of railway tracks at or near any station or terminus of any railroad to connect with elevators, warehouses and mills,
Have had the same under consideration and recommend that the same do not pass.

Also,
House Bill No. 71,
A bill for an act to amend section 2980 of the Revised Codes of North Dakota,
Have had the same under consideration, and recommend that the title of the bill be amended as follows:

After the word "Dakota" insert the words: "Relating to the fencing o railway right of way."

Also in lines 17 and 18 of printed bill strike out the words "by the right of eminent domain."

And when so amended recommend that the same do pass.

Also,

House Bill No. 9,

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,

Have had the same under consideration and recommend that the same do not pass.

T. TWICHELL,
Acting Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

Substitute for House Bill No. 53,

A bill for an act to repeal section 482 of the Revised Codes of North Dakota.

Also,

House Bill No. 108,

A bill for an act requiring the county superintendent of schools to file an annual statement in the office of the county auditor to determine the salary of such superintendent as provided in section 652 of the Revised Codes of 1895.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Twichell moved

That the further consideration of

House Bill No. 9,

A bill for an act to provide for the erection of grain warehouses and elevators on the right of way of railroad corporations and contiguous thereto.

Also,

House Bill No. 23,

A bill for an act authorizing the building and construction of railway tracks at or near any station or terminus of any railroad to connect with elevators, warehouses and mills,

Be indefinitely postponed,

Which motion prevailed, and
The further consideration of House Bills Nos. 9 and 23 were indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 111,
A bill for an act to amend sections 6020, 6046, 6089, 6090, 6091 and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency,
Have had the same under consideration and recommend that the same do pass.

O. W. FRANCIS,
Chairman.

The committee on labor made the following report:

MR. SPEAKER:
Your committee on labor to whom was referred
House Bill No. 8,
A bill for an act governing the use of labels,
Have had the same under consideration and recommend that the same be indefinitely postponed.

C. A. CURRIER,
Chairman.

Mr. Currier moved
The adoption of the report,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 8 was indefinitely postponed.

The committee on labor made the following report:

MR. SPEAKER:
Your committee on labor to whom was referred
Senate Bill, No. 1,
A bill for an act in relation to the labor of convicts in the state of North Dakota,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out section 3 and inserting in lieu thereof the following:
SEC. 3. This act shall take effect and be in force from and after Novem-

ber 1, A. D. 1897, and when so amended report the same back without recommendation.

And when so amended recommend that the same do pass.

C. A. CURRIER,
Chairman.

COMMUNICATION FROM BOARD OF TRUSTEES OF PUBLIC PROPERTY.

The following communication was received:

BISMARCK, N. D., Feb. 9, 1897.

To the Senate and House of Representatives:

By the provisions of section 155 of the Revised Codes, it is the duty of the board of trustees of public property to furnish an estimate to your honorable body of the "Appropria ion necessary to defray the expenses of keeping the capitol building, executive mansion and public grounds in repair, and for fuel and other incidental expenses for keeping and maintaining the state offices for the ensuing two years."

We beg leave to state that the expense for maintenance as indicated above for the year 1896 was $21,801.65

It is our opinion that the sum of $25,000 per year, or $50,000 for the coming biennial period will be required for maintenance.

Very respectfully,
F. A. BRIGGS, Governor,
N. B. HANNUM, Auditor,
FRED FALLEY, Secretary of State,
Board of Trustees of Public Property.

And the communication was referred to the committee on appropriations.

MOTIONS AND RESOLUTIONS.

Mr. Mitchell moved

That the committee on judiciary be authorized to consider generally House Bill No. 104.

There being not objection, it was so ordered.

Mr. Currier offered the following

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

WHEREAS, The fish hatcheries and fish stations belonging to the United States government are insufficient to provide an adequate supply of fish for the present and increasing demands of the states and territories of the union, and hence there is an imperative necessity for more federal fish hatcheries; and

WHEREAS, North Dakota contains numerous large rivers, lakes and ceaseless flowing springs whereby an abundance of suitable and a never failing supply of water can be secured within its borders for the hatching, propagation and culture of fish; and

WHEREAS, North Dakota is centrally located, being near midway between the Atlantic and Pacific oceans, and is traversed by numerous continental

railway lines, giving proper facilities for the rapid shipment of fish to destination in any direction; and

WHEREAS, The nearest station where fish is hatched or gathered by the general government is at or near Duluth on the east, and Quincy on the south, and on or in the vicinity of the Pacific ocean on the west; now, therefore,

Be it Resolved, That the members of congress from the state of North Dakota be, and are hereby, requested to take prompt action and to use all proper means to secure the passage of a law with ample appropriation for the establishment and maintenance of a national fiish hatchery in the state of North Dakota.

Resolved, That three copies of this resolution be engrossed, and that the secretary of state be required to send one copy to Senators Hansbrough and Roach and one copy to Hon. M. N. Johnson, representative, and request them to lay the same before congress at their earliest opportunity for its favorable consideration.

Mr. Currier moved
The adoption of the resolution.

Mr. Hurley moved
To lay it on the table,
Which motion was lost.

The question recurring on the adoption of the resolution,
The resolution was adopted.

The Speaker announced that he was about to sign
Senate Bill No. 12,
A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5631) of the Revised Codes of 1895 relating to the printing of briefs and abstracts,
There being no objection the bill was signed by the Speaker.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Boyd introduced
House Bill No. 130,
A bill for an act to provide for the bulletining of time of arrival at and departure from of passenger trains at stations in this state.

Mr. Cole introduced
House Bill No. 131,
A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 130,
A bill for an act to provide for the bulletining of time of arrival at and departure from of passenger trains at stations in this state,
Was read the first and second times, and
Referred to the committee on railroads.

By unanimous consent
House Bill No, 131,
A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,
Was read the first and second times, and
Referred to the committee on railroads.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive, of article 1, of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relative to opening and vacating highways,
Was read the third time.

Mr. Lindstrom moved
That House Bill No. 83 be recommitted to the committee of the whole,
Which motion prevailed, and
The bill was recommitted to the committee of the whole.

CONSIDERATION OF MESSAGES FROM THE SENATE.

The Speaker appointed Messrs. Hawk, Lindstrom, Earl and White on the part of the House as requested, the Senate resolution requesting that a committee of eight be appointed by the Senate and House to whom all election bills shall be referred.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 11, 1897.

MR. SPEAKER:
I have the honor to transmit herewith
Senate Bill No. 102,
A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota, relating to the salary and expenses of the state board of railroad commissioners,
Which the Senate has passed and your favorable consideration thereof is respectfully requested.

Also,

CONCURRENT RESOLUTION.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed one hundred thousand dollars at such

discount as will allow a reasonable rate of interest. Such indebtedness to be come due and payable on or before July 1, 1898. The condition of the treasury is such that there is no money in the general fund to meet the balance of expense of the legislature, the state institutions and miscellaneous expenses of the state; that the collection of taxes from the counties from now until July will not be sufficient to meet these expenses: therefore, this loan is necessary to protect the credit of the state and state institutions.

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

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Earl moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Mr. Twichell moved
That the House concur in the Senate amendments to
House Bill No. 59,
A bill for an act to provide for the allowance and payment of witness fees in certain cases,
Which motion prevailed, and
The amendments were concurred in.

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

The roll being called there were ayes 49, nays none, absent and voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Murphy,
Baker,	Hammond,	Northrop,
Belden,	Hawk,	Offerdahl,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McPherson,	Wirkus,
Gilbertson,	Mitchell,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Hankinson,	Power,
Cryan,	McGinnis,	Sharpe,
Earl,	Peoples,	Williams,
Ebbighausen,	Porter,	Wood.
Gaulke,		

Messrs. Ebbighausen, Hankinson and Peoples being excused.

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

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 68,
A bill for an act relating to the duty of sheep inspectors,
Was read the first and second times, and
Referred to the committee on sheep husbandry.

Senate Bill No. 96,
A bill for an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 98,
A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 78,
A bill for an act relating to negotiable instruments, being an act to establish a law uniform with the laws of other states on the subject,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 102,
A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota, relating to the salary and expenses of the state board of railroad commissioners,
Was read the first and second times, and
Referred to the committee on state affairs.

The House took an informal recess and the Speaker stated that Mrs. deLendrecie of Fargo would address the House on osteopathy.

The Speaker called Mr. Twichell to the chair.

Mr. Ryan of Grand Forks escorted Mrs. deLendrecie to the rostrum

HOUSE REASSEMBLED.

Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice,

Was read the first and second times, and

Referred to the committee on judiciary.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the attorney general:

OFFICE OF ATTORNEY GENERAL,
BISMARCK, Feb. 11, 1897.

To the Honorable House of Representatives of the State of North Dakota, Bismarck, N. D.:

GENTLEMEN: Pursuant to the resolution of your honorable body of February 1, requesting me to give you my opinion in regard to the delinquent taxes on lands owned by the Northern Pacific Railroad company in this state, I have the honor to say that I have commenced an investigation of the legal questions involved in the assessment of said lands and the levy of taxes thereon and will at an early date submit to you my conclusions from such investigation.

In addition to the examination of the law on this subject I will say that I am arranging for conference with the officials of the road with a view to securing payment of their taxes on a fair and equitable basis without further litigation. I hope to bring about such conference at once and will report the result to you.

Very truly yours,
JOHN F. COWAN,
Attorney General.

THIRD READING OF SENATE BILLS.

Senate Bill No. 79,

A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners,

Was read the third time.

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hammond,	Porter,
Belden,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Kroeger,	Swenson,

Messrs—	Messrs—	Messrs—
Cryan,	Korsmo,	Syvertson;
Currier,	Lenz,	Tanton,
Dougherty,	Lindstrom,	Towle,
Duncan,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Earl,	McGinnis,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood,
Goplerud,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Peoples.
Ebbighausen,	Hankinson,	

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and the title was agreed to.

Mr. Twichell moved

That the rules be suspended and that

Senate Bill No. 109,

A bill for an act relati g to the practice of osteopathy in the state of North Dakota,

Be taken from general orders and placed upon its third reading and final passage.

Mr. Francis moved

That as a substitutethat

Senate Bill No. 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota,

Be made a special order for next Tuesday.

The Speaker ruled the amendment out of order.

Roll call demanded.

The question being upon the motion to suspend the rules.

The roll being called there were ayes 40, nays 18, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Ryan,
Belden,	Hurley,	Sargent,
Boyd of Cass,	Lenz,	Sharpe,
Boyd of Cavalier,	Lindstrom,	Stevenson,
Brotnov,	Lovelace,	Swenson,
Carlin,	McConnachie,	Syvertson,
Cole,	McGinnis,	Tanton,
Currier,	McPherson,	Towle,
Dougherty,	Mitchell,	Twichell,
Earl,	Northrop,	Wallace,
Erickson,	Offerdahl,	White,
Goplerud,	Power,	Williams,
Guinan,	Richards,	Mr. Speaker.
Hawk,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Korsmo,
Butterwick,	Gaulke,	Kroeger,
Colby,	Gilbertson,	Murphy,
Cryan,	Howard,	Porter,
Duncan,	Johnfon,	Wirkus,
Dunton,	Joy,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Hankinson,	Peoples.
Hammond,		

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the motion to suspend the rules and that Senate Bill No. 109 be read the third time and placed upon its final passage was carried.

Senate Bill No 109,
A bill for an act relating to the practice of osteopathy in the state of North Dakota,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 16, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Power,
Belden,	Hawk,	Richards,
Boyd of Cass,	Heskin,	Ryan,
Boyd of Cavalier,	Hurley,	Sargent,
Brotnov,	Kroeger,	Sharpe,
Butterwick,	Lenz,	Stevenson,
Carlin,	Lindstrom,	Swenson,
Colby,	Lovelace,	Syvertson,
Currier,	McConnachie,	Tanton,
Dougherty,	McGinnis,	Towle,
Duncan,	McPherson,	Twichell,
Earl,	Mitchell,	Wallace,
Gaulke,	Northrop,	Williams,
Gilbertson,	Porter,	Mr. Speaker.
Goplerud,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Murphy,
Cole,	Howard,	Offerdahl,
Cryan,	Johnson,	White,
Dunton,	Joy,	Wirkus,
Erickson,	Korsmo,	Wood.
Francis,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Hankinson,	Peoples.

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and its title was agreed to.

Mr. Twichell moved
That the vote by which Senate Bill No. 109 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed, and
The motion to reconsider was laid on the table.

Senate Bill No. 15,
A bill for an act entitled an act to amend section 5435 of the code of civil procedure of the state of North Dakota, relating to the jury in the trial of civil actions,
Was read the third time.

The question being upon the final passage of the bill,

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hammond,	Porter,
Belden,	Hawk,	Richards,
Boyd of Cass,	Heskin,	Ryan,
Boyd of Cavalier,	Howard,	Sargent,
Bronnov,	Hurley,	Sharpe,
Butterwick,	Johnson,	Stevenson,
Carlin,	Joy,	Swenson,
Colby,	Korsmo,	Syvertson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	Towle,
Dougherty,	Lindstrom,	Twichell,
Duncan,	Lovelace,	Wallace,
Dunton,	McGinnis,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Erickson,	Peoples,
Earl,	Hankinson,	Power,
Ebbighausen,	McConnachie,	Wood.

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 19,

A bill for an act entitled an act to regulate domestic corporations,

Was read the third time.

The question being upon the final passage of the bill,

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Power,
Belden,	Hammond,	Richards,
Boyd of Cass,	Hawk,	Ryan,
Boyd of Cavalier,	Heskin,	Sharpe,
Brotnov,	Howard,	Stevenson,
Butterwick,	Hurley,	Swenson,
Carlin,	Joy,	Syvertson,
Colby,	Kroeger,	Tanton,
Cryan,	Leuz,	Towle,
Currier,	Lindstrom,	Twichell,
Dougherty,	Lovelace,	Wallace,
Duncan,	McConnachie,	White,
Dunton,	McGinnis,	Wirkus,
Earl,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Northrop,	Mr. Speaker.
Gilbertson,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hankinson,	Murphy,
Ebbighausen,	Johnson,	Peoples.
Erickson,	Korsmo,	Sargent.

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and the title was agreed to.

Mr. Hawk moved

That when the House adjourn it adjourn to meet on Saturday, February 13, 1897, at 2 o'clock p. m.,

Which motion prevailed.

Senate Bill No. 21,

A bill for an act entitled "an act amending section 5542 of the Revised Codes of North Dakota of 1895, relating to the redemption of real estate from judicial sales,"

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Northrop,
Baker,	Goplerud,	Offerdahl,
Belden,	Guinan,	Power,
Boyd of Cass,	Hammond,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cole,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Murphy,	Porter.
Hankinson,	Peoples,	

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and title was agreed to.

Senate Bill No. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to state board of canvassers,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud	Offerdahl,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,

Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Peoples.
Ebbighausen,	Murphy,	

Messrs. Ebbighausen, Hankinson and Peoples being excused.

So the bill passed and the title was agreed to.

Mr. Power moved
That the House return to the thirteenth order of business,
Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Power moved
That the House concur in the Senate amendments to House Bill No. 46.
Which motion prevailed, and
The House concurred in the Senate amendments.

House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes relating to the diminution of sentence for good conduct of inmates of the penitentiary,

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

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Northrop,
Baker,	Goplerud,	Offerdahl,
Belden,	Guinan,	Porter,
Boyd of Cavalier,	Hammond,	Power,
Brotnov,	Hawk,	Richards,
Butterwick,	Heskin,	Ryan,
Carlin,	Howard,	Sargent,
Colby,	Hurley,	Sharpe,
Cole,	Johnson,	Stevenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Joy,	Swenson,
Ebbighausen,	Murphy,	White.
Hankinson,	Peoples,	

Messrs. Ebbighausen, Hankinson and Peoples being excused.

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

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

H. E. LAVAYEA,
Chief Clerk.

FORTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 13, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Aas, Boyd of Cass, Dougherty, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Korsmo, McGinnis, McPherson, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the thirty-eighth day and recommend it be amended as follows:

On page 5, line 7, after the letter "o" at end of line insert the letter "f."

On page 7 strike out all of line 3.

On page 14, line 7, in the second name in the line, strike out the letter "f" and insert in lieu thereof the letter "s,"

And when so amended recommend that the Journal of the thirty-eighth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the thirty-eighth day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota, relating to the incorporation and government of cities.

And find the same correctly re-engrossed.

W. J. HAWK,
Chairman.

PETITIONS AND COMMUNICATIONS.

Mr. Power presented the following petition:

To Hon. J. B. Power, Representative Twelfth District:

We, the undersigned voters of the Twelfth Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

G. C. MCCLURE,
(and 28 others.)

Referred to committee on temperance.

Mr. Johnson presented the following petition:

To Hon. J. S. Johnson, Representative Twelfth District:

We, the undersigned voters of the Twelfth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

WILLIAM RANGER,
(And 11 others.)

Referred to committee on temperance.

Mr. Currier presented the following communication:

To the Honorable Members of the House of Representatives of the Legislative Assemby of the State of North Dakota:

I respectfully call your attention to the following facts that you may see the absolute necessity of passing such laws as may remedy the evils.

It is very evident the annual consumption of wood material in North Dakota is far in excess of the yearly growth of the native and domestic woods and trees of the state.

The Indians of our state are cutting trees in large quantities, many of which, according to my personal knowledge, are young, sound and growing. The trees, in form of fire wood, are being sold in the market. Leading prominent men of our state are very emphatic in their denunciation of this practice, and have earnestly urged that I take some action whereby these facts may come before your honorable body, that suitable laws may be passed at this session to prevent this wholesale destruction of our woods, which practice has been carried on for years in our state.

As the Indians are supported mainly by the general government, it would seem but right to restrict their use of wood to only their natural demands in the way of fuel and other domestic purposes.

For years it has been contended by reliable citizens of the Turtle Mountain region that the Indians living there, many of whom are aliens, set fires to the timber for the express purpose of killing the trees in order that they may cut the same as dead timber, which they sell in the market under sanction of a sort of common consent practice, without warrant or law.

This is a very serious matter, and influential and leading citizens at the Turtle Mountains respectfully ask through the writer that you may enact such measures as will guard against such useless and ruinous destruction of our woods.

I know by observation and through investigation of the destruction by fire of thousands of acres of the timber or woods at the Turtle Mountains, much of which belonged to the state or its citizens. Thus millions of dollars worth of the property or natural production of the state are destroyed without benefit to anyone. Besides burning and destroying this wood material, so much needed by the residents of our commonwealth for domestic purposes, the fires destroy all young trees and seeds, and much of the soil of the mountains, thus removing the elements favorable for tree growth.

It is safe to say that at least three-quarters of the timber raised at the Turtle in the past has been destroyed by fire. A prominent man of excellent judgment, living there and engaged in cutting timber on his own land for the market, told me this about two months ago, to-wit: "The destruction of the wood material by fire at the Turtle Mountains is enormous. For every cord of wood produced at that point, and consumed by the people in the way of fuel, or used for building purposes, nine cords are destroyed by fire."

This appalling destruction of our woods has continued for long years,

even before North Dakota became a state, and yet no law has been pssed to remedy this great evil. Hence there is an imperative necessity for suitable laws to be enacted by this session of the legislative assembly for the protection of timber and trees, native and domestic, of our state from destruction by prairie and other fires.

One of the conditions under which I received fish from the national fish commission is that the fish sent for propagation shall be protected for a series of years, that they may not be destroyed until they commence breeding. It must be evident there is an imperative need of a law to protect planted fish, and such a bill will soon be introduced in the House having this object in view. Such a bill passed the Senate at the last session of the legislative assembly, but it was too late to act on it in the House at the closing day of the session

It has come to my knowledge that numerous groves of young thrifty trees have been destroyed by fires originating from the sparks of railroad engines, causing great loss and depreciation of values to those owning such trees. Hence, should not some fair and equitable law be passed to guard against such destruction, or providing for a compensation to those thus losing their property?

Many trees are wantonly destroyed or injured in our state—these are found upon our prairies, in our native woods, along our city streets, highways, in our school and churchyards, and upon the farm, in the nursery, in the village and city lots and in our public and private parks. And numerous leading citizens of our state have urged that the writer bring your attention to the necessity of suitable laws whereby all trees of our state, native, private or public shall be suitably protected from wanton destruction or injury.

Yours truly,

W. W. BARRETT,

State Superintendent of Irrigation and Forestry.

Dated February 13, 1897.

Referred to committee on forestry.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice,

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

Also,

House Bill No. 80,

A bill for an act to amend section 8158 of the Revised Codes of North Dakota,

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that Senate Bill No. 98 covers the same subject-matter.

ORIN W. FRANCIS,

Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 80 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred
Senate Bill No. 98,
A bill for an act to amend sections 8158 and 8159, of chapter 10, of the code of civil procedure of the Revised Codes of 1895, entitled "proceedings after the commencement of the trial and before judgment,"
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 55,
A bill for an act requiring all state and county officials now required by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a fidelity insurance company,
Have had the same under consideration and recommend that the same be amended as follows:

By substituting the word "permitting" in place of the word "requiring" in the title of the bill.
By substituting the words "may obtain" in place of the words "shall obtain" in the body of the bill.
By omitting section 2.

And when so amended recommend that the same do pass.

Also,
Senate Bill No. 96,
A bill for an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,
Have had the same under consideration and recommend that the same be amended as follows:

By omitting the words "in the action" in line 4, of section 7, of the printed bill.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman

MOTIONS AND RESOLUTIONS.

Mr. Mitchell offered the following concurrent resolution:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring:

That no bill shall be introduced into either House of this Fifth Legislative assembly of the state of North Dakota after the 20th day of February instant, unless both Houses, by a unanimous vote of the members of each shall consent thereto,

And moved its adoption.

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

Mr. Goplerud requested that the courtesies of the floor be extended to Dr. L. S. Platon and Claus Jackson of Griggs county.

Mr. Cole requested that the courtesies of the floor be extended to R. E. Fleming of Fargo,
Which was granted.

Mr. Richards requested that the courtesies of the floor be extended to Mr. Sanders of Burleigh county,
Which was granted.

Mr. Francis moved
That the chairman of the committee on state affairs be requested to return to the House House Bill No. 73, and when so returned that the same be returned to the members introducing the same, for the reason that a substitute bill has been introduced, prepared by a joint committee of the House and Senate,
Which motion prevailed.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Cryan introduced
House Bill No. 132,
A bill for an act to regulate common carriers and the charges for transportation of passengers and freight by common carriers within the state of North Dakota, and to confer upon the board of railroad commissioners certain powers in relation thereto, and to provide for the enforcement of the orders and regulations of said commissioners.

Mr. Carlin introduced
House Bill No. 133,
A bill for an act preventing taking of a greater rate of interest after a note or other evidence becomes due than is provided for in such instrument before the maturity thereof and providing a penalty therefor.

Mr. Erickson introduced
House Bill No. 134,
A bill for an act authorizing the governor to contract for the education and care of the blind and making an appropriation therefor.

Mr. Earl introduced
House Bill No. 135,
A bill for an act fixing the salaries of county judge.

Mr. Joy introduced
House Bill No. 136,
A bill for an act to amend section 481 of the Revised Codes, relating to election precincts.

Mr. Mitchell introduced
House Bill No. 137,
A bill for an act to amend section 103 of the Revised Codes of North Dakota, relating to the duty of the state auditor to transmit lists of taxable lands to county auditors.

Mr. Joy introduced
House Bill No. 138,
A bill for an act providing for cutting down weeds and other vegetation upon and along public highways.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 132,
A bill for an act to regulate common carriers and the charges for transportation of passengers and freight by common carriers within the state of North Dakota, and to confer upon the board of railroad commissioners certain powers in relation thereto, and to provide for the enforcement of the orders and regulations of said commissioners,
Was read the first and second times, and
Referred to the committee on railroads.

House Bill No. 133,
A bill for an act preventing taking of a greater rate of interest after a note or other evidence becomes due than is provided for in such instrument before the maturity thereof, and providing a penalty therefor,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 134,
A bill for an act authorizing the governor to contract for the education and care of the blind and making an appropriation therefor,
Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 135,
A bill for an act fixing the salaries of county judge,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 136,
A bill for an act to amend section 481 of the Revised Codes of North Dakota relating to election precincts,
Was read the first and second times, and
Referred to the committee on elections and privileges.

House Bill No. 137,
A bill for an act to amend section 103 of the Revised Codes of North Dakota relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,
Was read the first and second times, and
Referred to the committee on taxes and tax laws.

House Bill No. 138,
A bill for an act providing for cutting down weeds and other vegetation upon and along public highways,
Was read the first and second times, and
Referred to the committee on highways, bridges and ferries.

Mr. Twichell moved
That the rules be suspended and that House Bill No. 132 be not printed until day after tomorrow.

Roll call demanded.

The question being upon the motion made by Mr. Twichell.

The roll being called there were ayes 33, nays 7, absent and not voting 22.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Porter,
Belden,	Howard,	Power,
Colby,	Hurley,	Richards,
Cole,	Johnson,	Ryan,
Currier,	Joy,	Sargent,
Dunton,	Kroeger,	Sharpe,
Earl,	Lindstrom,	Stevenson,
Erickson,	Lovelace,	Twichell,
Francis,	McConnachie,	White,
Goplerud,	Mitchell,	Williams,
Hammond,	Murphy,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd, of Cavalier,	Carlin,	Duncan,
Brotnov,	Cryan,	Wirkus.
Butterwick,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Peoples,
Boyd, of Cass,	Korsmo,	Swenson,
Dougherty,	Lenz,	Syvertson,
Ebbighausen,	McGinnis,	Tanton,
Gaulke,	McPherson,	Towle,
Gilbertson,	Northrop,	Wallace,
Guinan,	Offerdahl,	Wood.
Hankinson,		

Messrs. Aas, Boyd of Cass, Dougherty, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Korsmo, Lenz, McGinnis, McPherson, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

So the motion prevailed, and

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred

House Bill No. 121,

A bill for an act entitled an act to regulate common carriers, to define the duties of commissioners of railroads and to provide for the control of common carriers within the state.

Have had the same under consideration and report back a substitute for the same, and recommend that the substitute bill do pass.

And Substitute for House Bill No. 121,

A bill for an act to regulate common carriers, to define the duties of commissioners of railroads and to provide for the control of common carriers within the state,

Was read the first and second times, and

Referred to the committee of the whole.

T. TWICHELL,
Acting Chairman.

The House returned to the ninth order of business.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Sargent introduced

House Bill No. 139,

A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same.

Mr. Howard and Mr. Hurley introduced (by request),

House Bill No. 140,

A bill for an act to appropriate the sum of $6,000 out of any

moneys in the state treasury, not otherwise appropriated, to be applied toward the erection, construction and completion of an iron bridge over and across the Red River of the North.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 139,
A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribilg the mode of rendering the same,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 140.
A bill for an act to appropriate the sum of six thousand dollars ($6,000) out of any moneys in the state treasury not otherwise appropriated to be applied toward the erection, construction and completion of an iron bridge over and across the Red River of the North,
Was read the first and second times, and
Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 53,
A bill for an act to amend section 482 of the Revised Codes of 1895, construing the word precinct in the constitution,
Was read the third time.

Mr. Francis moved
To amend the title by striking out the word "fifth" in the enacting clause,
Which motion prevailed.

Mr. Lindstrom moved
That substitute for House Bill No. 53 be made a special order for February 17th at 3 o'clock p. m.,
Which motion prevailed.

House Bill No. 108,
A bill for an act requiring the county superintendent of schools to file an annual statement in the office of the county auditor to determine the salary of such superintendent as provided in section 652 of the Revised Codes of 1895,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 1, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Porter,
Belden,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Ryan,
Butterwick,	Johnson,	Sargent,
Carlin,	Joy,	Sharpe,
Colby,	Kroeger,	Stevenson,
Cole,	Lenz,	Syvertson,
Currier,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Earl,	McConnachie,	White,
Erickson,	Mitchell,	Wirkus,
Francis,	Murphy,	Williams,
Goplerud,	Peoples,	Mr. Speaker.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Northrop,
Boyd of Cass,	Guinan,	Offerdahl,
Cryan,	Hankinson,	Swenson,
Dougherty,	Korsmo,	Tanton,
Ebbighausen,	McGinnis,	Wallace,
Gaulke,	McPherson,	Wood.

Mr. Duncan voting in the negative.

So the bill passed and the title was agreed to.

Mr. White moved

That the rules be suspended and House Bill No. 13 be taken from general orders and placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes, providing for the compensation of officers of the state board of health,

Was read the third time.

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

The roll being called there were ayes 36, nays 2, absent and not voting 24.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Heskin,	Power,
Colby,	Howard,	Richards,
Cole,	Hurley,	Ryan,
Cryan,	Joy,	Sargent,
Currier,	Kroeger,	Sharpe,
Dunton,	Lenz,	Stevenson,

Messrs—	Messrs—	Messrs—
Earl,	Lindstrom,	Syvertson,
Erickson,	Lovelace,	Towle,
Francis,	McConnachie,	Twichell,
Goplerud,	Mitchell,	White,
Hammond,	Murphy,	Wirkus
Hawk,	Peoples,	Mr. Speaker

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Ebbighausen,	Northrop,
Belden,	Gaulke,	Offerdahl,
Boyd of Cass,	Gilbertson,	Porter,
Boyd of Cavalier,	Guinan,	Swenson
Butterwick,	Hankinson,	Tanton,
Carlin,	Korsmo,	Wallace,
Dougherty,	McGinnis,	Williams,
Duncan,	McPherson,	Wood.

Messrs. Aas, Boyd of Cass, Dougherty, Ebbighausen, Gaulke, Gilbertson, Guinan, Hankinson, Korsmo, McGinnis, McPherson, Northrop, Offerdahl, Porter, Swenson, Tanton, Wallace and Wood being excused.

Messrs. Baker and Johnson voting in the negative.

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

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6086, 6089, 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Unanimous consent being given,
Mr. Richards introduced
House Bill No. 141,

A bill for an act to amend section 8553, of article 3, Revised Codes of North Dakota, relating to the discharge of convicts from the penitentiary,

Was read the first and second times, and
Referred to the committee on judiciary.

COMMITTEE OF THE WHOLE.

Mr. Lindstrom moved

That the House resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Lindstrom to the chair.

When the committee arose they made the following report:

REPORT OF THE COMMITTEE OF THE WHOLE.

MR. SPEAKER:

Your committee of the whole have had under consideration

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

And recommend that the bill do pass as amended by the committee on judiciary.

Also,

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,

And recommend that the same do pass as amended by the committee on state affairs.

Also,

House Bill No. 88,

A bill for act authorizing and empowering the state auditor to pay the reward offered by the county of Richland for the apprehension and arrest of Henry Trimble, the murderer of K. T. Hagen,

And recommend that further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 81,

A bill for an act to create the office of public defender, provide for his election, define his duties and fix his compensation in the several counties of the state of North Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 92,

A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota for 1895, relating to official oaths and bonds of school officers,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies,

And recommend that the same do pass as amended by the report of the minority of the committee on judiciary.

Also,

House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district courts in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, chapter 27, of the political code therein,

And recommend that the bill be recommitted to committee on judiciary.

Also.

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds, and prescribing the conditions upon which such companies may do business in this state,

And recommend that the consideration of the bill be deferred until the author is present.

Also,

House Bill No. 101,

A bill for an act to amend section 6796 of the Revised Codes, relating to appeals from justices of the peace,

And recommend that the same do pass as amended by the committee on judiciary.

Also.

House Bill No. 102,

A bill for an act to regulate appeals from justices courts on questions of law,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

Senate Bill No. 14,

A bill for an act entitled an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

And recommend that the bill be amended by striking out the word "now" in line 27 of printed bill, and that the bill do pass as amended by the committe on judiciary.

Also,

House Bill No. 93,

A bill for an act providing for primary elections, and prescribing the duties of primary election officers,

And recommend that the same be considered in general orders on Feb. 17, 1897.

C. L. LINDSTROM,
Chairman.

Mr. Sargent moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

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

H. E. LAVAYEA,
Chief Clerk.

FORTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 15, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

Messrs. Boyd of Cass, Colby, Gilbertson, Hankinson, Korsmo, Northrop, Olferdahl, Swenson, Tanton, Wallace and Wood being excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the fortieth day and recommend that it be amended as follows:

On page 4, line 37, after the first letter in the line insert the letter "B."

On page 15, after line 13, insert the following: "Mr. Hammond moved that the House do now adjourn, which motion prevailed, and the House adjourned. H. E. Lavayea, Chief Clerk."

And when so amended recommend the adoption of the Journal of the fortieth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fortieth day was approved.

Mr. Hurley requested that the courtesies of the floor be extended to Hon. Ole Davis of Traill county.

Mr. Williams requested that the courtesies of the floor be extend to Hon. Thos. Harrison of Traill county.

Which were granted.

PETITIONS AND COMMUNICATIONS.

Mr. McConnachie presented the following petition:

To Hon. John McConnachie, Representative Fifth District:

We, the undersigned voters of the Fifth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow-members to defeat any and every measure that may be introduced looking to the resubmission, or the repeal or the defeat of the prohibition law to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

A. CARR,
(and 46 others.)

Referred to committee on temperance.

Mr. Joy presented the following petition:

To Hon. H. N. Joy, Representative Second District:

We, the undersigned voters of the Second Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

J. W. ARTHUR,
(and 19 others.)

Referred to committee on temperance.

Mr. Cryan presented the following petition:

To Hon. John Cryan, Representative Thirteenth District:

We, the undersigned voters of the Thirteenth Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law, to any extent whatever; and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

GEO. H. HOHAW,
(And 10 others.)

Referred to the committee on temperance.

Mr. Porter presented the following petition:

To Hon. E. N. Porter, Representative Twenty-second District:

We, the undersigned voters of the Twenty-second Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

T. S. HUNT,
(And 21 others.)

Referred to committee on temperance.

Mr. Mitchell presented the following petition:

To Hon. R. J. Mitchell, Representative Fourteenth District:

We, the undersigned voters of the Fourteenth Legislative district, hereby request that you will use your utmost endeavors by both your vote in the legislature and your influence among your fellow members to defeat any and every measure that may be introduced looking to the resubmission or the repeal or the defeat of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law by such judicious amendments or additions to it as will make it more effective.

H. B. CARRELL,
(and 19 others.)

Referred to committee on temperance.

Mr. Peoples presented the following petition:

To Hon. Hugh Peoples, Representative Twenty-second District:

We, the undersigned voters of the Twenty-second Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and

we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

T. S. HUNT,
(And 21 others.)

Referred to committee on temperance.

Mr. Wallace presented the following petition:

To Hon. John D. Wallace, Representative First Legislative District:

We, the undersigned voters of the First Legislative district, hereby request that you will use your utmost endeavors, by both your vote in the legislature and your influence among your fellow members, to defeat any and every measure that may be introduced looking to the resubmission, or the repeal, or the defeat, of the prohibition law to any extent whatever, and we further urge you to use all means in your power to strengthen instead of weaken the law, by such judicious amendments or additions to it as will make it more effective.

E. EDINGTON,
(And 29 others.)

Referred to committee on temperance.

Mr. Lindstrom presented the following petition:

MINNEWAUKAN, N. D., Feb. 12, 1897.

Hon. C. L. Lindstrom, Bismarck, N. D.:

DEAR SIR: I have been requested by the president of the W. C. T. U. of the state of North Dakota, and the president of the W. C. T. U. of Minnewaukan, Benson county, N. D., to ask that you vote against any bills that may have a tendency to repeal the penalty clause or resubmit the prohibition clause of our state constitution, and that you also vote for woman's sufferage bill.

There is a very strong tendency here, I think, in Benson county, North Dakota, to suppress the blind pigs and open saloons and to compel druggists to comply with state laws for the sale of liquors. The above is the sentiment of the leading secret societies of Minnewaukan, N. D. I think steps will be taken soon to close blind pigs and compel druggists to conform to law.

Very respectfully,
JAMES MICHELS, SR.,
Chairman Legislative Committee.

REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred
House Bill No. 130,

A bill for an act to provide for the bulletining of time of arrival at, and departure from, of passenger trains at stations in this state,

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

By striking out the letters 'a. m." in line 8 of printed bill and insert in its place the word "midnight," and strike out the figure "4" in same line and insert the figure "6" in place thereof,

And when so amended recommend that the same do pass.

Also,

House Bill No. 131,

A bill for an act to amend section 3067 of the Revised Codes of North Dakota providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,

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

T. TWICHELL,
Chairman.

The committee on taxes and tax laws made the following report:

MR. SPEAKER:

Your committee on taxes and tax laws to whom was referred

House Bill No. 3,

A bill for 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 be amended as follows:

That the title be amended so as to read as follows: For an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act.

Then strike out all after the enacting clause and insert the following:

And when so amended recommend that the same do pass.

J. B. POWER,
Chairman.

SECTION 1. DEFINITIONS OF TERMS USED IN THIS ACT.] The terms used in this act are defined as follows:

The word "money" or "moneys" means gold and silver coin, treasury notes, bank notes, and every deposit which any person owning the same or holding in trust and residing in this state is entitled to withdraw as money or on demand; the term "credits," means and includes every claim and demand for money or other valuable things, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deeds, or mortgages due or to become due. The terms "tract" or "lot" and "piece or parcel of real property," and "piece or parcel of land," means any contiguous quantity of land in the possession, owned by, or recorded as the property of the same claimant, person or company; every word importing the singular number only may be extended to and embrace the plural number;

and every word importing the plural may be applied and limited to the singular number; and every word importing the masculine gender only may be extended and applied to females as well as males: the word "oath" used in this act, means oath or affirmation; and the word "swear" in this act, means to swear or affirm; the words "town" or "district" mean townships, village, city or ward, as the case may be. The term "true and full value," means the usual selling price at the place where the property to which the term is applied shall be at the time of the assessment, being the price at which it could be obtained therefor at private sale, and not at a forced public auction sale. The term "person," includes a firm, company or corporation.

SEC. 2. PROPERTY SUBJECT TO TAXATION.] All real and personal property in this state, and all personal property of persons or of corporations residing or doing business therein, and the property of corporations, now existing or hereafter created, and the property of all banks or banking companies now existing or hereafter created, except such as is hereinafter expressly excepted, is subject to taxation; and such property, or the value thereof, shall be entered in the list of taxable property for that purpose, in the manner prescribed by this act.

SEC. 3. REAL PROPERTY DEFINED.] Real property, for the purpose of taxation, includes the land itself, whether laid out in town lots or otherwise, and, except as otherwise provided, all buildings, structures and improvements (except plowing and trees thereon) and all rights and privileges thereto belonging or in any wise appertaining, and all mines, minerals, quarries in and under the same.

SEC. 4. PERSONAL PROPERTY DEFINED.] Personal property includes all goods, chattels, moneys, credits and effects, wheresoever they may be; all ships, boats and vessels belonging to the inhabitants of this state, whether at home or abroad, and all capital invested therein; all moneys at interest, whether within or without this state, due the person to be taxed, and all other debts due such persons; all public stocks and securities; all stock in turnpikes, railroads, canals and other corporations, except national banks out of the state, owned by the inhabitants of this state, all personal estate of moneyed corporations, whether the owner thereof resides in or out of the state, and the income of any annuity, unless the capital of such annuity be taxed within the state; all shares of stock in any bank organized, or that may be organized, under any law of the United States or of this state; and all improvements made by persons upon lands held by them under the laws of the United States, and all such improvements upon land, the title to which is still vested in any railroad company, and which is not used exclusively for railroad purposes, and the improvements of any other corporation whose property is not subject to the same mode and rule of taxation as other property.

SEC. 5. PROPERTY EXEMPT FROM TAXATION.] All property de-

scribed in this section to the extent herein limited shall be exempt from taxation, that is to say:

First. All public school houses, academies, colleges, institutions and seminaries of learning, with the books and furniture therein and the grounds attached to such buildings necessary for their proper occupancy, use and enjoyment, and not leased or otherwise used with a view to profit, provided that such grounds shall not exceed forty acres in area, houses used exclusively for public worship, and the lots or parts of lots upon which such houses are erected.

Second. All lands used exclusively for burying grounds or cemeteries.

Third. All property, whether real or personal, belonging exclusively to the state or to the United States.

Fourth. All buildings belonging to the counties used for holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres on which buildings are erected.

Fifth. All lands, houses and other buildings belonging to any county, township or town used exclusively for the accommodation or support of the poor.

Sixth. All buildings belonging to institutions of purely public charity, including public hospitals, except such hospitals as are organized, used or leased with a view to profit, Young Men's Christian association buildings, together with the land actually occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining, and belonging exclusively to such institutions.

Seventh. All properties belonging to counties and to municipal corporations that are used for public purposes.

Eighth. Personal property of each individual subject to taxation, to the amount of fifty (50) dollars.

SEC. 6. LISTING OF PROPERTY.] All property subject to taxation shall be listed and assssed every year, at its value on the first day of April preceding the assessment.

SEC. 7. MANNER OF LISTING PERSONAL PROPERTY.] Personal property shall be listed in the manner following:

First. Every person of full age and sound mind, being a resident of this state, shall list all his moneys, credits, bonds or stock shares, or stock of joint or other companies (when the property of such company is not assessed in this state), moneys loaned or invested, annuities, franchises, royalties and other personal property.

Second. He shall also list separately and in the name of his principal all moneys and other personal property invested, loaned or otherwise controlled by him as the agent or attorney, or on account of any other persons, company or corporation whatsoever; and all money deposited subject to his order, draft or check, and

credits due from or owing to any person or persons, body corporate or politic.

Third. The property of a minor child shall be listed by his guardian or by the person having such property in charge.

Fourth. The property of an idiot or a lunatic, by the person having charge of such property.

Fifth. The property of a person for whose benefit it is held in trust, by the trustee of the estate of a deceased person, by the executor or administrator.

Sixth. The property of corporations whose assets are in the hands of receivers, by such receivers.

Seventh. The property of a body politic or corporate, by the president or proper agent or officer thereof.

Eighth. The property of a firm or company, by a partner or agent thereof.

Ninth. The property of manufacturers and others in the care of an agent, by such agent in the name of his principal, as merchandise.

Tenth. Personal property shall be listed and assessed annually with reference to its value on the first day of April.

Sec. 8. PLACE OF LISTING PERSONAL PROPERTY.] Except as otherwise provided in this act, personal property shall be listed and assessed in the county, town or district where the owner or agent resides: the capital stock and franchises of corporations and persons, shall be listed in the county, town or district where the principal office or place of business of such corporation or person is located in this state; and if there be no principal office or place of business in this state, where any such corporation or persons transact business, then personal property pertaining to the business of a merchant or manufacturer or corporation shall be listed in the town or district where his business is carried on.

Sec. 9. PROPERTY OF TRANSPORTATION COMPANIES, ETC.—WHERE TO BE LISTED.] The personal property of express, transportation and stage companies shall be listed and assessed in the county, town or district where the same is usually kept. All persons, companies and corporations in this state owning steamboats, sailing vessels, wharve boats, barges and other water crafts shall be required to list same for assessment and taxation in the county, town or district in which the same may belong, or be enrolled, registered or licensed, or kept not enrolled, registered or licensed.

SEC. 10. OF GAS AND WATER, TELEGRAPH AND TELEPHONE COMPANIES—WHERE LISTED.] The personal property of gas and water companies shall be listed in the town where the principal works are located; gas and water mains and pipes laid in roads, streets or alleys shall be held to be personal property. All personal property of telegraph and telephone companies, including poles, wires, instruments, office fixtures and all other apparatus used in conducting their business, shall be listed and assessed in the county, town or district in which the same is situated.

Sec. 11. OF STREET RAILWAY COMPANIES—WHERE LISTED, ETC.] The personal property of street railroad, plank road, gravel road, turnpike or bridge companies shall be listed and assessed in the county, town or district where the principal place of business is located; and the track, road or bridge shall be held to be personal property.

Sec. 12. NON-RESIDENT'S FARM PROPERTY—WHERE LISTED.] Where the owner of live stock or other personal property connected with a farm does not reside thereon, all such live stock and other personal property shall be listed and assessed in the town or district where the farm is situated, whenever the live stock or personal property assessed is in the same county as the owner thereof; otherwise such live stock or other personal property shall be assessed wherever found.

Sec. 13. PERSONAL PROPERTY MOVED BETWEEN APRIL 1ST AND JUNE 1ST—WHERE LISTED.] The owner of personal property moving into this state or from one county, town or district to another, between the first day of April and the first day of June, shall list his property for assessment whenever called upon by the assessor of the county, town or district in which he resides; provided, if such person has been assessed and can make it appear to the assessor that he has paid or is held for tax of the current year on the property in another territory or state, county, town or district, he shall not be again assessed for such year, and the assessor shall make a record of all the facts in every such case and report them to the county auditor.

Sec. 14. PLACE OF LISTING—HOW DECIDED IN CASE OF DOUBT.] All personal property wherever and whenever found between the first day of April and the first day of June shall be listed by the assessor, and in all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties, or places in different counties, by the auditor of the state; and when so fixed shall have the same effect and be as binding as if listed by the assessor as required by this act.

Sec. 15. LIST OF PERSONAL PROPERTY TO BE MADE UNDER OATH.] Every person required by this act to list property shall, when called upon by the assessor, make out and deliver to the assessor a statement verified by oath, of all the personal property in his possession or under his control, and which by the provisions of this act he is required to list for taxation, either as an owner or holder thereof, or as a guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; but no person shall be required to include in his statement any share or portion of the capital stock or property of any company

or corporation which such company or corporation is required to list or return as its capital or property for taxation in this state.

Sec. 16. VALUATION TO BE FIXED BY ASSESSOR—ITEM OF LIST.] It shall be the duty of the assessor to determine and fix the true and full value of all items of personal property included in such statement, and enter the same opposite such items respectively, so that, when completed, such statement shall truly and distinctly set forth:

First. The number of horses one year old, two years old, three years old and over, and, separately, the number of stallions kept for service, with the value thereof, in the separate classes.

Second. The number of neat cattle one year old, two years old; the number of cows three years old and over; the number of work oxen, and the number of all other neat cattle three years old and over, and the value thereof, in the separate classes.

Third. The number of mules and asses one year old, two years old, three years old and over, and the value thereof, in the separate classes.

Fourth. The number of sheep and the value thereof.

Fifth. The number of hogs and the value thereof; provided, however, that no full-blood, thorough-bred or standard-bred animal of any of the above named classes shall be considered of greater value, for the purposes of taxation, than common or grade animals of the same class

Sixth. The number of sleighs, sleds, wagons, carriages and all wheeled vehicles of whatsoever kind, including bicycles, and the value thereof.

Seventh. The number of melodeons and organs and the value thereof.

Eighth. The number of pianofortes, and the value thereof.

Ninth. The value of household furniture.

Tenth. The value of agricultural tools, implements and machinery.

Eleventh. All threshing machines, engines and boilers, and the value thereof.

Twelfth. The value of gold and silver plate and plated ware.

Thirteenth. The value of diamonds and jewelry.

Fourteenth. The value and description of every franchise, annuity, royalty and patent right.

Fifteenth. The value of every steamboat, sailing vessel, wharf boat, barge or other water craft.

Sixteenth. The value of goods and merchandise which such person is required to list as a merchant.

Seventeenth. The value of materials and manufactured articles which such person is required to list as a manufacturer.

Eighteenth. The value of manufacturers' tools and implements and machinery, including engines and boilers.

Nineteenth. The amount of moneys of banks (other than those

whose capital is represented by shares of stock), bankers, brokers or stock jobbers.

Twentieth. The amount of credits of banks (other than those whose capital is represented by shares of stock), bankers, brokers or stock jobbers.

Twenty-first. The amount of moneys other than of banks, bankers, brokers or stock jobbers.

Twenty-second. The amount of credits other than of banks, bankers, brokers and stock jobbers.

Twenty-third. The amount and value of bonds and stocks, other than bank stock.

Twenty-fourth. The number of shares of bank stock and the value thereof.

Twenty-fifth. The amount and value of shares of capital stock of companies and associations not incorporated by the laws of the state.

Twenty-sixth. The value of stock and furniture of sample rooms and eating houses, including billiard table or other similar tables.

Twenty-seventh. The value of all other articles of personal property, not included in the preceding twenty-five items.

Twenty-eighth. The value of all elevators, warehouses and granaries and of all grain contained in either thereof, wheresoever the same may be situated.

Twenty-ninth. The value of all improvements, except plowing, on lands held under the law of the United States to which final certificates of entry have not issued, and on lands the title to which is vested in any railroad company.

SEC. 17. RANGE STOCK—WHERE LISTED.] The owner of range stock, including cattle, horses or sheep, or his agent, foreman or superintendent, shall list the same for purposes of assessment and taxation in the commissioner district or township in which he claims his home ranch for rounding and branding purposes, and where his herdsmen or employes are boarded and subsisted, regardless of where the cattle may range.

SEC. 18. RANGE STOCK OF NON-RESIDENTS—WHERE LISTED.] If such owner of range stock, including horses, cattle or sheep, has at the time the assessment is made, no such home ranch, then such range stock shall be listed in the commissioner district or township in which the home ranch was situated at the last round-up and branding; provided, that any such stock, owned outside of this state, and ranging within this state, shall be assessed wherever and whenever found ranging within this state.

SEC. 19. RANGE STOCK IN UNORGANIZED COUNTIES—WHERE LISTED.] When the home ranch of any owner of range stock is situated in an unorganized county of this state, such range stock shall be subject to taxation in the organized county to which it is attached for judicial purposes, and shall be listed and assessed

by the assessor of the commissioner district or township lying in closest proximity to such home ranch.

SEC. 20. COMBINATION FOR UNDERVALUATION—PENALTY.] If any assessor or county commissioner shall enter into any contract, agreement or understanding with the owner of any range stock whereby and pursuant to which such stock are to be assessed at less than their cash value, in consideration that the owner of such range stock shall remove his home ranch into the county of such assessor or commissioner, such assessor or commissioner and the owner of such range stock and all persons aiding or abetting such corrupt transaction and agreement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail for not less than three months, nor more than six months.

SEC. 21. DUTY OF ASSESSOR WHEN PERSONAL PROPERTY LIABLE TO BE REMOVED FROM STATE OR COUNTY.] If at the time of making the assessment upon any personal property, or at any time thereafter, before taxes upon personal property become due, the assessor believes that there is danger of such personal property being removed from the state or from the county in which the same are situated at the date of assessment, before the taxes to be levied upon such assessment shall be paid, such assessor may immediately demand of the owner, agent or person having such property in charge, an undertaking to be made in favor of the treasurer of said county, signed by two resident freeholders of such county, conditioned, that all the taxes to be levied upon such property shall be paid when due, which undertaking shall be approved as to its sufficiency by the clerk of the district court of said county, and until such undertaking be given such assessor may seize and hold a sufficient quantity of such personal property or any part thereof as in the judgment of such assessor shall secure the payment of all such taxes and the costs of such seizure and the holding of such property. But when such assessor seizes any such personal property before the tax upon such assessment thereof shall be levied, he shall seize and hold only so much of said property as shall amount to, in his best judgment, ten per cent upon its assessed value, which shall be deemed to cover the amount of said taxes and costs aforesaid. As soon as said taxes become due, the county treasurer of such county shall proceed to collect said taxes by levy upon, and sale of said property so seized and held in the manner provided by law for the collection of taxes by the sale of personal property, or such treasurer shall bring an action upon and recover the amount of such taxes from such undertaking when the same shall have been given. Any sum of money, the proceeds of the sale of such property or any part of such property remaining in the hands of such treasurer after the payment of said taxes and costs, shall be returned to the

proper party upon his order in writing to such treasurer. At the time the treasurer shall levy upon such personal property in the hands of the assessor, the assessor shall give notice to such treasurer, in writing, of the amount of costs for the seizure and holding of such property.

Sec. 22. EXAMINATION UNDER OATH BY ASSESSOR — REFUSAL TO ANSWER.] Whenever the assessor shall be of the opinion that the person listing property for himself or for another person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of property he is required to list; and if such person shall refuse to answer under oath and a full discovery make, the assessor may list the property of such person or his principal, according to his best judgment and information, and shall also make a minute of the name of the person refusing to swear to such list or refusing to testify in relation to the property, and report the same, with all the facts relating thereto, to the county auditor at the time he makes his returns.

Sec. 23. CREDITS, HOW LISTED AND ASSESSED.] Any person who is required to list credits for himself or for any other person, firm or corporation, may deduct from the gross amount thereof the amount of all bona fide indebtedness of himself or of any such person, firm or corporation; but no acknowledgement of indebtedness not founded on actual consideration to the full amount of such acknowledgement at the time when the same was given, and no acknowledgement made for the purpose of being so deducted, shall be considered a debt in the meaning of this section, and every person so claiming any deductions shall furnish the assessor with a list containing: 1. The amount of all book accounts. 2. The amount of all notes due to him, and also a list of the amount of all book accounts owing by him, and of the amount of all notes owing by him, and he shall be required to verify the same by oath administered by the assessor. Nothing in this section shall be so construed as to apply to any bank, banker or corporation exercising banking powers or privileges; provided, that grain held by the producer of the same, actually sold or contracted to be sold, but not delivered, shall be classed as credits.

Sec. 24. WHAT ARE PROPER DEDUCTIONS—VERIFICATIONS OF DEDUCTIONS.] No person, company or corporation shall be entitled to any deductions on account of any bond, note or obligation of any kind given to any mutual insurance company, nor on account of any unpaid subscription to or installment payable on the capital stock of any company, whether incorporated or unincorporated; and in all cases where deductions are claimed from credits, the assessor shall require that such deductions be verified by oath of the person, officer or agent claiming the same; and any such person, officer or agent knowingly or willfully making a fraudulent statement of such deductions claimed, so verified by affidavit,

shall be liable to a fine of not less than $100 nor more than $1,000 in addition to all damages sustained by the state, county or other local corporation, to be recovered in any proper form of action in any court of competent jurisdiction, in the name of the state of North Dakota.

Sec. 25. WHO ARE DEEMED TO BE MERCHANTS—PROPERTY CONSIGNED.] Whoever owns or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind or other personal property, within this state, with authority to sell the same, which has been purchased either in or out of the state with a view to being sold at an advanced price or profit, or which has been consigned to him out of this state, for the purpose of being sold at any place within this state, shall be held to be a merchant, and when he is by this act required to make out and deliver to the assessor a statement of his personal property, he shall state the value of such property pertaining to his business as a merchant.

Sec. 26. WHO ARE DEEMED TO BE MANUFACTURERS—WHAT TO BE LISTED.] Every person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying or by the combination of different materials, with a view of making gain or profit by so doing, shall be held to be a manufacturer; and he shall, when required to make and deliver to the assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind, and every manufacturer shall list, as a part of his manufacturer's stock, the value of all his engines and machinery of every description, used or designed to be used in any process of refining or manufacturing, including all tools and implements of every kind used or designed to be used for the aforesaid purpose, except such fixtures as have been considered as part of any parcel of real property.

Sec. 27. PROPERTY OF COMPANIES OR ASSOCIATIONS, HOW AND BY WHOM LISTED.] The president, secretary or principal accounting officer of any company or association, whether incorporated or unincorporated, except railroad companies and banking corporations whose taxation is especially provided for in this act, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly:

First. The name and location of the company and association.

Second. The amount of capital stock authorized, and the number of shares into which said capital stock is divided.

Third. The amount of capital stock paid up.

Fourth. The market value, or if they have no market value, then the actual value of the shares of the stock.

Fifth. The total amount of all indebtedness except the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth. The value of all real property, if any.

Seventh. The value of its personal property. The aggregate amount of the fifth, sixth and seventh items shall be deducted from the total amount of the fourth, and the remainder, if any, shall be listed as "bonds or stocks," under subdivision 23 of section 16 of this act; the real and personal property of each company or association shall be listed and assessed the same as other real and personal property; in all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

Sec. 28. BANKERS, BROKERS AND STOCK JOBBERS, HOW AND WHAT THEY SHALL LIST.] The accounting officer of every bank whose capital is not represented by shares of stock, and every private banker, broker or stock jobber, shall make out and deliver to the assessor, when required to list personal property, a statement which he shall verify by oath, showing:

First. The amount of money on hand or in transit.

Second. The amount of funds in the hands of other banks, brokers or others subject to draft.

Third. The amount of checks or cash items, the amount thereof not being included in either of the preceding items.

Fourth. The amount of bills receivable, discounted or purchased and other credits due or to become due, including accounts receivable, interest accrued but not due, and interest due and unpaid.

Fifth. The amount of bonds and stocks of every kind (except United States bonds) and shares of capital stock of joint stock or other companies or corporations, held as an investment, or in any way representing assets.

Sixth. All property pertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.

Seventh. The amount of all deposits made with them by other parties.

Eighth. The amount of all accounts payable, other than current deposit accounts.

The amount of the seventh and eighth items shall be deducted from the aggregate amount of the first, second, third and fourth items, and the remainder, if any, shall be listed as money under subdivision 19 of section 16 of this act. According to the provisions of said section 16, the amount of the fifth item shall be listed as bonds and stocks under the said section 16, and the said sixth item shall be listed the same as other similar personal property is listed under this act, except that in the case of savings

banks, savings and loan or building and loan associations organized under the laws of this state, the amount of the seventh and eighth items above enumerated shall be deducted from the aggregate amount of the first, second, third, fourth, fifth and sixth items also above enumerated, and the remainder, if any, shall be listed as credits, according to the provisions of section 16.

Sec. 29. BANK STOCK—WHERE AND AT WHAT VALUATION TO BE LISTED.] The stockholders of every bank located in this state, whether such bank has been organized under the banking laws of this state, or of the United States, shall be assessed and taxed on the value of their shares of stock therein in the county, town, district, city or village where such bank or banking association is located, and not elsewhere, whether such stockholders reside in such places or not; such shares shall be listed and assessed annually, with regard to the ownership and value thereof on the first day of April of each year. To aid the assessor in determining the value of such shares of stock, the accounting officer of every bank shall furnish a statement to the assessor, verified by oath, showing the amount and number of such shares of capital stock of such bank, the amount of its surplus or reserve fund and undivided profits and the amount of its investments in real estate, which real estate shall be returned in the name of the bank and shall be assessed and taxed as other real estate is under this act. The assessor shall deduct the amount of the assessed valuation of such real estate from the aggregate amount of such capital, surplus and undivided profit fund, and the remainder shall be taken as a basis for the valuation of such shares of stock in the hands of the stockholders, subject to the provisions of law requiring all property to be assessed at its true and full value. The shares of capital stock of national banks not located in this state, held in this state, shall not be required to be listed under this act.

Sec. 30. BANK TO KEEP AND FURNISH LIST OF STOCKHOLDERS.] In every bank and banking office there shall be kept at all times a full and correct list of the names and residences of the stockholders, owners or parties interested therein, showing the number of shares and amount held, owned or controlled by each party in interest, which statement or list shall be subject to the inspection of the officer authorized to assess property for taxation; and it shall be the duty of the accounting officer or cashier of each bank or banking institution to furnish the assessor with a duplicate copy of such statement, verified by oath, which shall be returned to the county auditor and filed in his office.

Sec. 31. TAXES ON BANK STOCK TO BE A LIEN ON DIVIDENDS.] To secure the payment of taxes on bank stock or banking capital, it shall be the duty of every bank, or managing officer or officers thereof, to retain so much of any dividend or dividends belonging to such stockholders or owners as shall be necessary to pay any taxes levied upon their shares of stock or interest respectively, and

the amount of such taxes shall be a lien on the dividends, the capital stock and the assets of the bank, and until it shall be made to appear to the county treasurer or to such bank or its officers that such taxes have been paid, any officer, or any such bank who shall pay over or authorize the paying over of any such dividend or a portion thereof, contrary to the provisions of this section, shall thereby become liable for such tax; and if the said tax shall not be paid, the county treasurer where said bank is located shall sell such shares or interest to pay the same, like other personal property; and in case of sale, the provisions of law in regard to the transfer of stock, when sold on execution shall apply to such sale.

Sec. 32. CERTAIN PROPERTY HELD TO BELONG TO LESSEE OR EQUITABLE OWNER.] Property held under a lease for a term of years, or a contract for the purchase thereof, belonging to the state, (except such state lands as have been leased for pasture or grazing purposes), or to any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, or to any railroad company or corporation whose property is not taxed in the same manner as other property, shall be considered, for all purposes of taxation, as the property of the person so holding the same.

Sec. 33. ALL PROPERTY TO BE ASSESSED AT FULL VALUE—VALUE, HOW DETERMINED.] All property shall be assessed at its true and full value in money. In determining the true and full value of real and personal property, the assessor shall not adopt a lower or different standard of value, because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value, the price at which said property would sell at auction or at forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also the value of all improvements and structures thereon, and the aggregate value of the property including all structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair voluntary sale for cash. Money, whether in possession or on deposit, shall be entered in the statement at the full amount thereof. Every credit for a sum certain, payable either in money, property of any kind, labor or services, shall be valued at the full price of the same so payable; if for a specific article or a specific number or quantity of any article of property, or for a certain amount of labor, or for services of any

kind, it shall be valued at the current price of such property, or for such labor or services at the place where payable.

Sec. 34. COUNTY AUDITOR TO FURNISH BOOKS, ETC.—LIST OF REAL PROPERTY—OF MORTGAGES—MEETING OF ASSESSORS.] The county auditor shall annually provide the necessary assessment books and blanks, at the expense of the county, for and to correspond with each assessment district or township. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation (showing the names of owners, if to him known, and, if unknown, so state it) the number of acres, and the lots, or parts of lots or block, included in each description of property.

The assessment books and blanks shall be in readiness for delivery to the assessors on the last Saturday of March in each year; and the assessors shall meet on that day, at the office of the county auditor, for the purpose of receiving such books and blanks, and for conference with the auditor in reference to the performance of their duties.

Sec. 35. ASSESSORS' DISTRICTS—BOUNDARIES OF—VACANCIES—HOW FILLED—FEES—ELIGIBILITY.] All counties or parts of counties in this state not organized into civil townships shall be divided into assessor districts, which shall be the same as the commissioner districts of said county, excluding organized civil townships, and the assessor thereof shall be elected at the same time that state officers are and his term of office shall be two years from and after the first day of January following; but the assessors for said districts for the years 1897 and 1898 shall be appointed by the board of county commissioners of their respective counties and shall hold office until their successors are duly elected and qualified, except in those districts in which assessors were elected at the general election of 1896, the election of which assessors is hereby legalized and confirmed. In case of a vacancy in the office of assessor in sny organized civil township, such vacancy shall be filled by the board of county commissioners of the proper county. Each organized civil township in this state shall constitute an assessor district, and there shall be one assessor elected for each one of said districts annually at the time that other town officers are elected; provided, any vacancy in township assessor may be filled by appointment by the board of supervisors of said township where vacancy exists; provided, that cities organized under the general laws of this state shall not be included in the district provided for in this section, but assessors of such cities shall act with the board of county assessors in any of their meetings. All assessors of this state shall receive $3 per day and no more, for the time actually employed in making and completing said assessment, but shall not receive more than $60 for assessing any one civil township; provided, further, that no person shall be eligible to be assessor unless he is a voter and owner of real estate in the district or township for which is to be assessor.

Sec. 36. BOND AND OATH OF ASSESSOR.] Every person elected or appointed to the office of assessor shall, at or before the time of receiving the assessment books, file with the county auditor his bond, payable to the state of North Dakota, with at least two good freeholder sureties, to be approved by the chairman of the board of township supervisors in counties organized into civil townships, and in counties not so organized by the board of county commissioners and in cities as provided by law, in a penal sum of not less than $500 nor more than $1,000, at the discretion of the board requiring such bond, conditioned that he will diligently, faithfully and impartially perform the duties enjoined on him by law; and he shall moreover take and subscribe on said bond an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this act, and if any person so elected or appointed fails to give bond, or fails to take the oath required within the time prescribed by law, such failure shall be deemed a refusal to serve, and creates a vacancy that shall be filled as hereinbefore provided.

Sec. 37. ASSESSMENTS—WHEN AND HOW MADE.] The assessor shall perform the duties required of him during the months of April and May of each year, except in cases otherwise provided, and in the following manner to-wit: He shall by actual examination determine the true and full value of each tract or lot of real property listed for taxation, and shall enter the value thereof in one column and the value of all improvements and structures thereon in another column, opposite each description of property; also the total value of the same including improvements and st ructures. He shall make an alphabetical list of the names of all persons in his town or when the assessor's district is the same as the commissioner's district he shall make, in alphabetical order, a list of all persons in each school district liable to assessment of personal property, and require each person to make a correct list and statement of such property, according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property with full name; and the assessor shall thereupon determine the value of the property included in such statement, and enter the same in his assessment books opposite the name of the party assessed; and in making such entry in his assessment books he shall give the name and post office address of the party listing the property, and if the party resides in a city, the assessor shall give the street and number or other brief description of the residence or place of business; provided, that personal property shall be assessed upon view by the assessor at any time within the limits prescribed by the provisions of this act, at its then actual value regardless of any change of ownership prior to such assessment; but if the owner, factor or agent can show by duly authenticated certificate that the property has been lawfully assessed in any other town, city, village or district in this state for that year, then such property shall not be assessed.

Sec. 38. STATEMENT OF PERSONAL PROPERTY TO BE MADE BY OWNERS.] The assessor shall call at the office, place of business or residence of each person required by this act to list property and list his name, and shall require such person to make a correct statement of his property in accordance with the provisions of this act; and every person so required shall enter a true and correct statement of such property in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property and delivered to the assessor, who shall thereupon assess the value of such property and enter the same in his book; provided, if any such property is listed or assessed on or after the fourth Monday in May and before the return of the assessors' books, the same shall be as legal and binding as if listed and assessed before that time.

Sec. 39. SICKNESS AND ABSENCE OF OWNER—DUTY OF ASSESSOR.] If any person required by this act to list property be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the residence, office or usual place of business of such person a written or printed notice, requiring such person to make out and leave at the place named by such assessor, on or before some convenient day named therein, the statement or list required by this act; the date of leaving such notice, and the person required to list the property shall be noted by the assessor in his assessment book.

Sec. 40. REFUSAL TO LIST OR SWEAR TO STATEMENT, DUTY OF ASSESSOR—OATH.] In any case where any person whose duty it is to list personal property for taxation, has refused or neglected to list the same when called on by the assessor for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person in an appropriate column the words: "Refused to list," or "Refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable by sickness to list the same, the assessor shall enter opposite the name of such person in an appropriate column the words, "Absent" or "Sick." The assessor is hereby authorized to administer oaths to all persons who by the provisions of this act are required to swear, or whom he may require to testify in any case; and he may examine, under oath, any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or to verify his list of personal property.

Sec. 41. NUMBER OR NAME OF SCHOOL DISTRICT TO BE GIVEN WHERE PROPERTY IS ASSESSED.] It shall be the duty of assessors, when assessing personal property, to designate the number or name of the school district in which each person assessed is liable for tax, which designation shall be made by writing the number or

name of the district opposite each assessment, in a column provided for that purpose in the assessment book. When the personal property of any person is assessable in several school districts, the amount in each shall be assessed separately and the name of the owner placed opposite each amount.

Sec. 42. FAILURE TO OBTAIN ASSESSMENT—DUTY OF ASSESSOR.] In all cases of failure to obtain a statement of personal property from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property, and assess the same at such amount as he believes to be the true value thereof. The assessor when requested shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor. The assessor of each district shall, on or before the first Monday in June of each year, file with the town or city clerk of each organized town or city, the assessment list or roll for such town or city, where it shall remain subject to the inspection of the residents or property owners of such town or city until the Saturday following.

Sec. 43. TOWN BOARD OF REVIEW—DUTIES, COMPLAINTS AND GRIEVANCES.] The board of supervisors of each town, the recorder and president of each incorporated village, and the assessor, recorder and mayor of each city (except cities organized under the general law and cities whose charters provide for a board of equalization) shall meet on the second Monday of June at the office of the town clerk or recorder, for the purpose of reviewing the assessment of property in each town or district, and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of the said board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property, and each article, parcel or class of personal property shall be entered on the assessment list at the true value thereof; but the assessment of the property of any person shall not be raised, until each person shall have been duly notified of the intent of the board so to do, and on the application of any person considering himself aggrieved, they shall review the assessment and correct the same as shall appear to them just; any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented on that day; provided, that they shall complete the organization within ten days. All complaints and grievances of individuals, residents of the town or district, in reference to the assessment of personal property, shall be heard and decided by the town board; provided, that the complaints of non-residents in reference to the assessment of any

property, real or personal, and of others in reference to any assessment made after the meeting of the town board of review, shall be heard and determined by the county board. The clerk of the city, town and township boards of equalization shall keep accurate record of the proceedings of said boards, showing the facts and evidence upon which their action is based, a copy of which shall be furnished the assessor and filed by him with the county auditor as part of the assessment returns.

Sec. 44. NOTICE OF MEETING OF BOARD OF REVIEW TO BE POSTED.] The assessor shall cause, at least ten days previous, notice of the time and place of the meeting of the township board of review to be given by posting notice in at least three public places in each town or district; but the failure to give such notice or hold such meeting shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied.

Sec. 45. ASSESSOR'S STATEMENT AND RETURN TO AUDITOR.] The assessor shall add up and note the amount of each column in their assessment books after making the corrections made by the town board of review. They shall also make in each book, under proper headings, a tabular statement showing the footings of the several columns upon the page, and shall add up and set down, under the respective headings, the total amount of the several columns; and on or before the last Monday of June he shall make return to the county auditor of his assessment books, and deliver therewith the lists and statements of all persons assessed, all of which shall be filed and preserved in the office of the county auditor. Such returns shall be verified by his affidavit, and substantially in the following form:

State of North Dakota, } ss.
.....County. }

I, ..., assessor of ....., do solemnly swear that the book to which this is attached contains a full list of all the real property (or personal property, as the case may be) subject to taxation in....., so far as I have been able to ascertain the same, and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is in each case the true and full value of such property, to the best of my knowledge and belief, (where the assessment has been corrected by the town board, except as corrected by the town board), and that the footings of the several columns in said book and the tabular statement returned herewith is correct, as I verily believe.

.....Assessor.

Subscribed and sworn to before me this..... day of .....18....

.....

[L. S.] Auditor of.....County.

Sec. 46. LIST GIVEN TO AUDITOR FOR PERSONS SICK OR AB-

SENT.] If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person, or his agent having charge of such property, may, at any time before the extension of taxes thereon by the county auditor, make out and deliver to the county auditor a statement of the same as required by this act, and the county auditor in such case shall make an entry thereof and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the county auditor from any person who refused or neglected to make oath to his statement when required by the assessor, as provided herein; nor from any person unless he makes and files with the county auditor an affidavit that he was absent from his town and district without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called upon for that purpose.

Sec. 47. AUDITOR TO EXAMINE ASSESSMENT BOOKS AND HAVE RETURNS CORRECTED.] The county auditor shall carefully examine the assessment books when returned to him by the assessors, and if he discovers that the assessment of any property has been omitted he shall enter the same upon the proper list and forthwith notify the assessor making such omission, who shall immediately proceed to ascertain the value of such property and make the necessary correction.

Sec. 48. COUNTY BOARD OF EQUALIZATION—MEETINGS—DUTIES.] The board of county commissioners and the county auditor shall form a board for the equalization of the assessment of the property of the county; and shall meet for this purpose annually at the time and place for its regular meeting in July; and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns and assessment of the property of the several cities whether organized under general law or special charter, towns, townships or districts of the county, and proceed to equalize the same by per centum between the several assessment districts, so as to secure a uniform taxation subject to the following rules:

First. Valuation of Real Property—When to be Raised.] They shall raise the valuation of each tract or lot of real property which, in their opinion, is returned below its true and full value to such price and sum as they believe to be the true and full value thereof.

Second. Same—When to be Reduced.] They shall reduce the valuation of each tract or lot of real property wnich, in their opinon, is returned above its true and full value to such price and sum as they believe to be the true and full value thereof.

Third. Valuation of Personal Property—When to be Raised.] They shall raise the valuation of each class or article of personal

property which, in their opinion, is returned below its true and full value to such price and sum as they believe to be the true and full value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate valuation is less than the valuation of the taxable personal property of such individual to such amount as they believe was the true and full value thereof; provided, however, that the value of the property of any person or corporation shall not be raised until due notice shall be given to the owner or agent thereof.

Fourth. Same—When to be Reduced.] They shall reduce the valuation of each class of personal property enumerated in section 16 aforesaid, which, in their opinion, is returned above its true and full value, to such price and sum as they believe to be the true and full value thereof; and upon complaint of any party aggrieved they shall reduce the aggregate valuation of the personal property of such individual, who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe is the true and full value of the personal property.

Fifth. Aggregate Valuation Not to Be Reduced, But May Be Increased,] Except as provided in the second and fourth subdivisions of this section, they shall not reduce the aggregate value of real property, or the aggregate value of the personal property of their county below the aggregate value thereof as returned by the assessors, except as it may be necessary to make the valuation in the different townships equal with the additions made thereto by the auditor as hereinbefore required, but they may raise the aggregate valuation of such real property and of each class of personal property of said county or any town or district thereof, whenever they believe the sum is below the true and full value of said property or class of property, to such aggregate amount as they believe to be the true and full value thereof.

Sixth. Auditor to Publish Record—Length of Time.] The county auditor shall keep an accurate journal or record of the proceedings and orders of said board, showing the facts and evidence upon which their action is based; and said record shall be published the same as other proceedings of county commissioners, and a copy of such published proceeding shall be transmitted to the auditor of the state, with the abstract of assessment hereinafter required. The county board of equalization shall continue in session until such equalization has been completed, and upon completion of such equalization the county commissioners must proceed to make the levy for taxes for the current fiscal year as in this act provided.

Sec. 49. CORRECTED LISTS—ABSTRACTS FOR STATE AUDITOR.] The county auditor shall calculate the changes of the assessment lists determined by the county board of equalization, and make corrections accordingly. Having made such corrections, he shall

make duplicate abstracts of the real and personal property lists, one copy of which he shall file in his office and one copy he shall forward to the auditor of the state, on or before the last day of July following each county equalization.

Sec. 50. STATE BOARD OF EQUALIZATION—HOW CONSTITUTED—MEETINGS—RULES FOR EQUALIZING.] The governor, state auditor, state treasurer, attorney general, and the auditor of each county, shall constitute the state board of equalization, a majority of which shall constitute a quorum for the transaction of business. The governor shall be ex-officio president of said board, and the state auditor shall act as secretary. The said board shall meet annually on the first Tuesday in August at the office of the state auditor, and shall then examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that all the taxable property in the state shall be assessed uniformly and at its true value in money. In the performance of their duties they shall be goverved by the following rules:

First. They shall add to the aggregate valuation of the property of every county which they believe to be valued below its true and full value in money, such per centum in each case as will bring the same to its true and full value in money.

Second. They shall deduct from the aggregate valuation of the property of every county, which they believe to be valued above its true and full value, such per centum in each case as will reduce the same to its true and full value in money.

Third. They shall not reduce the aggregate valuation of all the property in the state, as returned by the several county auditors, more than 1 per centum on the whole valuation thereof.

Fourth. Upon the completion of such equalization and determination of the aggregate valuation of all the property of the state, the said board shall then decide upon the rate of the state tax to be levied for the current year, together with any other general or special state taxes required by law to be levied.

Sec. 51. RECORD OF PROCEEDINGS TO BE PUBLISHED—SYNOPSIS TO BE SENT TO COUNTY AUDITORS.] The secretary shall keep a record of the proceedings of the board, which shall be published in the annual report of the state auditor, and upon final adjournment he shall transmit to each county auditor an abstract of such proceedings specifying the per centum added to or deducted from the valuation of the real property of each of the several counties, in case an equal per centum has not been added to or deducted from each, and specifying also the per centum added to or deducted from the several classes of personal property, in each of the counties in the state, and such other information as will enable each auditor to properly equalize the valuation in their respective counties and the taxable rates thereof.

Sec. 52. COUNTY AUDITORS—EXPENSES WHILE IN ATTENDANCE UPON STATE BOARD.] The several county auditors, while in the performance of their duties as members of the state board of equalization, shall receive no extra salary or compensation therefor, but shall be entitled to be remunerated by their respective counties for all actual necessary expenses while going to, attending and returning from, the meeting of said board.

Sec. 53. DUTY OF COUNTY AUDITORS AFTER EQUALIZATION BY THE STATE BOARD.] Upon receipt of the report of the proceedings of the state board of equalization it shall be the duty of the county auditor to add to or deduct from each tract or lot of real property in his county the required per centum on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, adding in each case any fractional sum of fifty cents or more, and deducting in each case any fractional sum of less than fifty cents, so that the value of any separate tract or lot shall contain no fraction of a dollar, and shall also add to or deduct from such class of personal property in his county the required per centums on the valuation thereof, as it stands after the same has been equalized by the county board of equalization, adding or deducting in manner as aforesaid, any fractional sum, so that the value of any separate class of personal property shall contain no fraction of a dollar.

SEC. 54. TAXES TO BE LEVIED IN SPECIFIC AMOUNTS—RATES, HOW DETERMINED.] All county, township, town, city and school district taxes, except special taxes for local improvement in cities or villages, or unless specially provided for by law, shall be levied or voted in specific amounts and the rate per centum shall be determined from the amount of property as equalized by the state board of equalization each year. The state tax shall be levied by the state board of equalization at its annual meeting in August of each year, and the rate of such tax shall be certified by the state auditor to each county auditor on or before the first day of September annually. In levying said tax the state board of equalization shall be limited by the amount necessary to raise for the purpose of meeting the appropriations made by the legislative assembly and the estimated general expenses of the state, as made by the auditor. Such levy shall be made in a specific amount, and the rate shall be determined by the State Auditor; provided, that if the amount is greater than the rate prescribed in the constitution will raise, then the State Auditor shall only certify the limited rate. The county taxes shall be levied by the county commissioners at the time of their meeting in July in each year. Such taxes shall be based upon an itemized statement of the county expenses for the ensuing year and a general statement of the outstanding indebtedness of the county, which statements shall be included in the published proceedings of said board, and no greater levy of county tax shall be made upon the taxable property of any

county than will equal the amount of such expense, plus five (5) per cent of such amount, together with the amount of one year's interest upon, and ten (10) per cent of the principal sum of its outstanding indebtedness. The taxes voted by incorporated cities, villages, townships or school districts, shall be certified by the proper authorities to the county auditor on or before the twentieth day of July in each year. The rate per centum of all taxes, except the state tax and such other taxes, the rate of which may be fixed by law, shall be calculated and fixed by the county auditor, according to the limitations hereinafter prescribed; provided, that if any county, city, town or school district shall return a greater amount than the prescribed rate will raise, then the county auditor shall only extend such amount of tax as the limited rate will produce. Any city, village, town, township, or school district officer required by law to report the amount of taxes to be levied for such city, town, township, village or school district, and neglecting or refusing to make such report within the time required by this section, shall be subject to a penalty of not less than twenty-five (25) dollars for such refusal or neglect, to be recovered on complaint of the county auditor before any court of competent jurisdiction.

Sec. 55. TAX RATE OF STATE AND COUNTY—ROAD TAX—SINKING FUND.] The rate of the general state tax shall not be more than four mills on the dollar valuation; and for ordinary county revenue, including the support of the poor, not more than eight mills on the dollar; and for roads and bridges, a poll tax of one dollar and a half, or one day's work, on every male person between the ages of twenty-one and fifty years; a bridge tax not to exceed two mills on the dollar; and a road tax, not exceeding two mills on the dollar valuation, to be paid in money or in labor at the rate of one dollar and a half per day, at the option of the person taxed, and the certificate that the person named therein has actually performed eight hours labor for each day's work so certified, shall be received by the county treasurer in discharge of said tax to the amount so certified; and a further tax of not to exceed 2 mills on the dollar upon all taxable property in the county for emergency purposes; for county sinking fund, such rate as may be fixed by any funding act passed by the legislative assembly, or in the absence of a provision in any such act, or in counties that shall not have funded their indebtedness, then such rate as in the estimation of the board of county commissioners will pay one year's interest on all the outstanding debts of the county, with ten (10) per cent on the principal sum as may be provided in any funding act.

SEC. 56. TAX LISTS TO BE MADE OUT BY COUNTY AUDITOR—FORM OF THE BOOKS.] As soon as practicable after the taxes are levied the county auditor shall make out the tax lists according to the prescribed form, and to correspond with the assessment districts of the county. The rate per cent necessary to raise the

required amount of the various taxes shall be calculated on the assessed valuation of property as determined by the state board of equalization; but in calculating such rates, no rates shall be used resulting in any fraction of less than one-tenth of a mill; and in extending any tax whenever it amounts to the fractional part of a cent it shall be made one cent. The tax list shall also be made out to correspond with the assessment book, in reference to ownership and description of property, with columns for the valuation and for the various items of tax included in the total amount of all taxes set down opposite each description of property. The amount of special taxes shall be entered in the proper columns, but the general taxes may be shown by entering the rate per cent of each tax at the head of the proper columns without extending the same, in which case a schedule of the rates per cent of such taxes shall be made on the first page of each tax list; such lists shall also show in a separate column the years for which any piece or parcel has been sold for taxes, if the same has not been redeemed, or deeded for such taxes. The county auditor shall on or before the first day of November in each year, make and transmit to the state auditor, in such form as the state auditor may prescribe, a complete abstract of the tax list of his county.

Sec. 57. CERTIFICATE OF COUNTY AUDITOR TO TAX BOOK.] It shall be the duty of the county auditor to make in each tax book or list a certificate in the following form, viz:

State of North Dakota, }
..... County }

I, ..., auditor of ..... county, state of North Dakota, hereby certify that the following is a correct list of the taxes levied on the real and personal property in the town (or district as the case may be) of .....for the year one thousand eight hundred and ....

Witness my hand and official seal this ..... day of ....., 18..

....., County Auditor.

Sec. 58. TAX LISTS—WHEN TO BE DELIVERED TO TREASURER.] The county auditor shall deliver the tax lists of the several districts of the county to the county treasurer on or before the first day of November in each year, taking his receipt therefor; and such lists shall be full and sufficient authority for the county treasurer to receive and collect taxes therein levied.

Sec. 59. NOTICE OF RATES OF TAXATION, AND TIME FOR PAYMENT—DEPUTY TREASURER.] On receiving the tax lists from the county auditor, the treasurer shall, if directed by the county commissioners, give notice by publication in some newspaper having general circulation in the county, once in each of three successive weeks, specifying particularly in said notice the rates of taxation for all general purposes, and the amounts raised for each specific purpose, also designating a day on which he or his deputy will attend at the place of holding elections, or at some other conven-

ient place in each town or district, which day shall not be prior to the first day of January in each year, for the purpose of receiving such taxes; and the treasurer or his deputy shall attend, for the purpose aforesaid, on the day and at the place named in said notice. The county treasurer shall, if directed by the county commissioners, have duplicate tax lists made, at the expense of the county, for his use while collecting taxes away from the county seat; and he may appoint one or more deputies to assist him in the collection of taxes, and may take such bond as security from the person so appointed as he deems necessary for his indemnity, and shall in all cases be liable and accountable for the proceedings and misconduct of his deputies in office.

Sec. 60. COUNTY TREASURER TO BE COLLECTOR OF TAXES.] The county treasurer shall be the receiver and collector of all taxes extended upon the tax list of the county, whether levied for state, county, city, town, school, poor, bridge, road or other purposes, anything in the charter of any city or town, or in any other act heretofore passed to the contrary, including the special taxes of local improvements in cities as provided for by law, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county; and he shall proceed to collect the same according to law, and place the same when collected to the credit of the proper funds: but this provision shall not be construed so as to include any fines or penalties accruing to any municipal corporation for the violation of its ordinances and which were recovered before any city justice.

Sec. 61. TAX RECEIPTS — WHAT THEY SHALL SPECIFY — DUPLICATES.] The county treasurer, upon the payment of any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, town or city lot, or what other property on which said tax was levied, according to its description on the tax list, or in some other sufficient manner, and the year or years for which the tax was levied, and each year's tax shall be on a separate receipt, and the receipts for each year shall be numbered from one upwards, until the tax list is returned to the auditor. Each receipt shall also specify the years for which any of the real estate described therein has been sold for taxes and not redeemed. The said receipt shall be made in duplicate, showing the name of the person, description of property, and the amount and date of payment; and the county treasurer shall return all such duplicate receipts, made by himself or deputies, to the auditor at the end of each day, who shall file and preserve them in his office, charging the treasurer with the amount thereof.

Sec. 62. WHAT ORDERS RECEIVED FOR TAXES.] The county treasurer shall receive in payment of taxes, orders or warrants on the several funds for which taxes may be levied, to the amount of the tax for such fund, without regard to priority of the numbers of the same, except when otherwise provided by law; and he shall

write or stamp across the face of all such orders or warrants the date of their receipt, and the name of the person from whom received.

Sec. 63. ABATEMENT OF TAXES—HOW MADE.] The board of county commissioners may, upon affidavit and evidence, when satisfied beyond a doubt as to the illegality or unjustness of the assessment, or in case of error, abate taxes, whether real or personal; full record of such abatement must be made, showing the reason for their action, and the county auditor shall certify such abatement to the county treasurer, who shall enter such facts opposite the tax so abated, which shall have the effect of discharging such tax. The county auditor shall also make out a certified statement of the amount of state taxes so abated, which statement shall be forwarded to the state auditor, who shall give the county credit for the amount so abated.

Sec. 64. DELINQUENT PERSONAL PROPERTY TAX—WHEN DUE—PENALTY—DISTRESS.] All personal property taxes shall become due on the first day of November in each and every year for which the tax is levied, and become delinquent on the first day of March next after they become due, and thereupon a penalty of five per cent shall attach and be charged upon all such delinquent taxes, and thenceforth there shall be charged interest at the rate of one per cent per month on the original amount of the tax until the same is paid. After said personal property taxes become delinquent the county treasurer shall make out a list of such taxes in the same order as it appears in the tax list, and on or before the fifteenth day of April in each year, deliver such list of unpaid delinquent personal property taxes to the sheriff of his county, who shall immediately proceed to collect all such delinquent personal property taxes, and if such taxes are not paid on demand he shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the county, to pay the same, with the said penalty of five per cent and all accruing interest and costs, and shall immediately proceed to advertise the same in three public places in the town or district where such property is taken, and in the official newspaper, if there is one in the county, stating the time when and the place where such property will be sold, and if the taxes for which such proparty is distrained, and the costs which accrue thereon, are not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such sheriff or his deputy shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes, interest, penalty and costs of such distress and sale, and on the fifteenth day of June next after receiving the list herein provided, from the county treasurer, said sheriff or his deputy shall make out in duplicate and deliver the original to the county treasurer of his county, a statement of the taxes collected, giving the names of each person or company

from whom collected in the same order as they appear on the list received from the county treasurer, and at the same time turn over to said treasurer the money collected belonging to the several funds for which it was levied, including the penalty and interest, and the county treasurer shall issue receipts for the same as provided in section — of this act. The duplicate of the statement made to the treasurer shall be filed with the county auditor with the list of uncollected taxes as provided in section — of this act. The county treasurer shall, thirty days before said taxes become delinquent, give notice of the fact, stating that the same will be delivered to the sheriff for collection, such notice to be published in the official papers of his county in the two first issues of such papers in the month of January; provided, that in case any person having only personal property assessed, and upon which the taxes are unpaid, shall, in the opinion of the treasurer, be about to move out of the county, it shall be the duty of the treasurer to collect such taxes at any time after the tax lists shall have been placed in his hands.

Sec. 65. LIST OF UNCOLLECTED TAXES TO BE FILED WITH THE AUDITOR—CANCELLATION BY COMMISSIONERS.] If the sheriff is unable for want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person, or corporation, or any executor or administrator, guardian, receiver or accounting officer, agent or factor, such sheriff shall file with the county auditor, on the first day of July following a list of such taxes with an affidavit of himself or his deputy entrusted with the collection of said taxes stating that he has made diligent search and inquiry for goods and chattels wherewith to pay such taxes and was unable to make or collect the same; he shall note on the margin of such list the place to which any delinquent taxpayer may have removed, with the date of his removal, if he is able to ascertain such fact. The county auditor shall exhibit such list and affidavit to the board of county commissioners at their first session thereafter, and they may cancel such taxes as they are satisfied cannot be collected, and when so directed by the board it shall be the duty of the county auditor to make a certified statement to the state auditor of the amount of state taxes so cancelled, and the state auditor shall thereupon give such county credit for the amount certified as having been cancelled.

Sec. 66. SUIT AND JUDGMENT FOR DELINQUENT TAX PROCEEDINGS.] After the county commissioners shall have cancelled, as provided in the last preceding section, such of the taxes as they are satisfied cannot be collected, the auditor shall file a list as corrected with the clerk of the district court of the county, and within ten days after the filing of such copy the clerk shall issue and deliver to the sheriff of the county where any person or party whose name appears upon such corrected list may at the time reside

or be, for service, a citation to each delinquent named on such list, stating the amount of tax and penalty, and requiring such delinquent to appear on the first day of the next general term of the district court in the county, and show cause if any there be, why he should not pay said tax, penalty and interest; and if he fails to pay said tax, penalty, interest and costs to the sheriff before the first day of the term, or on said day to show cause aforesaid, the court shall direct the clerk to enter a judgment against such delinquent for the amount of such tax, penalty, interest and costs, and such taxes shall from the date of docketing of such judgment, and not before, become a lien upon any real estate in the county which the judgment debtor shall then own, or to which he may subsequently acquire title; provided, however, that whenever the sheriff has for any reason been unable to serve any citation, or whenever the court has, or hereafter may, for any reason, decide that the service of any such citation heretofore made or attempted to be made, or that the issuance thereof by the clerk was illegal, the clerk of said court shall in every such case issue another citation of the character aforesaid, and requiring such delinquent to appear on the first day of the next general term of said district court, held in said county, to show cause as aforesaid, and if he fails to pay the tax, penalty, interest and costs to the sheriff before said first day of said term, or to show cause as aforesaid, the court shall direct the clerk to enter judgment as aforesaid; provided, further, that all citations other than the first, shall only be issued upon the request of the states attorney for said county; and, provided, further, the citation herein provided for, shall be prima facie evidence that all the provisions of law in relation to the assessment and levy of taxes have been complied with, and no omission of any of the things by law provided in relation to such assessment or levy, or of anything required by any officer or officers to be done prior to the issuance of such citation, shall be a defense or objection to such taxes, unless it be made to appear that such omission has resulted to the prejudice of the party objecting, and that such taxes have been unfair or unequally assessed, and in such case, but in no other, the court may reduce the amount of such taxes and give judgment accordingly. It shall, however, always be a defense to such taxes that the same have been paid, or that the property upon which the same was assessed, was not subject to taxation.

Executions shall be issued upon such judgment at the request of the states attorney, and shall state that the judgment was obtained for delinquent taxes, and no property shall be exempt from seizure thereon.

Sec. 67. PENALTY FOR NEGLECT OR REFUSAL OF TREASURER OR SHERIFF.] If any county treasurer shall refuse or neglect to collect any tax assessed upon personal property where the same is collectable, or to file the delinquent list and affidavit as herein

provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his salary or fees and applied to the several funds for which they were levied, and any refusal or neglect on the part of the sheriff to perform the duties herein provided, whereby he fail to collect such delinquent taxes, shall be deemed malfeasance in office and he shall be liable to the county for the whole amount of tax, penalty and interest that he may neglect or refuse to collect.

Sec. 68. REMOVAL OF DELINQUENT TAXPAYER TO ANOTHER COUNTY — DUTY OF THE AUDITOR.] In case of the removal of any delinquent taxpayer from the county in which his personal property was taxed to any other county in the state, it shall be the duty of the township assessor to immediately make proper effort to ascertain the place of his destination and report the same to the county auditor, and thereupon it shall be his duty to make out and forward to the clerk of the district court of any county in this state to which any delinquent taxpayer may have removed, a statement of the amount of such delinquent taxes, including all penalties, interest and costs that may have attached, specifying the value of property on which said taxes were levied thereon.

Sec. 69. MANNER OF COLLECTING FROM SUCH PERSON.] On receipt of any such statement or account, the clerk of the court receiving the same shall issue his warrant to the sheriff of his county, and the sheriff shall immediately proceed to collect the same of the person so charged with said taxes and per centum, together with a fee of twenty-five cents for each warrant so issued; which sum, when collected, shall be paid to the clerk as his fee for issuing the same, and all taxes thus collected shall be by him remitted to the treasurer of the county to which said taxes belong; and, at the same time, he shall return the original statement or account to the auditor of the county from which it was received, stating the amount of his collections, and, if any taxes remain unpaid, the reason why said taxes could not be collected, certifying in his official capacity to the same; and the auditor shall charge the treasurer to whom such remittance is made with the amount thereof, and cancel said taxes from the list; provided, that in case of all delinquent taxes collected by the sheriff receipts shall be issued to him and payment shall be made in the manner provided in section — of this act.

Sec. 70. THE SHERIFF'S FEES FOR MAKING DISTRESS AND SALE.] The sheriff or his deputy shall be allowed the same fees for making distress and sale of goods and chattels, for the payment of taxes, as are allowed by law for making levy and sale of property on execution; provided, however, that the traveling fees shall be five (5) cents a mile for each mile actually and necessarily traveled, and that in no case shall the mileage herein provided for be charged more than once under any pretext whatever, which fees

shall be added to the tax and collected by the sheriff, and it shall be the duty of the sheriff or his deputy to furnish to the county commissioners, together with his bill for such service, 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 the services required by this act are performed.

Sec. 71. PAYMENT OF TAXES AFTER JUDGMENT — DUTY OF TREASURER.] Upon payment to the county treasurer of any personal property tax for which judgment has been obtained, the treasurer shall deliver a certificate of the fact of such payment, to the clerk of the court, who shall satisfy the judgment upon the margin of the record thereof, by stating the date of payment, and number of the receipt given therefor, and file such certificate.

Sec. 72. SETTLEMENT BETWEEN TREASURER AND AUDITOR.] On the first day of each month of each year, the county treasurer shall make a full settlement with the county auditor of his receipts and disbursements since the last settlement, and turn over to the auditor county warrants and other vouchers paid by him and all auditor's warrants paid, taking the receipt of the auditor for such vouchers, and the auditor and treasurer shall distribute and credit to the proper funds all sums received since the last settlement.

Sec. 73. ACCOUNTS TO BE KEPT BY AUDITOR AND TREASURER WITH TOWNSHIP, ETC.] The county auditor and the county treasurer shall keep accounts with the state, county, and with each township, city, incorporated village and school district in the county; and immediately after the settlement as provided in the preceeding section they shall credit the collections to the proper funds; and upon application of any, town, city, village or school district treasurer, the auditor shall give him an order on the county treasurer for the amount due such township, city, village or school district, and shall charge them respectively with the amount of such order; and at the same time shall notify the clerk of each township, city, village or school district of the issuance of such order; provided, that the county auditor shall not issue his order as in this section provided until the bond of the person applying for such order shall have been filed as required by law.

Sec. 74. WHEN TREASURER SHALL PAY OVER THE FUNDS COLLECTED.] The county treasurer shall immediately after each settlement pay over to the treasurer of the state, upon warrant of the state auditor, and to any municipal corporation or organized township, or any body politic, on the order of the county auditor, all moneys received by him, arising from taxes levied and collected, belonging to the state, or to such municipal corporation or organized township or school district.

Sec. 75. WHEN REAL ESTATE TAXES BECOME DUE AND DELINQUENT—PENALTY AND INTEREST. All real estate taxes shall become due on the first day of November in each and every year for which the tax is levied, and become delinquent on the first day of

June following, and thereupon a penalty of six (6) per cent shall attach and in addition thereto there shall then be charged interest at the rate of one (1) per cent per month on the original amount of the tax until the same is paid.

SEC. 76. TAXES A PERPETUAL LIEN—VENDOR AND VENDEE.] Taxes upon real property are hereby made a perpetual paramount lien thereupon against all persons and bodies corporate, except the United States and the state, and taxes due from any person upon personal property shall be a lien upon any and all personal property owned by him at the time the tax became due, or which may be subsequently acquired by him, and the title to any of which personal property so owned or subsequently acquired remains in him at the time of the distraint. All taxes shall, as between vendor and purchaser become a lien upon real estate on and after the first day of December in each year.

SEC. 77. RETURN OF TAX LIST TO COUNTY AUDITOR.] On the first day of June of each year the county treasurer shall exhibit to the county auditor the several tax lists in his hands, having compared the same with his duplicate receipts, on file in the auditor's office, and written opposite each tax so receipted for the word "paid," and the number of the treasurer's receipt so given in discharge of said tax; and each tract or lot of real property against which the taxes remain unpaid on June 1st shall be deemed to be delinquent, and thereupon the penalty and interest shall attach as provided for in the preceding section. On the first Monday of October in each year the treasurer shall return the tax list of the preceding year to the auditor, and up to such time as the same may be advertised for sale any person desiring to pay his delinquent taxes described in said list can obtain from the auditor a statement of the amount due, and pay the same to the treasurer without any additional costs, taking his receipt therefor, as in other cases, which shall be a full discharge of said tax. The county treasurer of each county shall, as soon as possible after the passage and approval of this act, turn over to the county auditor of his county the tax list for the year 1895.

SEC. 78. AUDITOR'S NOTICE OF SALE.] The county auditor, under the direction of the board of county commissioners, or a majority thereof, shall give notice of the sale of real property by the publication thereof, once a week for three consecutive weeks, commencing the first week in November preceding the sale, in such newspaper as may be designated by the county commissioners for that purpose in the county, if there be one, and if there be no paper published in his county, he shall give notice by a written or printed notice posted on the door of the court house or building in which courts are commonly held, or the usual place of meeting of the county commissioners, for three weeks previous to the sale. In counties having daily papers the delinquent tax list shall be published in one issue of the daily edition and in two issues of the

weekly edition of the same paper, so selected by the board of county commissioners. Such notice shall contain a notice that all lands on which the taxes of the preceding year (mentioning it) remain unpaid will be sold and the time and place of sale, which time shall be the first Tuesday in the December following, and said notice must contain a list of the lands to be sold and the amount of taxes and penalty due, to which amount the auditor shall add to each description of land so advertised a sum not to exceed ten (10) cents for each description other than town lots, and for each town lot the sum of not to exceed five (5) cents to defray the expenses of advertising, and the cost of such advertising shall be paid by the county commissioners at the expiration of the sale upon the affidavit of the publisher; provided, that in no case shall the property so advertised be charged for such advertising an amount exceeding the sum actually paid for the same.

Sec. 79. PENALTY AND INTEREST—DISPOSITION OF.] All penalty and interest collected on taxes shall belong to the county and become part of the general fund; except the penalty and interest collected on delinquent taxes and special assessments due to cities, and all such penalties and interest shall be paid to the city thereto entitled.

Sec. 80. AUDITOR TO SELL AT PUBLIC VENDUE.] The auditor shall sell by public vendue each piece or parcel of land separately in the order in which they are described in the delinquent list returned and by the description therein; but if the sum bid for any piece or parcel shall not be paid before the sale closes, he shall again offer such piece or parcel for sale; he shall state the amount for which each piece or parcel is to be sold, and shall then offer the same in fee to the highest bidder, who shall bid not less than the amount for which the same is to be sold. All lands not sold shall remain on the delinquent tax list and again be advertised and offered at the next annual sale, adding to the amount due thereon the taxes of the current year, with the interest and penalties thereto attaching as provided by this act. The county treasurer shall attend the sale and receive all moneys paid thereon.

Sec. 81. CERTIFICATE OF SALE OF EACH PARCEL—WHAT TITLE PASSES.] The auditor shall execute to the purchaser of any piece or parcel of land a certificate which may include all lands sold to him and which may be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES.

State of North Dakota, } ss.
.....County. }

I,....., auditor of the county of.....in the state of North Dakota, do hereby certify that the following described real estate in said county and state, to-wit: (describing same) was on the .....day of.....18.... sold by me in manner provided by law for the delinquent taxes of the year

18....thereon, amounting to .....dollars, including interest and penalty thereon, and the cost allowed by law, to..... .....for the sum of.....dollars, he being the highest bidder for the same.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said.....or assigns will be entitled to a deed therefor on and after the.....day of .....A. D. 18....on the surrender of the certificate.

In witness whereof I have hereunto set my hand and seal this .....day of.....A. D. 18....

.....
Auditor.

Sec. 82. CERTIFICATE AS EVIDENCE—GROUNDS FOR AVOIDING SALE.] Such certificates shall in all cases be prima facie evidence that all the requirements of the law with respect to the sale have been duly complied with, and that the grantee named therein is entitled to a deed therefor after the time of redemption has expired. And no sale shall be set aside or held invalid, unless the party objecting to he same shall prove either that the property upon which the tax was levied was not subject to taxation or that the taxes were paid prior to such sale, or that notice of such sale as required by law was not given; or that the piece or parcel of land was not offered at said sale to the bidder who would pay the amount for which the piece or parcel was to be sold, or that the tax had been partially, unfairly or unequally assessed, in which cases, but in no other, the court may set aside or reduce the amount of taxes upon such land, rendering judgment accordingly.

Sec. 83. LIMITATION OF ACTION TO QUIET TITLE.] It shall be lawful for any person having or claiming title to or lien or incumbrance upon any land, whether in his possession or whether it is vacant and unoccupied, or in the possession of any other person, to commence and maintain at any time before the holder of the tax certificate shall be entitled to a deed an action against any person or party who claims any title or interest in said land or lien upon the same adversely to him by or through any tax certificate heretofore or hereafter made to test the validity of the tax sale to quiet his title to said lands as against such claims of such adverse claimant, and to remove a cloud from his title arising from such tax certificate, and it shall also be lawful for any person having or claiming title to any lands to interpose and maintain at any time a defense to any action in law and equity concerning said land which may be brought against him by any person so claiming title adversely under such tax certificate or tax deed, and to test in such defense the validity of the tax sale upon which such certificate or deed was made to remove the clouds upon his title arising therefrom, and to quiet his title against such person so claiming title adversely thereunder, notwitstanding any and all laws heretofore passed which limited the time within which such action might be commenced or defense interposed.

Sec. 84. TAX SALE RECORD.] The county auditor shall make a record of the sale of real estate for delinquent taxes in a book kept for that purpose, which shall show the name of the owner (if known), the description of each piece or parcel of property as contained in the tax list, the amount of tax, the penalty and costs, the amount sold for, date of sale, to whom sold, number of the certificate, to whom assigned, date and amount of redemption (if redeemed), and by whom redeemed.

Sec. 85. WHO MAY NOT PURCHASE—EFFECT OF PURCHASE BY OWNER.] Any person except county auditors, county treasurers, and each of their deputies or clerks, may become the puchaser at such sale. If the owner purchase the sale shall have the effect to pass to him (subject to redemption as herein provided) every right, title and interest of any and every person, company or corporation, free from any claim, lien or incumbrance, as the owner so purchasing may be legally or equitably bound to protect against such sale, or the taxes for which such sale was made: and no such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner; provided, that nothing herein contained shall be so construed as to prevent any officer or his deputy or clerk from becoming the purchaser at such sale of any lands of which he may be the owner, or upon which he may have a lien; provided, that no county auditor, county treasurer, their deputies or clerks, shall act as agent or attorney for the purchasers at such sale.

Sec. 86. REDEMPTION.] If at said sale any piece or parcel of land shall be sold to a purchaser the same may be redeemed at any time within three years from the date of sale by any person or corporation having an interest therein who shall pay into the treasury of the county for the credit of the person thereto entitled, the amount paid by the purchaser at the time of sale, together with all amounts of subsequent taxes, penalties and interest paid by him up to the date of redemption, with interest at the rate of two (2) per cent per month, together with all subsequent taxes, penalties and interest that may be due the county at the time of such redemption. In case any piece or parcel of land was not sold for want of bidders, then any person or corporation having an interest therein shall have the same right of redemption from the county, and on the same terms as from a purchaser at a tax sale.

Sec. 87. FORECLOSURE OF TAX LIENS BY ACTION.] At any time after lands have been advertised and offered for sale for taxes and not sold for want of bidders, the county commissioners of the county in which the lands are situated may cause an action to be commenced and maintained by the states attorney to foreclose the lien of such taxes and of all other taxes charged against the same lands.

2nd. In such action the state of North Dakota and the county wherein the lands are situated shall be joined as plaintiffs, and any

person or corporation having or claiming an interest in the land may be joined as defendants, and when any such party is unknown he may be designated in the summons and complaint and in all the proceedings as John Doe (true name unknown), who claims such and such interest (specifying it) in certain lands in said county (briefly designating the lands).

3rd. The summons may be served by publication in the same manner as in actions for the foreclosure of a mortgage on real estate, and the unknown party defendant shall be bound by the judgment in the same manner as if he were correctly named in the summons and complaint and judgment.

4th. The complaint in said action shall describe the lands and state the taxes charged against the same on the tax list for each year, and demand judgment that the lands be sold to pay such taxes, with interest, penalty and costs.

5th. In such action all proceedings shall be governed by the code of civil procedure, and, as near as may be, all the proceedings shall be the same as in actions to foreclose a mortgage on real estate, and a judgment directing the sale of real property shall have the same force and effect, and bear the same interest, as a judgment for the foreclosure of a mortgage; the sale shall be made and confirmed in the same manner, and on like terms and conditions as in mortgage foreclosure cases.

6th. At such foreclosure sale if no person offer to pay the amount due, with interest and cost, then the county auditor shall bid in the property in the name of the county and the same shall be sold to the county for the amount due, and all lands bid in for the county at any one time shall be included by the sheriff in one certificate of sale, and said lands or any piece or parcel thereof shall be subject to redemption the same as though bid in by purchaser other than the county.

7th. At the expiration of the time allowed for redemption, which shall be three years from the date of sale, if no redemption shall have been made, the sheriff of the county shall make to the purchaser, his heirs or assigns, or to the county, or its assigns, as the case may be, a deed of the real property sold, which deed may be in the usual form of deeds made by sheriffs after a sale on a judgment directing the sale of real property, and shall have the same force and effect.

8th. All expense of such proceedings shall be paid by the state, the county and by each municipality interested in the recovery of such taxes, and the county auditor shall compute and apportion the amount which each must pay, which shall be proportionate to its interest in such taxes.

9th. At the expiration of the period of redemption, any lands that shall have been bid in by the county may be sold by the county, either at public or private sale, and the proceeds of the sale, after deducting and apportioning and distributing the

amounts due the state and such municipalities as were interested in the recovery of the taxes against said lands, shall belong to the county and be credited to its general county fund, and such lands shall thereupon become and be again subject to taxation.

Sec. 88. CERTIFICATE OF AUDITOR—RECEIPT BY TREASURER.] The county auditor shall certify to the amount due upon such redemption, and on payment of the same to the county treasurer he shall make duplicate receipts for the certified amount, describing the property redeemed, one of which shall be filed with county auditor, which shall have the effect to annul the sale. If the amount so paid for the purpose of redemption be less than required by law it shall not invalidate such redemption, but the auditor shall be liable for the deficiency to the persons entitled thereto.

Sec. 89. REDEMPTION BY MINORS, ETC.] Minors, insane persons, idiots or persons in captivity, or in any country with which the United States is at war, having an estate in or lien on lands sold for taxes, may redeem the same within five years after such disability shall cease; but in such case the right to redeem must be established in a suit for that purpose, brought against the party holding the title under the sale.

Sec. 90. UNDIVIDED ESTATES—HOW REDEEMED.] Any person who has, or claims an interest in, or lien upon any undived estate in any piece or parcel of land sold, may redeem such undivided estate by paying into the treasury a proportionate part of the amount required to redeem the whole; and in such case the certificate shall express the estate or interest redeemed.

Sec. 91. WARRANTS TO BE DRAWN FOR MONEY DUE OWNERS.] Upon applicatien of the party entitled thereto, the auditor shall give to such party his warrant upon the treasurer for any money paid into the treasury on the sale of any piece or parcel of land in excess of the amount due upon such piece or parcel at the time of sale, or for any money paid in for redemption which may be due to the purchaser at the sale, or his assignee; provided, that the certificate of sale shall be surrendered and cancelled at the time of such payment, or if the redemption is for a part or undivided interest in such piece or parcel the amount of such redemption and the proportion redeemed shall be indorsed thereon, which shall be a cancellation of such part of the certificate,

Sec. 92. RIGHTS OF PURCHASER WHEN LAND IS NOT REDEEMED.] The purchaser of any piece or parcel of land shall, if there be no redemption, be entitled to the possession, rents and profits at the end of five years from the date of sale, and if, on demand of such purchaser to the party or parties in possession, such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as persons holding over after the determination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the provisions of law in such case made and provided.

Sec. 93. VOID SALES, VOID TAXES, REPAYMENT.] When any sale of land for taxes is adjudged to be void, the judgment shall state the reason why it is void, and in all such cases, and in cases where, by the mistake or wrongful act of the county treasurer or auditor, land has been sold upon which no taxes were due, and in cases where taxes have been or may be paid on lands not subject to taxation, or on lands where subsequent to payment the entry has been or may be cancelled, the money so paid and all subsequent taxes, penalties and costs which have been, or which may be paid, shall be refunded, with interest at seven per cent per annum from the date of payment to the person making such payment, his heirs or assigns; and the same shall be refunded out of the county treasury to which such money was paid, on an order from the county auditor, and a pro rata share of the money so refunded shall be charged to the state and to any municipality which may have received any part of such void tax.

Whenever any sale of land or certificate or tax deed made or delivered under this act, is adjudged to be void, unless the judgment declares the tax to be illegal, the tax and all subsequent taxes returned to the purchaser or assignee, shall remain and be a lien upon the land sold, and the county auditor shall advertise and resell the same at the next succeeding annual sale for the full amount of taxes, penalties and costs due thereon.

Sec. 94. SALE OF PROPERTY BID IN FOR THE COUNTY.] All pieces or parcels of real property bid in for the county under the provisions of this act, and not redeemed or assigned within three years from the date of the certificate of sale, shall become the absolute property of the county and may be disposed of by the county auditor at public or private sale, as the county commissioners may direct, subject to such rules and restrictions as they may prescribe. Any person having an interest in or lien upon any piece or parcel of forfeited land may redeem the same any time after forfeiture, and before sale thereof, by paying the amount due thereon.

Sec. 95. PROPERTY BID IN FOR THE COUNTY—TO WHOM ASSIGNED —FORM OF ASSIGNMENT] At any time after any piece or parcel of land shall have been bid in for the county, and before such piece or parcel of land shall become forfeited to the county, and while such tract or parcel of land shall remain unredeemed, the county auditor may assign and convey the same and all the right of the county in such piece or parcel of land acquired at such sale, to any person (except the county auditor, county treasurer, their deputies and clerks) who shall pay the amount for which the same shall have been bid in, and the amount of all subsequent delinquent taxes, penalties, interest and costs upon the same; and shall execute to such person a certificate or conveyance for each piece or parcel, which may be substantially in the following form:

I, ..., auditor of the county of .....,

state of North Dakota, do hereby certify that at the sale of real estate for the delinquent taxes thereon for the county of..... and state aforesaid, which sale was held at the .....in said county of ..... on the ..... day of .....A. D. 18...., for the taxes of the year....; the following described piece or parcel of land situate in said county of ....., state of North Dakota, to-wit: (insert description) was offered for sale to the highest bidder above the amount for which the same was subject to be sold; and no one bidding upon such offer an amount equal to that for which the said piece or parcel was subject to be sold, the same was then bid in for the county at such amount, being the sum of....., and the same still remaining unredeemed, and, on this day.....having paid into the treasury of said county the amount for which the same was so bid in, and all subsequent taxes, penalties, interest and costs, amounting in all to..... dollars; therefore, in consideration thereof, and pursuant to law, I do hereby assign and convey all the right, title and interest of said county to said piece or parcel of land, acquired therein at said sale to the said....., his heirs and assigns, subject to redemption as provided by law.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said.....or assigns will be entitled to a deed therefor on and after the expiration of the time for redemption, as provided by law, and upon the surrender of this certificate. In witness whereof I have hereunto set my hand and seal this.....day of.....18.... ....., County Auditor.

Sec. 96. DEED TO BE GIVEN ON SALE OF FORFEITED REAL PROPERTY.] Upon the sale of any tract or lot of forfeited real property, the county auditor shall execute to the purchaser thereof a deed in fee simple of the property so purchased, which shall pass to such purchaser absolute title therein described. If the former owner of the forfeited property becomes the purchaser, such deeds shall pass to him any and all rights of any action which may have arisen, or may exist, for any trespass committed upon such property prior to the execution of the deed. Such deed may be recorded as other deeds of real estate, and the record thereof shall have the same force and effect in all respects as the record of such deeds, and shall be evidenced in like manner. The proceeds of lands or lots sold at such sale for a sum equal to or exceeding the amount of taxes thereon shall be distributed the same as other collections of taxes, and all excess over the amount of taxes shall be credited to the county general fund.

Sec. 97. COUNTY AUDITOR TO EXECUTE DEEDS TO PERSONS ENTITLED THERETO UNDER PREVIOUS ACT.] It shall be the duty of the county auditor of each county in this state to execute, acknowledge and deliver to any person who shall or may at the date of the passage and approval of this act, be, or who shall or

may hereafter become, entitled to receive from the state or from the county the title to any piece, parcel or lot of land within the county, under or by virtue of or in pursuance of any general revenue law heretofore passed or any act or acts heretofore in force; providing for or relating in whole or in part to the levying or collection of taxes or the sale of real estate for nonpayment of taxes, a deed in fee simple of such piece, parcel or lot of land, and such deed shall pass to such person absolute title to the land therein described, and may be recorded as other deeds of real estate are recorded, and the record thereof shall have the same force and effect in all respects as the record of such other deeds and may be evidenced in like manner.

Sec. 98. TAXES PAID BY OCCUPANT OR TENANT.] When any tax on any real estate is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner; leasor or other party in interest, such occupant, tenant or other person may recover by action the amount which such owner, leasor or party in interest ought to have paid, with interest thereon at the rate of 12 per cent per annum, or may retain the same for any rent due or accruing from him to such owner or leasor for real estate on which such tax is so paid, and the same shall, until paid, constitute a lien upon said real estate.

Sec. 99. TAXES PAID BY MORTGAGEES OF OTHERS HAVING LIENS.] Any person who has a lien by mortgage or otherwise upon any real property that has been sold for taxes or on which the taxes have not been paid, may redeem from such sale or may pay such taxes and the interest, penalty and costs thereon, and the receipt of the county treasurer or the certificate of redemption, as the case may be, shall constitute an additional lien on such land to the amount therein stated, and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument, shall be collected with, as part of, and in the same manner as the amount secured by the original lien.

Sec. 100. DEED NOT BE RECORDED WITHOUT AUDITOR'S CERTIFICATE OF TAXES PAID, ETC.] When any deed is presented to the county auditor for transfer, he shall ascertain from the book and records in his office if there be delinquent taxes due upon the lands described therein, or if it has been sold for taxes, and if there are delinquent taxes due, he shall certify to the same, and when the receipt of the county treasurer shall be produced for the said delinquent taxes and for the taxes that may be in the hands of the said county treasurer for collection, the county auditor shall enter upon every deed of real property so transferred over his official signature "taxes paid and transfer entered," or, if the land described has been sold for taxes, "paid by sale of land described within;" and unless such entry is made upon any deed, the register of deeds shall refuse to receive or record the same; and any

violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be punished by a fine not exceeding one thousand dollars, nor less than one hundred dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of damages sustained. A violation of the provisions of this section by the register of deeds shall be deemed a misdemeanor, and, upon conviction thereof, he shall be punished by a fine of not less than $100, nor not exceeding $1,000; and he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained; provided, that the sheriffs' or referees' certificates of sale on execution, decrees or foreclosures of mortgages and United States patents or certified copies thereof may be recorded by the register of deeds without any such certificate from the county auditor, and said auditor shall keep a record of such transfers in a book kept for that purpose showing the names of the grantor and grantee, a description of the property and the date of transfer, and shall receive 25 cents for each certificate, from the person or persons presenting the same for certification, and shall cover the same into the treasury for the credit of the county general fund.

Sec. 101. DIVISION OF VALUATION WHERE PART OF A TRACT IS TRANSFERRED.] When the trasfer of any land or town lot or any part thereof becomes necessary by reason of a sale or conveyance is of less value than the whole tract or lot, or part thereof as charged in the tax list, said county auditor shall transfer the same whenever the seller and purchaser agree thereto in writing, signed by them, or personally appear before the auditor and agree upon the ameunt of valuation to be transferred therewith; but if the seller and purchaser do not agree as to the amount of valuation to be transferred the auditor shall make such divisions of the valuation as may appear to him just. If the county auditor is satiffied that the proportion of valuation agreed by the parties in interest to be transferred is greater than the proportional value of the land or lot to be transferred therewith, and that such agreement was made by collusion of the parties and with a view fraudulently to evade the payment of any taxes which might be legally assessed on the entire tract or lot, he may refuse to make such transfer, and when any such transfer has been procured by fraudulent agreement the same shall be cancelled by the auditor; and the land or lot so transferred be charged with taxes in the same manner as though said transfer had not been made.

Sec. 102. IRREGULARITIES OF LAND TO BE PLATTED INTO LOTS IF REQUIRED.] In all cases when any tract or lot of said land is divided into irregular shapes that cannot be described except by meets and bounds, it shall be the duty of the owner of such tracts upon the request of the county auditor to have such land platted into lots; if such plat cannot be made without actual survey of the land, then they shall have the same surveyed and the plat thereof

recorded. If the owners of any such tract shall refuse or neglect to cause such plat and survey when necessary to be made and recorded within thirty days after such request, the county surveyor, upon the request of the county auditor shall make out such plat from the record of the register of deeds, if practicable; but if it cannot be made from such records, then he shall make the necessary survey and the plat thereof, and the said auditor shall have the same recorded; such plats being duly certified and recorded the description of the property in accordance with the number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described. When the owners of such land fail to comply with the provisions of this section the costs of surveying, platting and recording shall be paid by the county, upon allowance by the county commissioners, and the amount thereof shall be added to the tax upon such tracts or lots the next ensuing year, which tax, when collected, shall be credited to the county fund.

Sec. 103. ABBREVIATIONS IN DESCRIBING LAND, ETC.] It shall be sufficient to describe land in all proceedings relative to assessing, advertising or selling the same for taxes by initial letters, abbreviations and figures to designate the township range, sections or parts of sections, and also the number of lots and blocks. Whenever the abbreviations "do" or characters "„" or other similar abbreviations or characters shall be used in any such proceedings, they shall respectively be construed and hold as meaning and being the same name, word, initial letter or letters, abbreviations, figure or figures as the last preceding such "do" or "„" or other similar characters.

Sec. 104. AUDITOR TO CORRECT FALSE LISTS AND RETURNS.] The county auditor, if he has reason to believe or is informed that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount of all personal property, required to be listed in his township or district, or has omitted or made an erroneous return of any property which is by law subject to taxation, shall proceed at any time before the final settlement with the county treasurer, to correct the return of the assessor and to charge the owners of such property, on the tax lists, with the proper amount of taxes; to enable him to do which, he is hereby authorized and empowered to issue compulsory process and require the attendance of any person which he may suppose to have a knowledge of the articles or article of the property and examine such person on oath in relation to such statement or return; and the auditor in all such cases shall notify every such person before making the entry on the tax list that he may have an opportunity of showing that his statement on the return of the assessor is correct; and the county auditor shall, in all cases, file in his office a statement of the facts of evidence upon which he made such corrections.

Sec. 105. TAX NOT COLLECTED TO BE ADDED TO THE NEXT YEARS TAX.] If any tax on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceedings or other cause, the amount of such tax, which such property should have paid, shall be entered on the tax list against such property for the next succeeding year.

Sec. 106. DEBTS OF MUNICIPALITIES VOID IF ENTAILING TAXATION BEYOND THE RATE FIXED BY LAW.] It shall be unlawful for the corporate authorities of any county, township, city, town or village, or the authorities of any school district, unless specially and expressly authorized by law, to contract any debt or incur any pecuniary liability, for the payment of either the principal or interest, for which, during the current year or any subsequent year, it shall be necessary to levy on the taxable property of such county, township, city, town or village or school district, a higher rate of tax than the maximum rate prescribed by law; and every contract made in contravention of the provisions of this section shall be utterly null and void in regard to any obligation thereby imposed on the corporation on behalf of which such contract purports to be made; but every commissioner, officer, agent, supervisor or member of any municipal corporation, that makes or participates in making or authorizes the making of any such contract, shall be held individually liable for its performance; and every commissioner, supervisor, director, or member of any city, town or village council, or other officer or agent of any such municipal corporation present when any such unlawful contract was made or authorized to be made, shall be deemed to have made or to have participated in making, or to have authorized the making of the same, as the case may be, unless, if present, he dissented therefrom and entered or caused to be entered such dissent on the records of such municipal corporation, or of its council, supervisors or other office.

Sec. 107. EXEMPT PROPERTY TO BE VALUED AND ASSESSED.] At the time of taking the assessment of real property the assessor shall enter on a separate list each description of property in the town or district exempt under the provisions of section 5 of this tract, and value and assess the same in the manner and subject to the same rules as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used.

Sec. 108. NEGLECT OF DUTY BY OFFICERS.] Every county, district or township officer who in any case refuses or knowingly neglects to perform any duty enjoined on him by this act, or who consents to or connives at any evasion of its provisions whereby any proceeding required by this act is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered

on the tax list at less than its true value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction.

Sec. 109. SUITS AGAINST OFFICERS DEFENDED AT EXPENSE OF COUNTY.] Whenever civil action is brought against any person holding the office of county treasurer, county auditor, or any town or district officer for performing or attempting to perform any duty authorized or decreed by any statute of this state for collection of the public revenue, such treasurer, auditor or other officer, may, in the discretion of the court before whom such action is brought, by an order made by said court and entered in the minutes thereof, be allowed and paid, out of the county treasury, reasonable fees of counsel and other expenses for defending such action.

Sec. 110. WHEN AUDITOR TO FORWARD LIST OF NEW TAXABLE LANDS.] A list of all lands becoming taxable for the first time in any county of the state shall be procured by the state auditor from the proper land officers and forwarded by him to the county auditor of the proper county on or before the fifteenth day of March of each year.

Sec. 111. NOTICE WHEN TIME FOR REDEMPTION EXPIRE—DUTIES OF CERTIFICATE HOLDERS AND AUDITORS.] Every person holding a tax certificate shall, at least ninety days before expiration of the time for the redemption of the lands therein described, present such certificate to the county auditor, and thereupon the auditor shall prepare, under his hand and official seal, a notice to the person in whose name such lands are assessed, specifying the description of such lands, the amount for which the same were sold, the amount required to redeem such lands from sale, exclusive of the cost to accrue upon such notice, and the time when the redemption period will expire, which notice the auditor shall cause to be served personally upon the owner, if known to be a resident of the state, but which may, if the owner be a non-resident, be given by registered letter, addressed to such owner at his last known postoffice address, and by publication once in each week, for three consecutive weeks, in some newspaper printed and published in the county where such lands are situated, if there be one; if none, then in some newspaper printed and published at the capital of the state, and in case the property caused by such certificate is occupied, then service of such notice shall in addition to the foregoing provision be made upon the person in possession thereof, proof of the notice herein provided for must be filed in the office of the county auditor prior to the maturing of such certificate, and no deed shall issue until such proof has been duly filed. The fees for serving and the printed fees for publishing such notice shall be added to the amount required to redeem such land, and shall

be paid by the party offering to return such land before any certificate of redemption shall be issued. In case of failure on the part of the holder of any tax certificate to present the same to the auditor at the time hereinbefore provided, the same may be so presented at any time thereafter; and thereupon such notice shall be issued and served as hereinbefore provided, and the time for redemption of such lands shall expire ninety days after such notice; provided, that the county shall not be liable for any expense incurred under the provisions of this section; and provided further, that all interest shall cease at the expiration of three years from the date of the certificate.

Sec. 112. REDEMPTION WHEN OWNER DIES AFTER SALE.] Whenever the lands of any person heretofore have been or hereafter shall be sold for taxes, and the owner of such lands, after such sale and before the expiration of the period of redemption, heretofore has deceased or hereafter shall decease, the executor or administrator of such owner or any person interested in his estate as heir, or advisor, or creditor may redeem such lands from any such sale at any time within four years from the date thereof. If such redemption be made by a creditor, the amount paid to effect such redemption, with interest thereon at the rate of seven per cent per anuum, shall constitute a valid claim against the estate of the deceased. If such redemption be made by an executor or administrator he shall at the time of the making thereof produce his letters testamentary, or of administration to the county auditor, if made by another person he shall make and file with such auditor an affidavis stating under what right or claim such redemption is made.

Sec. 113. SAME—CERTIFICATE TO BE GIVEN BY AUDITOR.] Upon any such redemption being made, the county auditor shall make and deliver to the person making such redemption a certificate, containing the name of the person redeeming, a statement of the claim or right upon which such redemption was made, the amount paid to redeem, a description of the land redeemed, the date of the sale of such lands and the year in which the taxes were levied for which such sale was made, which certificate shall have the effect to annul any such sale, and such certificate may be recorded as other deeds of real estate, and with the like effect as evidence or otherwise.

Sec. 114. ASSESSMENT AND TAXATION IN UNORGANIZED COUNTIES.] Any property not exempt from taxation, which is situated or kept in any unorganized county in this state, shall be listed and assessed by an assessor, to be appointed by the board of county commissioners of the organized county to which such unorganized county is attached for judicial purposes; and the taxes due and payable on property in such unorganized county shall be paid to and collected by the treasurer of such organized county, but such property shall be assessed and taxed for state purposes only.

The board of county commissioners of the county to which such unorganized county is attached for judicial purposes shall, at the time and place it equalizes and corrects the assessment roll of its county, equalize and correct the assessment roll of such unorganized county, and at the same time and place it makes its tax levy for county purposes, levy a tax upon the assessed property of such unorganized county for state purposes only, and in the same manner and form that it makes levy for state purposes in its own county; and when the tax list is completed the board of county commissioners shall attach to such tax list its warrant under its hand and official seal in general terms requiring the county treasurer of such organized county to collect the tax therein levied according to law; and it shall require an additional bond from such county treasurer in such amount as it may deem necessary for the faithful discharge of his duties in collecting such tax; and it shall audit and allow the necessary expenses of the assessor, auditor and treasurer for the assessment and collection of such taxes, which shall be paid upon its warrant out of the taxes so assessed and collected.

The county auditor of the county to which such unorganized county is attached for judicial purposes shall prepare a tax list in duplicate, with the warrant of the county commissioners attached, and deliver the duplicate thereof to the county treasurer on or before the first day of December following the date of the levy for the current year, and such duplicate tax list shall be full and sufficient authority for the collection by the treasurer of all taxes therein contained. The original tax list shall be kept by such auditor as the property of such unorganized county.

It shall be the duty of the county treasurer, upon receipt of the tax list aforesaid, to collect such tax in the same manner and form in which other taxes are collected, and he shall pay the warrants drawn by the county commissioners upon such tax for necessary expenses of assessing and collecting the same, and remit the remainder of such tax to the state treasurer.

Sec. 115. Sections 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185] 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200; 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1231, 1234, 1237, 1238, 1239, 1240, 1242, 1243, 1244, 1245, 1246, 1247, 1250, 1251, 1252, 1253, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1294, 1296, 1309, 1321, 1325, 1336, 1337, 1338, 1339, 1346 of the revised codes of North Dakota of 1895, and all other sections and parts of sections of said codes and of all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 116. EMERGENCY.] Whereas an emergency exists in that many of the official duties prescribed in and by this act are to be performed prior to the first day of July, 1897, therefore an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Mr. Power moved
That the report of the committee be adopted, and
That the substitute be printed in the Journal,
Which motion prevailed, and
The report of the committee was adopted.

The committee on banking made the following report:

MR. SPEAKER:

Your committee on banking to whom was referred
House Bill No. 119,
A bill for an act to amend section 137 of the Revised Codes of 1895, relating to the duties of state examiner,
Have had the same under consideration and recommend that the same do pass.

H. N. JOY,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 116,
A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom,
Have had the same under consideration and recommend the passage of the substitute bill hereto attached.

O. W. FRANCIS,
Chairman.

Mr. Francis moved
The adoption of the report
Which motion prevailed, and
The report was adopted.

SUBSTITUTE FOR HOUSE BILL NO. 116.

A bill for an act to provide for the subdivision of school townships and the establishment of new school districts therein.

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

SECTION 1. In any county containing school townships any school district therein may be subdivided as follows: Upon receipt by the board of county commissioners of such county of a petition signed by at least ten resident freeholders who are in charge of or support at least fifteen children of school age, all of whom reside within the territory petitioned to be set apart as an independent school district, which petition shall set forth the reasons why

such action should be taken, it shall be the duty of the said board at its next regular meeting to investigate the request of such petitioners, and if said board, together with the county superintendent of schools, shall find that the reasons set forth in such petition are good and sufficient, the request of such petitioners shall be granted and a new school district declared; provided that the territory described in such petition shall have an assessed valuation of at least ten thousand dollars; and provided also, that such change or creation or a new school district shall not cause the abandonment of any other school already established within the boundaries of the school township district from which such new district is set apart.

SEC. 2. When such new school district is established, the county superintendent of schools shall appoint the necessary school officers, who shall hold their office until the next annual school election.

SEC. 3. Any new district thus created shall be entitled to a proportionate share of the property and funds on hand belonging to, and shall be liable for its proportionate share of the indebteness of the original district, such proportion to be determined and adjusted under and in pursuance to the provisions of the general school law applicable thereto.

SEC. 4. A new school district organized under the provisions of this act and the district remaining after such new district is set off, shall severally be known as school district No. .... of ..... township, and school district No. .... of ..... township, the numbers to be determined by the board of county commissioners.

SEC. 5. Whereas, an emergency exists in that there is now no adequate law for the formation and establishment of new school districts outside of incorporated cities, therefore this act shall take effect and be in force from and after its passage and approval.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 142,

Being a concurrent resolution,

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

In line 3 of section 1 after the words "express companies" insert the words "freight line companies, car equipment companies."

In line 7 of section 2 after the words "express companies" insert the words "freight line companies, car equipment companies."

In line 9 of section 2 omit the words "used or" where they occur.

In lines 7 and 8 of section 2 of original bill substitute the words "and used" in place of the words "or engaged,"

And when so amended recommend that the same do pass.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota,

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

By amending the title of the bill so as to read as follows: "A bill for an act to amend sections 1664, 1665, 1666 and 1668 of the Revised Codes of North Dakota, relating to firebreaks, appointment of firewardens, and duty of county commissioners thereunder."

By substituting the words "firebreak" for fireguard," wherever it occurs.

By substituting the words "Revised Codes" for the words "political code" where used in the bill.

By substituting the word "his" for "their" in line 14, of section 2, of printed bill.

By substituting the word "breaks" for "break" in line 21 of section 2.

By adding after section 1665, as amended, the following: "Provided further, that whenever in the judgment of the board of county commissioners of any county it shall not be deemed advisable to receive bids for the making of firebreaks in any fire district, then such firebreaks as may be needed may be made under and in pursuance of section 1671 of the Revised Codes of North Dakota."

And when so amended recommend that the same do pass.

Also,

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain,

Have had the same under consideration and recommend that the same be further amended by striking out all of section 3,

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hurley moved

That the petition from Traill county in reference to a bridge across the Red River be rereferred to the committee on state affairs,

Which motion prevailed.

Mr. Williams of Burleigh offered the following resolution:

WHEREAS, It is evident from the tenor of the large number of petitions now being presented to this body that there is some influence at work throughout the state arousing public sentiment and creating alarm among the advocates of temperance, not justified by any action of this body, or any proposed measure pending; and being opposed to the unqualified repeal of the prohibition article in the state constitution, and a return to the conditions existing prior to statehood; therefore,

Resolved, By this body that there exists no well grounded reason for such unusual agitation at this time and that the cause of temperance is safe in the hands of the regularly elected representatives of the people from the various districts of the state.

Mr. Williams moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Dougherty presented the following:

CONCURRENT RESOLUTION.

WHEREAS, The state treasurer of the state of North Dakota has made a report to this legislative assembly, showing that there was on February 8, 1897, $65,772.91 on deposit in suspended national banks of this state; and

WHEREAS, The said report recites, "that the provisions of article 4 of chapter 4 of the Revised Codes have been complied with so far as it applies to the state treasurer's office;" and

WHEREAS, The state is now in need of funds to meet current expenses; therefore,

Resolved by the House of Representatives, the Senate Concurring:

That the state treasurer of this state be instructed to proceed forthwith against the bondsmen of said banks to indemnify the state for the amount of money on deposit in each of said suspended banks.

Mr. Joy moved
That the resolution be adopted, and
That it be referred to committee on supplies and expenditures,
Which motion prevailed.

Mr. Mitchell moved
That the resolution relating to the time in which bills might be introduced be taken from the table,
Which motion prevailed.

Mr. Mitchell moved

That the resolution be amended as follows by substituting the words "25th" for "20th" and the words "a two-thirds vote" instead of the words "a unanimous vote,"

Mr. Williams of Traill offered the following:

CONCURRENT RESOLUTION.

Concurrent Resolution for a Just and Reasonable Valuation of Railroad Property for the Purposes of Taxation.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That it being evident that railroad property within the State of North Dakota is returning good revenue on capitalization ranging from twenty-four thousand dollars ($24,000) to sixty thousand dollars ($60,000) per mile; while paying taxes on a mere nominal valuation, and the necessity for revenue for state institu ions being apparent, the state board of equalization is hereby directed to assess all railroad property at a just and fair valuation which in no case in the future shall be less than five thousand dollars ($5,000) per mile.

Mr. Williams moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 15, 1897.

MR. SPEAKER:
I have the honor to inform you that the Senate has appointed a

committee of three to confer with a like committee on the part of the House in regard to the House amendments to

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,

And the President has appointed as such committee Messrs. Creel, White and LaMoure.

Respectfully yours,
J. O. SMITH,
Secretary.

Also,

I have the honor to transmit herewith

Senate Bill No. 105,

A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to how ballots shall be prepared and the arrangement of names thereon,

Which the Senate has passed.

Also,

Senate Bill No. 117,

A bill for a joint 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 praying for the passage of an act reducing to $5 an acre the minimum price at which lands granted to the state under the enabling act may be sold,

Also,

Senate Bill No. 30,

A bill for an act authorizing persons having liens upon real estate to pay the taxes upon the same, and to maintain actions to test the validity thereof,

Which the Senate has passed.

Also,

Senate Bill No. 118,

Being a concurrent resolution,

Which the Senate has amended and passed as amended and your careful consideration of the same is respectfully requested.

I also have the honor to return herewith

House Bill No. 44,

A bill for an act to amend section 2345 of the Revised Codes of North Dakota, relating to incorporation of villages,

Which the Senate has passed.

Respectfully yours,
J. O. SMITH,
Secretary.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Sargent introduced
House Bill No. 143,
A bill for an act to establish the county or township system for the care of the poor.

Mr. Sargent introduced
House Bill No. 144,
A bill for an act regulating the foreclosure of lands contracts.

Mr. Williams of Burleigh introduced
House Bill No. 145,
A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to divorces.

Mr. Erickson introduced
House Bill No. 146,
A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to residence in cases of divorce.

Mr. Hurley introduced
House Bill No. 147,
A bill for an act authorizing the board of university and school lands to lease to the trustees of the North Dakota penitentiary school land for a penitentiary farm, and to make appropriation for the rental thereof for the benefit of the school fund.

Mr. Joy introduced
House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor.

Mr. Belden introduced
House Bill No. 149,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 143,
A bill for an act to establish the county or township system for the care of the poor,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 144,
A bill for an act regulating the foreclosure of land contracts,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 145,
A bill for an act to amend section 2755 of the Revised Codes of the state of North Dakota, relating to divorces,

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 146,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to residence in cases of divorce,

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 147,

A bill for an act authorizing the board of university and school lands to lease to the trustees of the North Dakota penitentiary school land for a penitentiary farm, and to make appropriation for the rental thereof for the benefit of the school fund,

Was read the first and second times, and
Referred to the committee on appropriations.

House Bill No. 148,

A bill for an act to encourage county agricultural fairs and exhibition associations, and to provide therefor,

Was read the first and second times, and
Referred to the committee on agriculture.

House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota,

Was read the first and second times, and
Referred to the committee on appropriations.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6081, 6089. 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure, relating to proceedings in insolvency,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 39, nays 4, absent and not voting 19.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	McGinnis,
Baker,	Hammond,	Mitchell,
Belden,	Hawk,	Peoples,
Boyd of Cavalier,	Heskin,	Porter,
Brotnov,	Howard,	Power,
Butterwick,	Hurley,	Richards,
Carlin,	Johnson,	Ryan,
Currier,	Joy,	Sargent,
Dunton,	Kroeger,	Sharpe,
Earl,	Lenz,	Stevenson,
Ebbighausen,	Lindstrom,	Towle,
Francis,	Lovelace,	Williams,
Gaulke,	McConnachie,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dougherty,	McPherson,	Wirkus.
Guinan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Syvertson,
Colby,	Korsmo,	Tanton,
Cole,	Murphy,	Twichell,
Cryan,	Northrop,	Wallace,
Duncan,	Offerdahl,	White,
Erickson,	Swenson,	Wood.
Gilbertson,		

Messrs. Boyd of Cass, Gilbertson, Hankinson, Korsmo, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

So the bill passed and the title was agreed to.

Mr. Joy moved

That the Speaker appoint a committee of three, as requested by the Senate, to confer on the House amendments to

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state,

Which motion prevailed, and

The Speaker appointed as such committee on the part of the House Messrs. Joy, Power and Twichell.

The Speaker announced that he was about to sign

Senate Bill No 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota.

Also a concurrent resolution in relation to the funding of certain indebtedness.

There being no objection Senate Bill No. 109 and the concurrent resolution were signed by the Speaker.

The House returned to the fifth order of business.

REPORTS OF STANDING COMMITTEES.

The committee on banking made the following report:

MR. SPEAKER:

Your committee on banking to whom was referred

House Bill No. 14,

A bill for an act to amend sections numbered 3231, 3254, 3255,

3256 and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking,

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

H. N. JOY,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 105,

A bill for an act to amend section 491 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on elections and privileges.

Senate Bill No. 30,

A bill for an act authorizing persons having liens upon real estate to pay the taxes upon the same, and to maintain actions to test the validity thereof,

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

Senate Bill No. 117,

A bill for a joint 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 praying for the passage of an act reducing to $5 an acre the minimum price at which lands granted to the state under the enabling act may be sold,

Was read the first and second times, and

Referred to the committee on public lands.

The House took an informal recess.

The House reassembled.

THIRD READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 96,

A bill for an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 40, nays none, absent and not voting 22.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Cryan,	Kroeger,	Stevenson,

Messrs—	Messrs—	Messrs—
Currier,	Lenz,	Syvertson,
Dougherty,	Lindstrom,	Towle,
Duncan,	Lovelace,	Twichell,
Dunton,	McConnachie,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Francis,	Murphy,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas.	Hammond,	Offerdahl,
Boyd of Cass,	Hankinson,	Power,
Carlin,	Howard,	Ryan,
Colby,	Hurley,	Swenson,
Cole,	Korsmo,	Tanton,
Erickson,	McGinnis,	Wallace,
Gaulke,	Northrop,	Wood.
Gilbertson,		

Messrs. Boyd of Cass, Gilbertson, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 98,
A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Mitchell,
Baker,	Goplerud,	Murphy,
Belden,	Guinan,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Joy,	Syvertson,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	White,
Dunton,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams.
Ebbighausen,	McGinnis,	Mr. Speaker.
Francis,	McPherson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Ryan,
Cole,	Korsmo,	Swenson,
Erickson,	Northrop,	Tanton,
Gilbertson,	Offerdahl,	Wallace,
Hammond,	Power,	Wood.

Messrs. Boyd of Cass, Gilbertson, Hankinson, Korsmo, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

Mr. Francis moved

To amend the title by adding the words "relating to challenges in criminal cases,"

Which motion prevailed.

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

Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays 1, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Mitchell,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cavalier,	Hawk,	Power,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sargent,
Cryan,	Johnson,	Sharpe,
Currier,	Joy,	Stevenson,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	White,
Ebbighausen,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Korsmo,	Swenson,
Cole,	Murphy,	Tanton,
Gilbertson,	Northrop,	Wallace,
Hankinson,	Offerdahl,	Wood.

Mr. Colby voting in the negative.

Messrs. Boyd of Cass, Gilbertson, Hankinson, Korsmo, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

So the bill passed and title was agreed to.

Senate Bill No. 32,
A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,
Was read the third time.

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

The roll being called there were ayes 48, nays 3, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Mitchell,
Baker,	Gaulke,	Peoples,
Belden,	Goplerud,	Porter,
Boyd of Cavalier,	Guinan,	Power,
Brotnov,	Hammond,	Richards,
Butterwick,	Hawk,	Ryan,
Carlin,	Heskin,	Sargent,
Colby,	Howard,	Sharpe,
Cole,	Hurley,	Stevenson,
Cryan,	Johnson,	Syvertson,
Currier,	Joy,	Towle,
Dougherty,	Kroeger,	Twichell,
Duncan,	Lenz,	White,
Dunton,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams,
Ebbighausen,	McGinnis,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Erickson,	Lindstrom,	McPherson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Murphy,	Tanton,
Gilbertson,	Northrop,	Wallace,
Hankinson,	Offerdahl,	Wood.
Korsmo,	Swenson,	

Messrs. Boyd of Cass, Gilbertson, Hankinson, Korsmo, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

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

Mr. Gaulke requested that the courtesies of the floor be extended to Dr. H. D. Quarry of Grand Forks,
Which was granted.

Senate Bill No. 14,
A bill for an act entitled "an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus,"
Was read the third time.

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

The roll being called there were ayes 46, nays none, absent and voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	McPherson,
Baker,	Guinan,	Mitchell,
Belden,	Hammond,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Power,
Butterwick,	Howard,	Richards,
Carlin,	Hurley,	Ryan,
Colby,	Johnson,	Sargent,
Cole,	Joy,	Stevenson,
Cryan,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Towle,
Dunton,	Lindstrom,	White,
Earl,	Lovelace,	Wirkus,
Ebbighausen,	McConnachie,	Williams,
Erickson,	McGinnis,	Mr. Speaker.
Francis,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Korsmo,	Swenson,
Currier,	Murphy,	Tanton,
Duncan,	Northrop,	Twichell,
Gaulke,	Offerdahl,	Wallace,
Gilbertson,	Sharpe,	Wood.
Hankinson,		

Messrs. Boyd of Cass, Gilbertson, Hankinson, Korsmo, Northrop, Offerdahl, Swenson, Tanton, Wallace and Wood being excused.

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

Senate Bill No. 74,
A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,
Was read the third time.

Mr. Francis moved
That the bill be recommitted to the committee on judiciary,
Which motion prevailed, and
The bill was recommitted.

COMMITTEE OF THE WHOLE.

Mr. Ryan moved

That the House do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 100,

A bill for an act repealing an act entitled an act creating the office of state superintendent of irrigation and forestry and prescribing the duties thereof,

And recommend that the same be considered in general orders on Friday, Feb. 19, 1897.

Also,

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marry,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry, and making an appropriation therefor,

And recommend that the same do pass as amended by the committee on forestry.

Also,

Substitute for Senate Bill No. 33,

A bill for an act to amend section 2365, article 2, chapter 29 of the Revised Codes of 1895, relating to powers of board of trustees of villages,

And recommend that the same be made a special order for tomorrow at 3:30 p. m., and that the bill be read the second time by the secretary.

Also,
Senate Bill No. 1,
A bill for an act in relation to the labor of convicts in the state prison of North Dakota,
And recommend that it be recommitted to the committee on labor.

Also,
House Bill No. 110,
A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota,
And recommend that the bill do pass as amended by the committee on education.

Also,
House Bill No. 49.
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,
And recommend that the consideration of the same in general orders be deferred until the author of the bill is present.

Also,
House Bill No. 71,
A bill for an act to amend section 2980 of the Revised Codes of North Dakota,
And recommend that the same do pass as amended.

Also,
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways,
And recommend that the same be referred to the committee on judiciary.

Also,
House Bill No 123,
A bill for an act to amend section 1482 of the Revised Codes of North Dakota, relating to the support of the poor,
And recommend that further consideration of the bill be indefinitely postponed.

Also,
Substitute for House Bills Nos. 38 and 109,
A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to elections,
And recommend that the same be considered when the author is present.

Also,
House Bill No. 125,
A bill for an act to amend section 6841 of the Revised Codes of North Dakota, relating to Sabbath breaking,
And recommend that the same be recommitted to the committee on judiciary.

Also,
House Bill No. 55,
A bill for an act requiring all state and county officials now required by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a fidelity insurance company,
And recommend that it be re-referred to the committee on judiciary.

Also,
House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,
And recommend that the same do pass as amended.

W. J. HAWK,
Chairman.

Mr. Gaulke moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 44,
A bill for an act to amend section 2345 of the Revised Codes of North Dakota relating to the incorporation of villages.

Also,
House Bill No. 59,
A bill for an act to provide for the allowance and payment of witness fees in certain cases.
And find the same correctly enrolled.

R. J. MITCHELL,
Chairman.

The speaker announced that he was about to sign
House Bill No. 44,
A bill for an act to amend section 2345 of the Revised Codes of North Dakota, relating to the incorporation of villages.

Also,
House Bill No. 59,
A bill for an act to provide for the allowance and payment of witness fees in certain cases.

There being no objection, their titles were read and the Speaker affixed his signature.

Mr. McPherson moved
That the House take a recess until 9 a. m. February 16,
Which motion was lost.

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

H. E. LAVAYEA,
Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 16, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ebbighausen, Hankinson and Northrop, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-second day and recommend it be amended as follows:

On page 3, line 14, strike out the letter "N" and insert in lieu thereof the letter "F."

On page 14, line 39, strike out the words "railroad companies and."

On page 19, line 39, after the word "the" insert the word "full."

On page 22, line 12, the second word should read "township."

On page 24, line 23, after the word "or" insert the word "the."

On page 25, line 12, strike out the word "first" and insert in lieu thereof the word "second."

On page 27, line 34, strike out the figure "2" and insert in lieu thereof the word "two."

On page 31, line 6, after the word "section" insert the figures "61."

On page 31, line 8, after the word "section" insert the figures "65."

On page 33, line 40, after the word "section" insert the figures "61."

On page 37, line 18, after the word "to" insert the letter "T" so as to read "the."

On page 38, line 39, before the word "at" insert "1st."

On page 40, line 43, strike out the word "five" and insert in lieu thereof the word "three."

On page 40, line 43, strike out the word "sale" and insert in lieu thereof the word "certificate."

On page 42, line 31, after the word "title" insert the words "to the lands."

On page 42, line 38, after the word "such" insert the word "other."

On page 47, line 41, strike out the word "caused" and insert in lieu thereof the "covered."

On page 49, line 37, strike out the figures "1199."

And when so amended recommend that the Journal of the forty-second day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the forty-second day was approved.

The Speaker appointed A. L. Anderson of Grand Forks as assistant engrossing and enrolling clerk, and the oath of office was administered to him by the Speaker.

The courtesies of the floor were extended to Mr. Wheeler of Morton, Mr. Hancock of Fargo, Franklin Potter of Cass, Major Makee of Portal, E. A. Munger, C. J. Muson, E. K. Shirley and H. H. Hanson of Richland, Martin Larson of Ransom, C. A. Jacobson and W. C. Treuman of Walsh.

The Speaker stated that there being no objection the petitions relating to the prohibition law would be referred to the committee on temperance without being printed in the Journal.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes, relating to the diminution of sentence for good conduct of inmates of the state penitentiary,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 46,
A bill for an act to amend sections 8542 and 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary.

There being no objection the bill was signed by the Speaker.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 117,
A bill for an act limiting the term of office of county treasurer, sheriff, superintendent of public instruction, auditor, register of deeds, clerk of district court and county judge,
Have had the same under consideration and recommend that the same do not pass.

Also,
House Bill No. 105,
A concurrent resolution to amend subdivision 1 of section 215 of article 19 of the constitution of the state of North Dakota,
Have had the same under consideration and report it back without recommendation.

Also,
House Bill No. 103,
A bill for an act for the better protection of game,
Have had the same under consideration and recommend that further consideration be indefinitely postponed as its provisions are covered in the bill introduced by the joint committee on game laws.

E. F. PORTER,
Chairman.

Mr. Porter moved
The adoption of the report,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 103 was indefinitely postponed.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred,
House Bill No. 114,
A bill for an act repealing sections 1586 and 1587 of the Revised Codes of 1895,
Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 144 was indefinitely postponed.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred
Senate Bill No. 90,
A bill for an act to repeal sections 1679 and 1680 of the political code of the Revised Codes of North Dakota, relating to a bounty on twine,
Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. PORTER,
Chairman.

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

The report was adopted, and
The further consideration of House Bill No. 90 was indefinitely postponed.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred
Senate Bill No. 31,
A bill for an act to prevent the setting of prairie fires by railroad engines, and prescribing the duties of railroad companies with regard to preventing prairie fires upon their right of way; and fixing penalties for neglect of such companies in relation thereto,
Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of Senate Bill No. 31 was indefinitely postponed.

The committee on taxation and tax laws made the following report:

MR. SPEAKER:
Your committee on taxation and tax laws to whom was referred
House Bill No. 66,
A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation,
Have had the same under consideration and recommend that the same be amended as follows:

By striking ont the word "by law" in second line of the title by inserting the words "including all buildings on lands heretofore declared forfeited to the state and omitted from assessment by reason thereof," after the word "aside" in line 7 of section 1.
By substituting the word "June" for "April" in line 2 of section 2.
By striking out the word "by law" in line 7 of section 2.
By substituting the word "two" for "four" in line 6 of section 3.
By substituting the word "fifeenth" for "first" in line 7 of section 3, and the word "July" for "August" in same line and section.
By striking out the word "daily" in line 12 of section 3.
By substituting the word "in" for "at" in same line and section.
By substituting the words "judicial district" for the words "capital of the state" in line 13 of section 3.
By striking out the words "by law" in line 23 of section 3.

By inserting the words "assessment and taxation" after the word "escaped" in line 25 of section 3.

By striking out the words "by law" in line 7 of section 4.

By substituting the words "for each" for "at the" in line 3 of section 5.

By striking out the word "certified" in line 12 of section 5.

By inserting the word "be" between the words "to" and "present" in line 14 of section 5.

By inserting the word "the" between the words "in" and "manner" in line 27 of section 5.

By substituting the word "first" for "tenth" in line 3 of section 6.

By inserting the word "state" between the words "the" and "board" in line 5 of section 6.

By substituting "a" for the word "such" in line 3 of section 8.

By striking out "a" and the word "aggregate" in line 4 of section 8; also, adding "s" to the word "column" same line and section.

By striking out the words "by law" in line 6 of section 8.

By striking out "a" at the end of line 10, section 8.

By adding "s" to the word "column" in line 11 of section 8.

By striking out the word "daily" in line 12 of section 11.

By striking out the words "at the capital of the state" in lines 12 and 13 of section 11, substituting the words "in the judicial district."

By substituting the word "and" for "but" in line 15 of section 12.

By substituting the word "three" for "two" in line 12 of section 16.

By inserting after the word "faith" "and prior to the passage and approval of this act" in line 3 of section 18.

By changing the word "appearing" to "appeared" in line 3 of section 18.

By substituting the word "counties' for "cities" in line 1 of section 20.

Reference being had to printed copy of House Bill No. 66.

And when so amended recommend that the same do pass.

J. B. POWER,
Chairman.

Mr. Power moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

REPORT OF SPECIAL COMMITTEE.

BISMARCK, N. D., Feb. 15, 1897.

To the Senate and House of Representatives of the Fifth Legislative Assembly, North Dakota:

GENTLEMEN: Your joint committee appointed under your resolution of January 15, to visit the several public institutions of the state to ascertain their requirements, have performed the duty assigned them and beg leave to report.

We have taken into consideration the condition of the public treasury as reported by the auditor and treasurer January 19 in a communication to the senate, and the probable effect of the several bills now pending in the legislature. The auditor and treasurer estimate the revenues for the coming biennial period at $648,000; the charges for state officers, the judiciary and other fixed appropriations aside from the public institutions amount to $477,000. This, under the revenue laws of the state as they then stood, would leave but $171,000 for the public institutions, while the bills we had under consideration in connection with our examinations called for an aggregate of $573,213. The appropriations which we herein recommend aggregate $300,775, exceeding the estimates of the auditor and treasurer of the

amount likely to be available by $129,775. We therefore anticipate the increased revenues from the legislation now pending. We have been impartial in our examinations. We have tried to be fair and just to each of the institutions, while bearing in mind the greater interests of the state and the condition of the public treasury.

SCHOOL FOR THE DEAF.

The school for the deaf is a most worthy institution. It is sadly in need of increased facilities for the proper care of its inmates. The building is faulty in construction, the north wall is damp and discolored from the effects of a leaky roof. In the interest of health the roof requires repair and the walls painting. The dormitories are overcrowded. Twenty-three girls are assigned to one room, 30x36, and twenty-four boys to another about the same size. The beds stand so close to each other that there is scarcely room for a full grown person to pass between them. The building is heated by twenty-five stoves, with long runs of pipe. The system is expensive and dangerous. The helpless condition of the deaf, the difficulty in arousing them in case of fire should be taken into consideration, and yet there is not likely to be funds available for their relief or for the wing which they so much need.

The water supply consists of a well, the water unfit for general use, that for drinking being hauled from the city in barrels and there is no system of sewerage, essential to the continued health of the inmates. The interior of the building is neat and clean, and there is efficiency in every department, coupled with painstaking care, and the pupils have made excellent progress. There are forty-seven in attendance, and applications have been received from a considerable number for whom no provision can be made.

We recommend the following appropriations for two years: For maintenance $8,000, salaries $5,500, wages $2,500, fuel and lights $1,500, furniture and bedding, $200, books and school supplies, $100, drugs and medical attendance $300, machinery and stock $150, incidental expenses and repairs $800, feed for stock, $200. Total, $19,300.

STATE UNIVERSITY.

The buildings at the state university need painting that the walls may be preserved. The plastering on the inner walls and ceiling in the main building is badly cracked. Patching may do for the present. Should the building require replastering we recommend to the attention of the trustees who may have the work in hand, the sheet steel now in use for this purpose. It is neat, inexpensive, endurable. The boilers of the heating plant should be reset during the coming summer as there is great loss of heat under present conditions, which can be remedied.

The attendance at the university is 180. The work in the several departments is effective. Both faculty and students are a credit to the state. The management of the trustees has been careful, economical and efficient. They have proven their devotion to the cause of education while being faithful to the interests of the state. We cannot commend too highly the liberality of the citizens of Grand Forks and of the state who have contributed to the support of this institution during the past two years when the state appropriation failed.

In our judgment the department of Scandinavian language and literature should continue to be dispensed with for a time. The salaries of other professors are higher than in other educational institutions of the state. We recommend the following appropriations for the two years:

For salaries of the instructional force, $23,000. for the department of biology, $500; for the department of mathematics, $500; for the department of chemistry and geology, $500; for repairs of buildings and grounds, $1,000; for fuel and lights, $4,000; for engineer and assistants, $3,000; for incidental expenses, $1,000; for water supply, $1,000; for commutation of quarters of military instructor, $720; for military department, $500; total, $47,720.

PENITENTIARY.

We cannot commend too highly the management of the penitentiary. There is economy in every detail and efficiency in every department. The expenses have been reduced more than $1,000 per month over any previous term, besides taking care of a largely increased number of convicts. A hospital seems absolutely necessary for the proper care of the sick. In case of contagious or infectious disease there is absolutely no provision for the proper care or isolation of those affected. The institution has on hand about 450,000 brick made by convict labor, which can be used for the construction of the proper building in accordance with the original plans for the institution. The work of construction can be largely by prison labor. We have, therefore, included in our estimates an amount sufficient, with the material on hand, to construct and equip this building. There is need for better provision for the guards and employes. Eighteen are now crowded into four small rooms. There is an unfinished attic, which has not been in use, which could be utilized for this purpose if provision can be made for heating, but it would involve an expense of $1,500. We do not include this in our estimates, nor any provision for replacing the stockade, now 14 years old, which has been blown down in part three times in recent years. This will require repair and should be replaced by a brick or stone wall involving an expense for lime and incidental expenses of at least $3,000. Should Senate Bill No. 1, repealing the law which brings to the state a revenue of about $2,500 per annum, be passed an appropriation should be made that would give means to employ convicts on this or other work for the benefit of the institution. We recommend the following appropriations for this institution:

Salary of warden $3,000, deputy warden $2,000, matron $600, guards and employes $10,000 maintenance $18,000, lights and fuel $4,000, repairs and improvements $1,000, incidentals $600, drugs and medical attendance $1,200, transportation and clothing of discharged convicts and temporary aid $2,500, clothing of inmates $1,000, bedding $400, water supply $1,500, furnishing cells $300, books and stationery $250, erection and equipment of hospital $2,250; total $50,000.

HOSPITAL FOR THE INSANE.

There are 354 inmates in the hospital for the insane at Jamestown; 200 males and 154 females. A large percentage of these are feeble minded children or imbeciles. They are incurable and should not be cared for as patients in an hospital for the insane. They should be returned to the counties from whence they came, until such time as proper provision can be made for them in a separate institution, for which there is now $26,370 14 in the state treasury, originally appropriated by congress for a penitentiary at Grafton. This class of patients add to the expense of the institution and occupy room which should be devoted to the insane. The dormitories are all overcrowded. They are fitted with single beds and yet 38 patients occupy 25 beds in one ward, 31 in another and 16 in another, and in others as follows, 36 in 23 beds 33 in 23, 20 in 15, 28 in 23, 20 in 15, 22 in 18.

There is no room for the admission of other patients. There are two attics which could be fitted up, with proper provision for heating, that would accommodate twenty-five. Additional provision should be made for cold storage. The buildings should be painted for the preservation of the walls. Repairs are necessary and additional plumbing is required. Supplies are needed in the blacksmith shop and engine room.

The patients are well fed, well clothed and properly attended. Everything about the institution is neat, clean and in good condition.

Credit is due to Superintendent Moore and to all of his assistants for the improvement that has been made in this institution during the past two years, and to the board of trustees for the reduction in expense and efficient

and business like management which they have brought to the institution.

Provision should be made for supplementing the heating plant by the addition of a hot water heater. It will relieve the pressure on the boilers and extend their life of usefulness. Unless relieved or added to they are liable to become useless at any time, involving many thousand dollars to replace them.

We recommend the following sums for this institution for two years:

Maintenance $50,000, wages of employes $30,000, incidental expenses penses $1,000. drugs and medical supplies $1,200, return of patients and burial of the dead $500, beds and bedding $500, furniture $250, library, amusements and chaplain $400. carpets $50, fuel $20,000, engine room supplies $50, fire department $300, repairs in laundry $200. heater for hot water and ventilating $2,000, blacksmith supplies $150, for cold storage $500; total $107,100.

SOLDIERS' HOME.

The soldiers' home is economically managed. The building is in good repair. The discipline is good and both the commandant and matron show their painstaking care in every feature. We recommend the following appropriations for two years from July 1, 1897:

Salary of commandant $2,000. salary of matron $600, wages of employes $2,400, maintenance $6,000, drugs and medical attendance $800, clothing $800, transportation $200, fuel, lights and water supply $1,000; total $13,800.

MAYVILLE NORMAL SCHOOL.

The Mayville Normal school deserves the highest commendation. The building is exceptionally good and in good repair, it is neat, clean and well kept. The management is economical. There is evidence of care and efficiency on the part of trustees and faculty. The students are widely distributed about the state, but ten coming from Mayville. The citizens of Mayville have proven their interest and pride in the institution by their large contribution to maintain it during the past two years. We recommend the following appropriations:

For deficiency on former years $1,651.84, for all expenses from January 1, 1897, to June 30, 1897, $2,655, for two years commencing July 1, 1897, for teachers' salaries $13,000, for janitor $1.000, for lights and fuel $2,000, for incidentals $400, for library and apparatus $100, for repairs $93.16; total $20,900.

VALLEY CITY NORMAL SCHOOL.

The Valley City Normal school also deserves high commendation. The people of Valley City also have shown their interest in the institution and their fidelity to the cause of education by their contribution for its support during the past two years when support was cut off as in the case of the University and the Mayville Normal school by executive veto. A foot bridge and other improvements are needed and yet we cannot see our way clear to recommend more than the amount herein stated. We recommend the following appropriations:

For the term from January 1, 1897, to June 30, 1897, $2,655, for deficiency on account of fuel $1,000, for the term from June 30, 1897, two years, for teachers' salaries $14,000, for janitor $600, for lights and fuel $1,400, for incidentals $400, for library and apparatus $100, for repairs $300; total $20,455.

AGRICULTURAL COLLEGE.

For the Agricultural college we recommend the following appropriations:

For lights and fuel $4,000, for library $200, printing $300, instruction $2,000, engineer and assistants $3,000, miscellaneous expenses $12,000, total $21,500.

The board asks for an appropriation of $9,000 for a system of sewerage. The sewerage is now pumped out on the ground and is a menace to the

health of the school and the city. We are of the opinion that some appropriation for this purpose should be made, but we commend to those who may have the subject in charge the crematory system adopted at the penitentiary, supplemented perhaps by the World's fair system of conveying the sewerage to the creamatory. It is believed that such a system could be put in for at least half of the sum asked for by the board. We do not feel justified, however, in view of the condition of the public treasury, in adding to our estimates for this purpose.

The agricultural college is a credit to our state. Its attendance has largely increased during the past two years and excellent features have been added.

It must be borne in mind that the appropriation herein recommended is supplemented by an appropriation of about $32,000 from the United States government, but this cannot be made available without a suitable appropriation on the part of the state.

Respectfully submitted.

C. N. VALENTINE,
D. C. TUFTS,
D. W. MCCANNA,
C. L. LINDSTROM,
H. PEOPLES,
E. C. SARGENT.

The House took an informal recess.

The House reassembled.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 16, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contract for purchase of state or school lands on failure to pay principal, interest or taxes.

Also,

House Bill No. 24,

A bill for an act providing fees for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure.

Also,

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships.

Which the Senate has passed.

I also have the honor to transmit herewith

Senate Bill No. 94,

A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage.

Also,

Senate Bill No. 58,

A bill for an act to amend the probate code of the state of North Dakota.

Also,

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence.

Also,

Senate Bill No. 126,

A bill for an act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violation.

Which the Senate has passed.

Also,

Senate Bill No. 75,

A bill for an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota,

Which the Senate has amended as follows in regard to its title:

By inserting "of article 9 of chapter 10, entitled educational and charitable institutions" after the figures "1015,"

And passed as amended.

Also,

Senate Bill No. 52,

A bill for an act to require butchers and slaughterers of horned cattle to give bonds and to keep a record of the animals purchased and slaughtered by them, and providing penalties for the violation thereof.

Also,

Senate Bill No. 53,

A bill for an act to prohibit the selling of beef and veal carcasses without exhibiting the hides to the purchaser, and providing penalties for the violation thereof.

Which the Senate has passed.

Respectfully yours,
J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 125,

A bill for an act to amend section 6841 of the Revised Codes of North Dakota relating to Sabbath breaking,

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

By striking out all after the word "necessity" in the printed bill, and substituting therefor the following:

"And in defining or interpreting the word 'necessity' the courts or judges

shall give it a broad and liberal meaning, and shall construe it to embrace any and all works or labors that the exigencies of the times and seasons may require to be done without delay."

And when so amended a majority of your committee recommend that the same do pass.

Also,

House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein,

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

By amending the amendment formerly reported by the judiciary committee by restoring the words "special salary fund" wherever they appear in the original bill.

By further amending the original bill by inserting the words "or assignment" between the words "discharge" and "of" in line 35 of section 6 of the printed bill.

By adding at the end of section 6 of the printed bill the following: "For dismissal of any action, either on motion or stipulation by attorneys, after the case shall have been placed on the term calendar, one dollar.

"For certifying the record to the district court of any other county or on appeal to the supreme court, and transmitting same, two dollars.

"For services on remittitur from the supreme court, two dollars."

Insert after the words "treasury" in line 5 of section 3 of the printed bill the following: "Provided that in no county shall he receive less than four hundred dollars in any one year."

And when so amended recommend that the same do pass.

Also,

House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where a defense to the foreclosure is claimed by the mortgagor or his successor,

Have had the same under consideration and recommend the passage of the substitute bill hereto attached.

ORIN W. FRANCIS,
Chairman.

The Speaker announced that he was about to sign

Senate Bill No. 19,

A bill for an act entitled an act to regulate domestic corporations.

Also,

Senate Bill No. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to the state board of canvassers.

Also,
Senate Bill No. 15,
A bill for an act entitled an act to amend section 5435 of the code of civil procedure of the state of North Dakota, relating to the jury in the trial of civil actions.

Also,
Senate Bill No. 79,
A bill for an act to amend section 1892 of the Revised Codes of North Dakota, relating to the number of county commissioners.

Also,
Senate Bill No. 21,
A bill for an act entitled an act amending section 5542 of the Revised Codes of North Dakota of 1895, relating to the redemption of real estate from judicial sales.

There being no objection the bills were signed by the Speaker.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Brotnov introduced
House Bill No. 150,
A bill for an act to provide that certain contracts shall be in writing.

Mr. Porter introduced
House Bill No. 151,
A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury.

Mr. White introduced
House Bill No. 152,
A bill for an act to amend section 5975, Revised Codes of North Dakota.

Mr. Ryan introduced
House Bill No. 153,
A bill for an act amending section 403 of the Revised Codes of North Dakota, relating to the boundaries and terms of courts of the First Judicial district of the state of North Dakota.

Mr. McGinnis introduced
House Bill No. 154,
A concurrent resolution for proposed amendment to the constitution of the state of North Dakota.

Mr. McGinnis introduced
House Bill No. 155,
A bill for an act to define the liablities of railroad companies in relation to damages sustained by their employes.

Mr. Hurley introduced
House Bill No. 156,
A bill for an act to amend section 670 of the Revised Codes of 1895,

Mr. Hawk introduced
House Bill No. 157,
A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintenddents of sbhools.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 101,
A bill for an act to amend section 6776 of the Revised Codes, of North Dakota, relating to undertakings on appeals from judgments rendered in justices court in civil actions.

Also,
House Bill No. 76,
A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

Also,
House Bill No. 102,
A bill for an act to regulate appeals from justice courts on questions of law.

Also,
House Bill No. 99,
A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Wallace moved
That the House do now resolve itself into a committee of the whole for the consideration of House Bill No. 99 in general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole.

The Speaker called Mr. Wallace to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration
House Bill No. 99,
A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota,
And recommend that the title be amended by adding the words:

"Relating to issuance of druggists' permits fixing the bond and prescribing the conditions under which intoxicating liquors for medicinal, mechanical and scientific purposes may be sold,"

And when so amended recommend that the bill do pass.

J. D. WALLACE,
Chairman.

Mr. Ryan moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 16, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 128,
A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge.

Also,
Senate Bill No. 67,
A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians,

Which the Senate has passed.

Respectfully yours,
J. O. SMITH,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Lenz moved
That the House resolve itself into the committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.

The Speaker called Mr. Joy to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee of the whole have had under consideration Substitute for Senate Bill No. 33,

A bill for an act to amend section 2365, article 2, chapter 29, of the Revised Codes of 1895, relating to powers of board of trustees of villages,

And when so amended recommend that the same do pass.

H. N. JOY,
Chairman.

Mr. Wallace moved that
The report be adopted,
Which motion prevailed, and
The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that
House Bill No. 44,

A bill for an act to amend section 2345 of the Revised Codes of North Dakota, relating to incorporation of villages.

Also,
House Bill No. 46,

A bill for an act to amend section 8542 and section 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary.

Having been severally signed by the Speaker of the House and the President of the Senate, were presented to his excellency, the governor, this 16th day of February, 1897, at 4:50 o'clock p. m.

ROBT. J. MITCHELL,
Chairman.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 150,

A bill for an act to provide that certain contracts shall be in writing,

Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 151,

A bill for an act to protect planted fish in the waters of the state

of North Dakota, and to provide penalties for their destruction or injury,

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 152,

A bill for an act to amend section 5975, Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 153,

A bill for an act amending section 403 of the Revised Codes, relating to the boundaries and terms of court of the first judicial district of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 154,

Being a concurrent resolution for a proposed amendment to the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 155,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 156,

A bill for an act to amend section 670 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools,

Was read the first and second times, and

Referred to the committee on elections and privileges.

Substitute for House Bill No. 116,

A bill for an act to provide for the subdivision of school townships, and the establishment of independent school districts therefrom,

Was read the first and second times, and

Referred to the committee of the whole.

Substitute for House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by

action in cases where a defense to the foreclosure is claimed by the mortgagor or his successor,

Was read the first and second times, and

Referred to the committee of the whole.

The Speaker referred

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage.

Also,

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Also,

House Bill No 110,

A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota.

Also,

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes.

Also,

House Bill No. 115,

A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein.

Also,

House Bill No. 99,

A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota,

To the committee on engrossment.

MOTIONS AND RESOLUTIONS.

Mr. Power moved that

House Bill No. 3,

A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto,

Be made a special order for 3 o'clock Wednesday and that the same take precedence of all other bills in general orders,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 118,

A constitutional amendment in regard to school lands,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 128,

A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledges,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 67,

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians,

Was read the first and second times, and

Referred to the committee on agriculture.

Senate Bill No. 38,

A bill for an act to amend the probate code of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 52,

A bill for an act to require butchers and slaughterers of horned cattle to give bonds and to keep a record of the animals purchased and slaughtered by them, and providing penalties for the violation thereof,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 53,

A bill for an act to prohibit the selling of beef and veal carcasses without exhibiting the hides to the purchaser, and providing penalties for the violation thereof,

Was read the first and second times, and

Referred to the committee on agriculture.

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 94,

A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage,

Was read the first and second times, and

Referred to the committee on railroads.

Senate Bill No. 126,

A bill for an act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violations,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 75,
A bill for an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 77,
A bill for an act to amend section 371 of the penal code of the state of North Dakota.
Was read the third time.

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

The roll being called there ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Offerdahl,
Be den,	Guinan,	Peoples,
Boyd of Cass,	Hammond,	Porter,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.

Absent and not voting:

Messrs--	Messrs—	Messrs—
Ebbighausen,	Northrop,	Tanton.
Hankinson,	Power,	

Messrs. Ebbighausen, Hankinson and Northrop being excused.

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

COMMITTEE OF THE WHOLE.

Mr. Ryan moved
That the House do now resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submited.

MR. SPEAKER:

Your committee has had under consideration

Substitute for House Bill No. 121,

A bill for an act to regulate common carriers, to define the duties of commissioners of railroads and to provide for the control of common carriers within the state,

And recommend that it be amended as follows:

Amend Section 1, printed substitute bill—Line 2 strike out the word "and" after the word railroad. Line 16 after the word any insert "railroad." Line 17 before the word fails insert "common carriers." Line 21 strike out of fares and insert "or fares." Line 23 between the words promote and security insert the word "the."

Amend Section 2 printed bill-Line 8 after the word railroad insert a comma and "railroad." Line 9 after the word corporation insert "or common carrier." Line 9 after the word state add "the total number of miles of main line and branches owned or operated. The total number of miles of main line and branches owned or operated in each county within this state. The total mileage of side tracks within each county or taxing district in this state."

Amend section 3 printed bill—Line 2 after the word each add "railroad." Line 3 after the word corporation insert the words "or common carrier." Line 4 substitute for the word September the word "July." Line 7 after the worn any insert the word "railroad." Line 8 after the word corporation insert the words "or common carrier." Line 9 substitute for the word September the word "July." Same line substitute the word "fine" for penalty. Line 10 substitute for the word September the word "July."

Amend Section 4—Line 3 after the word such insert the words "person, company or." Line 5 strike out the words of any such corporation and insert the word "thereof."

Amend section 5—Line 7 after the word or insert the word "receiving."

Amend Section 6—Line 2 after the word rendered insert the following: "By any railroad, railroad corporation or common carrier subject to the provisions of this act." Line 5 after the word for insert the word "such."

Amend Section 7—Line 1 after the word railroad insert the word "railroad," and, same line, substitute for the word carriers the word "carrier." Line 10 after the word courts insert the words "or the same may." and strike out the word "to" in same line. Line 12 substitute for the word "nine" the word "eight." Lines 17 and 18 strike out the word company and insert the words "railroad, railroad corporation or common carrier."

Amend Section 8—Lines 5 and 6 strike out the words "company or." Line 6 after the word corporation insert the following: "Or common carrier subject to the provisions of this act." Line 7 after the word corporation insert the following: "Or common carrier," and after the word location same line insert the following: "Or route." Line 24 after the word the strike out the word corporation and insert the following: "Railroad, railroad corporation or common carrier." Lines 28 and 29 after the word corporation insert the words "or common carrier."

Amend Section 9—Line 7 after the word property insert the following: "Or leases cars by whatever name known to such railroad for such purpose."

Amend Section 10—Line 3 after the word state insert the following "or of the United States." Line 4 after the word railroads insert the following "except as hereinafter provided."

Amend Section 11—Line 3 after the word the insert the word "reasonable." Line 6 strike out the word and between the words "railroads and railroad;" also after the word corporations insert the words "or common carriers."

Lines 10 and 11 strike out the following railway corporations or person operating a line of road in this state and insert the following "railroad, railroad corporation or common carrier." Line 13 strike out the word person and insert the words "common carrier." Line 17 after the word such insert the following "passenger fare, freight or express rate." Line 19 strike out the word or and after the word corporation insert the following "or common carrier." Line 22 after the word rule insert the words "fare, rate." Same line strike out the words "company or." Same line after the word corporation insert the words "common carrier." Line 23 strike out the words "other person." Line 31 after the word rule insert the words "fare or rate."

Amend Section 14—Line 4 after the word all insert the word "railroads." Line 14 strike out the word operating and insert the words "operated as." Line 19 between the words or which insert the words "using or." Line 21 after the word state insert the following "or lease cars by whatever name known for the purpose of transportation."

Amend Section 15—Line 1 after the word any insert the following: "Railroad, railroad corporation or." Line 9 strike out the words such common carrier and insert the word "it."

Amend Section 16—Line 2 after the word "any" insert the following: "Railroad, railroad corporation or." Line 8 after the word any insert the following "railroad, railroad corporation or." Line 10 after the word all insert the following "railroads, railroad corporation and." Line 18 after the word any insert the following "railroad, railroad corporation or."

Amend Section 17—Line 1 after the word any insert the following "railroad, railroad corporation or." Line 6 after the word said insert the following "railroad, railroad corporation or." Line 7 after the word transporting insert the words "passenger or" Line 9 strike out the word "freight."

Amend Section 18—Line 1 after the word any insert the following "railroad, railroad corporation or." Line 3 after the word other insert the following "railroad, railroad corporation or." Same line strike out the words "or carriers." Line 5 after the word corporation insert the following "or common carriers." Line 6 after the word corporations insert the words "or common carriers"

Amend Section 19—Line 1 after the word every insert the following: "Railroad, railroad corporation or." Line 4 after the word such insert the following: "Railroad, railroad corporation or." Line 7 after the word such insert the following: "Railroad, railroad corporation or" Lines 9 and 10 strike out the words such railroad corporation and insert the word "it." Line 15 strike out the word or and after the word express same line insert the words "or receiving," and after the word railroad same line insert the following: "Railroad corporation." Line 17 strike out the words such common carrier and insert the word "it." Line 18 strike out the word "freight." Line 21 after the word any insert the following: "Railroad, railroad corporation or." Line 33 after the word such insert the following: "Railroad, railroad corporation or." Line 35 strike out the words such common carrier and insert the word "it." Line 40 after the word every insert the following: "Railroad, railroad corporation or." Line 45 after the word such insert the following: "Railroad, railroad corporation or." Line 46 after the word "other" insert "railroad, railroad corporation or." Lines 49 and 50 strike out the words common carriers and insert the words "person or company." Line 50 after the word several insert the following: "Railroad, railroad corporation or." Line 54 after the word such insert the following: "Railroad, railroad corporation or." Line 59 after the word such insert the following: "Railroad, railroad corporation or." Same line strike out the word carriers and insert the word "carrier." Line 60 after the word no insert the following: "Railroad, railroad corporation or." Line 62 after the word other insert the following: "Railroad, railroad corporation or." Lines 63 and 64 strike out the words common carrier. Line 66 strike out the words such common carriers and insert the word "it." Lines 68 and 69 strike out the words when in the principal office of said common carrier is situated or. Line 70 after the word such insert the following: "Railroad, railroad corporation or." Lines 77 and

78 strike out the word corporation and insert the words "railroad, railroad corporation or common carrier."

Amend Section 20—Line 1 after the word any insert the following "railroad, railroad corporation or." Line 7 after the word such insert the following "railroad, railroad corporation or."

Amend Section 21—Amend the number by using the figure 21 instead of 23. Line 1 after the word any insert the following "railroad, railroad corporation or." Line 5 strike out the words such common carriers and insert the word "it." Line 11 after the word said insert the following "railroad, railroad corporation or."

Amend Section 22—Line 2 after the word any insert the following "railroad, railroad cooporation or." Same line strike out the word carriers and insert the word "carrier." Line 6 after the word such insert the following "railroad, railroad corporation or." Line 12 strike out the words "corporation or company." Line 14 after the word such insert the following "railroad, railroad." Same line strike out the word company and insert the words "common carrier."

Amend Section 23—Line 4 after the word any insert the following "railroad, railroad corporation or." Line 5 strike out the following words "whenever such common carrier is a corporation." Line 7 strike out the words for such corporation and insert the words "by it." Line 12 strike out the word requested and insert the word "required." Lines 13 and 14 correct the word mispelled word directed.

Amend Section 24—Line 3 after the word of insert the following "railroad, railroad corporation and." Line 6 strike out the following words such common carriers and insert the word "them." Line 18 after the word any insert the following words "railroad, railroad corporation or." Line 20 after the word such insert the following "railroad, railroad corporation."

Amend Sec. 25—Line 4 after the word any insert the following "railroad, railroad corporation or." Line 8 after the word such insert the following "railroad, railroad corporation or." Line 11 after the word such insert the following "railroad, railroad corporation or." Line 13 strike out the words said carrier and substitute the word "it." Line 15 strike out the words such common carrier and insert the word "it." Line 20 after the word any insert the following "railroad, railroad corporation or."

Amend Section 26—Line 2 strike out the words "after notice." Also in same line the words "section 25 of." Line 6 after the word the insert the following "railroad, railroad corporation or." Line 13 after the word any insert the following "railroad, railroad corporation or."

Amend Section 27—Line 6 between the words any, common, insert the following "railroad, railroad corporation or." Line 10 after the word such insert the following "railroad, railroad corporation or." Line 11 after the word said insert the following "railroad, railroad corporation or." Line 15 between the words such common insert the following "railroad, railroad corporation or" Line 19 after the word said insert the words "railroad, railroad corporations or."

Amend Section 28—Line 1 after the word any insert the following "railroad, railroad corporation or." Line 3 after the word order insert the following "as to passenger, freight or property rates or fares" Same line after the word or insert the words "as to any." Line 7 after the word the insert the following "railroad, railroad corporation or." Line 12 strike out the words common carrier and insert the word "party." Line 14 strike out the words common carrier and insert the word "party." Line 24 correct spelling word order. Line 29 between the words such common insert the following "railroad, railroad corporation or."

Amend Section 28—Line 35 after the word such insert the following "railroad, railroad corporation or." Line 36 strike out the words and if a corporation and insert the word "or" Line 40 after the word such insert the words "railroad, railroad corporation or." Line 42 after the word each in-

sert the word "corporation." Line 44 after the word such insert the word "corporation."

Amend Section 29--Line 3 after the word the insert the word "railroad." Same line after the word corporation insert the following "and common carriers subject to this act." Line 5 between the words of freight insert the following word "passengers" Line 9 after the word such insert the word "railroad." Line 10 after the word corporation insert the words "or common carrier." Line 11 after the word such insert the word "railroad." Same line after the word corporation insert the words "or common carrier." Same line after the word any insert the word "passenger." Line 14 strike out the word of and insert the word "or." Line 15 after the words transportation of insert the word "passengers." Line 25 after the word such insert the words "railroad, railroad corporation or." Line 26 after the words freight insert the words "express or receiving. Line 31 strike out the words company or and insert the word "railroad." Same line after the word corporation insert the words "or common carrier." Line 39 after the word corporation insert the following "railroad, railroad corporation." Line 42 after the word rates insert the word "fares." Line 43 strike out the following words in any event the original and insert the word "a." Same line after the word rates insert the word fares. Line 44 after the word of insert the following "railroad, railroad corporations or." Line 45 strike out the words "and shall go into effect." Also in the same line strike out the word ninety and insert the word "sixty."

Amend Section 30—Line 6 strike out the word of and insert the word "or." Line 8 after the words schedule of insert the words "fares or." Same line strike out the word thirty and insert the words "twenty-nine." Line 13 after the word such insert the following "railroad, railroad corporation or." Line 16 strike out the words company or and insert the words "railroad, railroad corporation or."

Amend Section 31—Line 3 strike out the words or make. Line 9 strike out the word company and insert the word "railroad." Line 11 strike out the words company or and insert the word "railroad." Same line after the word corporation insert the words or "common carriers." Line 20 after the word such insert the word "railroad." Line 24 after the word freight insert the words "passengers or property."

Amend section 32—Line 3 strike out the word company and insert the words "railroad corporation." Line 7 strike out the word company and insert the words "railroad corporation." Line 9 after the word freight insert the words "or property." Line 13 after the word company insert the words "railroad, railroad corporation." Line 17 after the word such insert the word "railroad." Line 29 after the word such insert the words "railroad, railroad." Line 22 strike out 12 thereof and insert the words "twenty-nine of this act." Same line after the word rates insert the word "charges." Line 26 after the word rates insert the word "charges."

Amend Section 34—Line 2 after the word all insert the words "railroad, railroad corporation or." Lines 10 and 11 strike out the words corporation, company or individual owning or operating a railway within this state as a and inserting the words "railroad, railroad corporation or." Line 11 after the word carrier insert the words "subject to the provisions of this act."

Amend Section 35—Line 1 after the word any insert the word "railroad." Line 4 after the word passengers insert the word "property." Line 10 after the word such insert the word "railroad."

Amend Section 36—Line 1 after the word such insert the word "railroad." Line 3 after the word passenger insert the word "property." Line 6 between the words of freight insert the words "property or." Line 9 after the word delivering insert the words "property or." Line 14 between the words of freight insert the words "property or." Line 19 after the word delivering insert the words "property or." Line 21 after the word any insert the words "property or." Lines 24 and 25 between the words of freight insert the words "property or." Line 42 after the word such insert the word "railroad."

Same line after the word corporation insert the words "or common carrier." Line 46 after the word said insert the word "railroad." Same line after the word corporation insert the words "or common carrier." Line 48 after the word passengers insert the word "property." Line 55 after the word corporation insert the words "or common carrier."

Amend Section 37—Line 2 after the word such insert the words "railroad, railroad corporation or." Line 10 after the word freight insert the words "or property." Line 12 after the word freight insert the words "or property." Line 16 strike out the word company and insert the words "railroad, corporation or common carrier." Line 19 strike out the word company and insert the words "railroad, corporation or common carriers."

Amend Section 38—Amend the number of section by changing figure 39 to 38. Line 1 after the word such insert the word "railroad." Same line after the word corporation insert the words "or common carrier." Line 3 after the word freight insert the words "or other." Line 4 after the word freights insert the words "or property."

Amend Section 39—After the word such insert the word "railroad." Same line after the word corporation insert the words "or common carriers." Line 2 correct the spelling of the word unjust. Same line after the word passenger the word "property." Line 4 after the word freights insert the words "or property." Line 10 substitute for the figures 28 the words twenty-seven. Same line after the word prosecution strike out the words "under the last preceding section." Same line strike out the word section and insert the word "act."

Amend Section 40—Line 2 after the word any insert the word "railroad." Line 5 after the word sections insert the words "thirty-eight and." Same line strike out the words "and forty." Line 7 between the words such railroad insert the word "railroad."

Amend Section 41—Line 9 after the word any insert the words "railroad, railroad corporation or."

Amend Section 42—Line 3 correct the spelling of the word concerning.

And when so amended recommend that the same do pass.

W. H. MCPHERSON,
Chairman.

Mr. Twichell moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

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

H. E. LAVAYEA,
Chief Clerk

FORTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 17, 1897.

The House assembled at 2 o'clock p. m. pursuant to adjourn ment.

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ebbighausen, Hankinson, Northrop and Murphy, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-third day and recommend that it be amended as follows:

On page 7, line 40, correct the spelling of the word "both."
On page 7, line 48, correct the spelling of the word "other."
On page 7, line 49, correct the spelling of the word "our."
On page 14, line 35, after the word "of" insert the words "House Bill No. 99 in."
On page 15, line 40, after the word "of" insert the words "Substitute for Senate Bill No. 33 in."
On page 21, line 14, change the first word in the line so as to read "security."
On page 21, line 15, strike out the word "every" and insert in lieu thereof the word "railroad."
On page 21, line 22, after the word "words" insert the word "or."
On page 21, line 26, strike out the word "five" and insert in lieu thereof the word "fine."
On page 21, line 30, correct the spelling of the word "thereof."
On page 21, line 40, between the words "railroad or railroads" strike out the word "or."
On page 22, line 14, strike out the word "leave" and insert in lieu thereof the word "lease."
On page 22, line 47, after the word "or" insert "line 46;" after the word "other" insert "railroad, railroad corporation or."
On page 22, line 50, after the word "corporation" add the word "or."
On page 23, line 29, after the figures "25" insert "line 4."

On page 23, line 37, after the figures "25" strike out the letter "o" and insert the word "of."
On page 23, line 46, strike out the letter "s" in "corporations."
On page 24, line 14, strike out the first two words in the line.
On page 24, line 42, strike out the figures "19" and insert in lieu thereof the figures "29."
On page 25, line 7, strike out the letter "s" in "corporations."

And when so amended recommend the adoption of the Journal of the forty-third day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the forty-third day was approved.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 21,
A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contract for purchase of state or school lands on failure to pay principal, interest or taxes.

Also,
Concurrent Resolution,
Requesting the superintendent of public instruction to have Lincoln's birthday appropriately celebrated.

Also,
Concurrent Resolution,
Instructing the attorney general to appear in conjunction with the states attorneys in relation to Northern Pacific railroad tax suits.

Also,
House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 21,
A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contracts for purchase of state or school lands on failure to pay principal, interest or taxes.

Also,
House Bill No. 22,
A bill for an act to amend section 8455 of the Revised Codes of 1895 relating to bail upon appeal in criminal actions.

Also,
Concurrent Resolution,
Requesting the superintendent of public instruction to have Lincoln's birthday appropriately celebrated.

Also,
Concurrent Resolution,
Instructing the attorney general to appear in conjunction with the states attorneys in relation to Northern Pacific railroad tax suits.

There being no objection they were signed by the Speaker.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred
Senate Bill No. 102,
A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota,
Have had the same under consideration, and report it back without recommendation.

Also,
House Bill No. 140.
A bill for an act to appropriate the sum of six thousand dollars ($6,000) out of any moneys in the state treasury not otherwise appropriated to be applied toward the erection, construction and completion of an iron bridge over and across the Red River of the North.
Have had the same under consideration and recommend that further consideration of the same be indefinitely postponed.

E. F. PORTER,
Chairman.

Mr. Porter moved
That the report be adopted,
Which motion prevailed, and
The further consideration of House Bill No. 140 was indefinitely postponed.

The committee on taxes and tax laws made the following report:

MR. SPEAKER:
Your committee on taxes and tax laws to whom was referred
House Bill No. 2,
A bill for an act to amend section 1237, article 6, of chapter 18, political code, laws of 1895,

Have had the same under consideration and find that the subject matter is contained in section 21 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for he present.

Also,

House Bill No. 4,

A bill for an act to amend sections 1256 and 1259 of the Revised Codes of North Dakota, fixing the time for the sale of real estate for taxes and for filing of the report of county treasurer of such sales,

Have had the same under consideration and find that the subject matter is contained in sections 78 and 80 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,

House Bill No. 35,

A bill for an act authorizing county treasurers to assign tax certificates on lands bid in at tax sale by state,

Have had the same under consideration and find that the subject matter is contained in section 95 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,

House Bill No. 58,

A bill for an act to secure the collection of taxes levied upon the assessed value of personal property,

Have had the same under consideration and find that the subject matter is contained in section 21 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,

House Bill No. 97,

A bill for an act to amend section 2059 of the Revised Codes of North Dakota, relating to the manner of determining the population of counties for the purpose of fixing the salaries of county, township and other officers,

Have had the same under consideration and the same is referred back without recommendation.

J. B. POWER,
Chairman.

Mr. Power moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

The committee on taxation and tax laws made the following report:

MR. SPEAKER:

Your committee on taxation and tax laws to whom was referred House Bill No. 137,

A bill for an act to amen ection 103 of the Revised Codes of North Dakota, relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,

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

J. B. POWER,
Chairman.

Mr. Power moved
The adoption of the report
Which motion prevailed, and
The report was adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 17, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Substitute for Senate Bill No. 40,

A bill for an act authorizing cities to pave and otherwise improve streets, alleys and highways, and to provide for the cost thereof and to create improvement districts within the limits of such cities,

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

Also,
House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves,

Which the Senate has passed as amended.

Also,

A concurrent resolution offered by Mr. Williams, being a concurrent resolution for a just and reasonable valuation of railroad property for the purpose of taxation,

Which the Senate has concurred in.

Also,

A concurrent resolution offered by Mr. Dougherty,
Which the Senate has refused to concur in.

I also have the honor to return herewith

A concurrent resolution for the appointment of a joint committee for the purpose of apportioning the state into senatorial districts.

CONCURRENT RESOLUTION.

Be it Resolved by the Senate of the Fifth Legislative Assembly, the House Concurring:

That a joint committee on apportionment of the state into senatorial districts be appointed, consisting of seven senators to be named by the President of the Senate and eight members of the House to be appointed by the Speaker.

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

Respectfully yours,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 17, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

A Concurrent Resolution, being a concurrent resolution in regard to the legislature meeting in joint session a delegation of prominent citizens of Omaha, Nebraska.

CONCURRENT RESOLUTION.

WHEREAS, A delegation of prominent citizens of Omaha, Nebraska, are en route to Bismarck, and will arrive Thursday, February 18, for the purpose of conferring with the legislature in relation to the Trans-Mississippi and international exposition, and have requested that they be permitted to appear before a meeting of the legislature in joint session; therefore

Be it Resolved by the Senate, the House Concurring:

That the legislature will meet the said delegation in joint session at 3 p m., Feb. 18, or such other hour as may be convenient.

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

Respectfully yours,
J. O. SMITH,
Secretary.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 17, 1897.

To the House of Representatives:

GENTLEMEN:

I have the honor to inform you that I have this day approved House Bill No. 44,

An act to amend section 2345 of the Revised Codes of North Dakota, relating to the incorporation of villages.

Also,
House Bill No. 46,
An act to amend sections 8542 and 8543 of the Revised Codes, relating to diminution of sentence for good conduct of inmates of the state penitentiary,

Yours respectfully,
F. A. BRIGGS,
Governor.

Mr. Power moved
That the committee reports on
House Bill No. 2,
House Bill No. 4,
House Bill No. 35,
House Bill No. 58,
Be adopted,
Which motion prevailed, and
The reports were adopted.

The committee on taxation and tax laws made the following report:

MR. SPEAKER:

Your committee on taxation and tax laws to whom was referred Senate Bill No. 5,

A bill for an act to amend sections 1256 and 1259 of article 9 of chapter 18 of the Revised Codes of 1895,

Have had the same under consideration and find that the subject matter is contained in sections 78 and 80 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,
Senate Bill No. 38,
A bill to amend section 1234 of the Revised Codes of North Dakota for 1895, relating to the apportionment of taxes, penalty and interest,

Have had the same under consideration and find that the subject matter is contained in section 79 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,
Senate Bill No. 30,
A bill for an act authorizing persons having liens upon real estate to pay the taxes upon the same, and to maintain actions to test the validity thereof,

Have had the same under consideration and find that the subject matter is contained in section 99 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

Also,

Senate Bill No. 60,

A bill for an act to provide for the election, appointment and qualification of county assessors,

Have had the same under consideration and find that the subject matter is contained in section 35 of House Bill No. 3 as amended, and recommend that the bill be laid upon the table for the present.

J. B. POWER,
Chairman.

Mr. Power moved
That the report of the committee on
Senate Bill No. 5,
Senate Bill No. 38,
Senate Bill No. 30,
Senate Bill No. 60,
Be adopted,
Which motion prevailed, and
The reports were adopted.

The committee on taxation and tax laws made the following report:

MR. SPEAKER:

Your committee on taxation and tax laws to whom was referred

The following resolution introduced by Mr. Richards of Burleigh county, to-wit:

Resolved, That the communication of Auditor Moorehouse of Burleigh county be referred to the committee on taxation and tax laws, with instructions to make inquiry of the several county auditors of the state, in counties where there are Western Union lines, with a view to determining whether similar discrepancies exist in their respective counties, and said committee is instructed to embrace in the bill to be reported by them in relation to taxation and revenue, a provision which will secure accuracy in reports of property of this character for taxation.

Have the same under consideration and

In obedience to the same letters were, on the 8th inst., written to the auditors of the following named counties, to-wit: Cass, Walsh, Ramsey, LaMoure, Richland, Traill and Grand Forks, asking how telegraph and telephone companies were assessed, and how much revenue was obtained from the same.

Also, understanding that measures were introduced or were being prepared for introduction in the Minnesota legislature for taxation of telegraph and telephone companies, letters were written on the same day to the secretary of the senate and the chief clerk of the house, in that state, asking that copies of all such measures be mailed to the chairman.

Up to the present date not a single reply has been received in answer to any of these communications, and the committee now make this statement of facts connected with the resolution and await further instructions from the House regarding it.

J. B. POWER,
Chairman.

Mr. Dougherty moved
That 150 copies each of House Bills Nos. 121 and 3, with amendments agreed upon in committee of the whole incorporated, be printed for distribution,
Which motion prevailed.

Mr. Hurley moved
That the rules be suspended and that
House Bill No. 116,
A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom,
Be taken from general orders and recommitted to committee on judiciary,
Which motion prevailed, and
It was so ordered.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Francis introduced, by request,
House Bill No. 158,
A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of court in certain cases of default.

Mr. Twichell introduced
House Bill No. 159,
A bill for an act defining express companies, freight line companies, telegraph and telephone companies, and providing for the assessment of their property and taxation of the same.

Mr. Lovelace introduced
House Bill No. 160,
A bill for an act to amend section 5428 of the Revised Codes of North Dakota, being section 5428 of article 3 of chapter 10 of the code of civil procedure, relating to trials and judgment in civil actions.

Mr. McPherson introduced
House Bill No. 161,
A bill for an act to provide for the submission to the people at each election for national, state, district and county officers any public measure or proposition of government for their approval or rejection.

Mr. McGinnis introduced
House Bill No. 162,
A bill for an act to amend sections 96, 106, 117, 131, 134 and 334 of the Revised Codes of 1895, relating to the salaries and clerk hire of state officers.

Mr. Francis, by request, introduced
House Bill No. 163,
A bill for an act to amend section 8495 of the Revised Codes of North Dakota, relating to compensation of officers for return of fugitives from justice.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 158,
A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of court in certain cases of default,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 159,
A bill for an act defining express companies, freight line companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same,
Was read the first and second times, and
Referred to the committee on taxes and tax laws.

House Bill No. 160,
A bill for an act to amend section 5428 of the Revised Codes of North Dakota, being section 5428 of article 3 of chapter 10 of the code of civil procedure relating to trials and judgment in civil actions,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 161,
A bill for an act to provide for the submission to the people at each election for national, state, district and county offices any public measure or proposition of government for their approval or rejection,
Was read the first and second times, and
Referred to the committee on state affairs.

House Bill No. 162,
A bill for an act to amend sections 96, 106, 117, 131, 134 and 334 of the Revised Codes of 1895, relating to the salaries and clerk hire of state officers,
Was read the first and second times, and
Referred to the committee on labor.

House Bill No. 163,
A bill for an act to amend section 8495 of the Revised Codes of North Dakota, relating to compensation of officers for return of fugitives from justice,
Was read the first and second times, and
Referred to the committee on judiciary.

COMMITTEE OF THE WHOLE.

Mr. Wallace moved
That the House do now resolve itself into a committee of the whole for the consideration of House Bill No. 3,
Which motion prevailed, and
The House resolved itself into a committee of the whole.

The Speaker called Mr. Gaulke to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee has had under consideration
House Bill No. 3,
A bill for an act prescribing the mode of making assessments and the levy and collection of taxes and for other purposes relative thereto,
And recommend that the same be amended so that section 75 shall read as follows:

All real estate taxes shall become due on the first day of November in each and every year for which the tax is levied, and become delinquent on the first of March following, and thereafter a penalty of 1 per cent per month shall attach until the first day of November, when a penalty of 6 per cent shall be added.

And when so amended recommend that the same do pass.

FRANK GAULKE,
Chairman.

Mr. Twichell moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The House took an informal recess.

The House reassembled.

The Speaker announced that he was about to sign
Senate Bill No. 103.
A bill for an act to define the subjects of which the courts shall take official notice.

Also,
House Bill No. 51,
A bill for an act fixing the date when the term of office of county auditor shall commence.

There being no objection the bill was signed by the Speaker.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

House Bill No. 21,

A bill for an act to amend section 200 of the Revised Codes of North Dakota, making void the contracts for purchase of state and school lands on failure to pay principal, interest or taxes,

Also,

House Bill No. 22,

A bill for an act to amend section 8455 of the Revised Codes of 1895, relating to bail upon appeal in criminal actions,

Also,

House Bill No. 59,

A bill for an act to provide for the allowance and payment of witness fees in certain cases,

Having been severally signed by the Speaker of the House and the President of the Senate, were duly presented to his excellency, the governor, this 17th day of February, 1897, at 3:15 p. m.

R. J. MITCHELL,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 51,

A bill for an act fixing the date when the term of office of county auditor shall commence,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

The concurrent resolution instructing the attorney general to appear in conjunction with the states attorneys in relation to Northern Pacific railroad tax suits,

Also,

The concurrent resolution requesting the superintendent of public instruction to have Lincoln's birthday appropriately celebrated,

Having been severally signed by the Speaker of the House and the President of the Senate, were duly delivered to the honorable, the secretary of state, this 17th day of February, 1897, at 3:15 p. m.

ROBERT J. MITCHELL,
Chairman.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Earl moved
That the House concur in the Senate resolution in reference to the appointment of a joint committee on apportionment,
Which motion prevailed, and
The resolution was concurred in.

Mr. Porter moved
That the House concur in the Senate resolution in reference to meeting the delegation from Omaha in joint session,
Which motion prevailed, and
The resolution was concurred in.

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

Resolved, That the Senate be requested to return to the House Senate Bill No. 32 for the purpose of correcting an error in the amendments adopted by the House,

Which motion prevailed, and
The resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary, to whom was referred
House Bill No. 141,
A bill for an act to amend section 8553, article 7, Revised Codes of North Dakota, relating to the discharge of convicts from the penitentiary,
Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The further consideration of House Bill No. 141 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 124,
A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture

or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed, or which tend to advance, reduce or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination, to sue for the recovery of such damage and for other purposes,

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

By striking out the words "from and after the passage of this act" in line 1 of section 1.

By omitting all of section 6.

And when so amended a majority of the committee recommend that the same do pass.

Also,

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

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

By striking out the word "now" in line 18 of page 2 of the engrossed bill.

By inserting the words "at the rate" between the words "salary" and "of" in line 13 of page 3 of engrossed bill.

By adding after the word "year" in line 14 of page 3 of the engrossed bill the following: "for the time employed."

And when so amended recommend that the same do pass.

Also,

House Bill No. 144,

A bill for an act regulating the foreclosure of land contracts,

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

By striking out all of section 3and substituting therefor the following:

Section 3. The grantee in such contracts, in case of foreclosure, shall be entitled to such period of time for redemption from such foreclosure sale as the judge before whom such foreclosure proceedings are had shall deem to be equitable, taking into consideration the equities of the grantee in such contract; provided, however, that the time for such redemption shall not exceed in any case the period of one year from the date of such foreclosure sale.

And when so amended recommend that the same do pass.

Also,
House Bill No. 133,
A bill for an act preventing taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof and providing the penalty therefor,
Have had the same under consideration and recommend that the same be amended as follows:

By striking out all of the bill except the first three lines of section 1.
By substituting a new section 2 as follows:
"Section 2. Any violation of the provisions of section 1 of this act shall forfeit all interest upon the instrument affected by the provisions of this act

And when so amended recommend that the same do pass.

Also,
House Bill No. 139,
A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same,

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

By substituting the word "of" for "for" in line 1 of section 1.
By striking out all of section 3.

And when so amended recommend that the same be referred to the committee of the whole.

ORIN W. FRANCIS,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Lindstrom moved
That the House resolve itself into a committee of the whole for the consideration of general orders.
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.
The Speaker called Mr. Currier to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee has had under consideration
Substitute for House Bill No. 53,
A bill for an act repealing section 482 of the Revised Codes of 1895 construing the word "precinct" in the constitution,
And recommend that the bill be amended as follows:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section 479 of the Revised Codes of North Dakota is hereby amended to read as follows:

§ 479. WHO ENTITLED TO VOTE.] Every male person of the age of twenty one years or upwards who shall have been a resident of this state for one year, six months in the county and ninety days in the precinct next preceding the election, who is a citizen of the United States or has declared his intention to become such one year and not more than six years prior to such election conformably to the naturalization laws of the United States, or any person of Indian descent who shall have severed his tribal relations two years next preceding such election, shall be entitled to vote; provided, he has complied with the provisions of any law which is now or may in the future be in force relating to the registration of voters; provided, further, that in incorporated cities an elector moving from one precinct to another within ninety days next preceding the election may vote in the precinct from which he removed and not otherwise. All persons possessing the qualification mentioned in this section, and who have resided in this state one year, shall be eligible to any office within this state, except as otherwise provided in the constitution.

SEC. 2. Section 482 of the Revised Codes of North Dakota is hereby repealed.

Amend the title as follows:

A bill for an act to amend section 479 of the Revised Codes of North Dakota and to repeal section 482, relating to the qualifications of electors and the formation of precincts.

And when so amended recommend that the bill do pass.

C. A. CURRIER,
Chairman.

Mr. Wallace moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota, relative to the fencing of railway right of way.

Also,

House Bill No. 110,

A bill for an act to amend sections 681 and 682 of the Revised Codes of North Dakota, relating to the duties and compensation of the directors of school districts.

Also,

House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies.

Also,

House Bill No. 12,

A bill for an act to provide for the establishment and govern-

ment of the North Dakota school of forestry and making an appropriation therefor.

Also,

House Bill No. 92,

A bill for act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota, relating to official oaths and bonds of school district officers, and the distribution of the tuition fund.

Also,

House Bill No. 119,

A bill for an act to amend section 137 of the Revised Codes of 1895 relating to the duties of state examiner,

Also,

House Bill No. 117,

A bill for an act limiting the term of holding of offices of county treasurer, sheriff, superintendent of public instruction, auditor, register of deeds, clerk of the district court and county judge.

Also,

House Bill No. 131,

A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

Substitute for House Bill No. 15,

A bill for an act providing for the taxation of insurance companies.

Also,

House Bill No. 24,

A bill for an act providing for fee for sheriff in cases of redemption of property from sale under execution of mortgage foreclosure.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

The House concurrent resolution relating to Cuban independence.

Also,

Concurrent resolution relating to Cuban independence.

Also,
House Bill No. 24,
A bill for an act providing fee for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure.

There being no objection they were signed by the Speaker.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 106,
A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

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

H. E. LAVAYEA,
Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 18, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Ebbinghausen, Hankinson and Northrop, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-fourth day and recommend it be amended as follows:

On page 6, line 2, strike out the word "have" aud insert in lieu thereof the word "has."

On page 16, line 5, correct the spelling of the word "so."

On page 18 strike out all of lines 27 and 28.

And when so amended recommend that the Journal of the forty-fourth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the forty-fourth day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Wirkus presented the following petition:

To the Members of the Legislature of the State of North Dakota:

We, the undersigned citizens of Walsh County, state of North Dakota, represent that we are opposed to the provisions of section 217 of article 20 of the constitution of the state of North Dakota, known as "Prohibition," and would like to see the question of prohibition resubmitted to a vote of the people.

We favor such legislation as may tend to place the sale of intoxicating liquors within this state upon a high license basis.

Dated Feb. 15, 1897.

GEORGE BAZEY,
(And 153 others.)

Mr. Sargent presented the following petition:

Hon. E. C. Sargent, Representative From the Eleventh Legislative District:

We, the undersigned voters, residents in Amenia and vicinity, respectfully petition you to use your vote and influence in favor of the passage of the bill now pending before the state senate, known as the Gordon bicycle baggage bill.

WALTER R. REED,
(And 13 others.)

Referred to the committee on railroads.

The courtesies of the floor was extended to J. H. Schofield of Ward county, E. A. Lien, E. R. Jones and H. E. Rice of Richland county, G. M. Barnes, E. E. Redmon and E. A. Munger of Cass county, Mr. Thompson of Morton county, J. R. Cooper of Grand Forks county, Howard Eaton of Billings county, John O'Neil of Cass county, Charles Ferrier of Stutsman county, and John Holzer of Cass county.

REPORTS OF STANDING COMMITTEES.

The committee on schools and public lands made the following report:

MR. SPEAKER:

Your committee on schools and public lands to whom was referred

Senate Bill No. 117,

A bill for a joint 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 praying for the passage of an act reducing to $5 an acre the minimum price at which lands granted to the state under the enabling act may be sold,

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

By inserting the words "other than those granted for the use and benefit of the common schools between the words "act" and "may" in the title of the bill.

By adding after the word "acre" in the last line of the engrossed bill the following: "Provided, further, that sections 16 and 36 or any indemnity lands selected in lieu of losses thereof, appropriated for the common schools of the state shall not be sold for less than $10 per acre."

And when so amended recommend that the same do pass.

J. B. SHARPE,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving delivering, storing and handling of property between points within this state by railroads railroad corporations, railroad companies, express companies, car-companies sleeping car companies, freight and freight line companies, and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam, and bridge corporations and ferry companies, the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and deceees made under this act by such courts, and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on education made the following report:

MR. SPEAKER:

Your committee on education to whom was referred

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports,

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

That in line 6 of the printed bill the word "July" be substituted for the word "January" when the latter appears.

And when so amended recommend that the same do pass.

J. S. MURPHY,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The committee on highways, bridges and ferries made the following report:

MR. SPEAKER:

The committee on highways, bridges and ferries to whom was referred

House Bill No. 138,

A bill for an act providing for cutting down weeds and other vegetation upon and along public highways,

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

Amend the title of the bill by striking out the word "other" and inserting in lieu thereof the word "like."

Also amend the bill as follows:

By adding the following words at the end of section 1 of the printed bill: "Providing that the tax thus retained shall not exceed one dollar and fifty cents per mile for every mile of weeds to be cut."

And when so amended recommend that the same do pass.

Also,

Substitute for House Bill No. 65,

A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to compensation of overseers of highways

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

Strike out all of section 1 after the words "entitled to" in the fourth line of the bill as printed and insert the following:

"Two dollars per day to be paid out of the fund arising from fines and commutations, for each day he is necessarially employed as overseer, provided that in townships where the taxable valuation for the preceding year does not exceed $125,000 his compensation shall not exceed 20 per cent of the road tax actually worked in his road district for that year and in townships having an assessed valuation exceeding $125,000 his compensation shall not exceed 15 per cent of the road tax actually so worked; provided further that where the funds arising from fines and commutation is not sufficient to pay the salary of the overseer as herein provided the supervisors may pay the deficiency from any funds in their hands for repairing roads and bridges.

And when so amended recommend that the same do pass.

EGBERT GILBERTSON,
Chairman.

Mr. Gilbertson moved
The adoption of the report,
Which motion prevailed, and
The report was adopted, and
The bill was referred to the committee on engrossment.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 143,
A bill for an act to establish the county or township system for the care of the poor,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 151,
A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury,
Have had the same under consideration and recommend that the same do pass.

Also,
Senate Bill No. 126,
A bill for an act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violation,
Have had the same under consideration and recommend that the same do pass.

E. F. PORTER,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 42,
A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895.

There being no objection House Bill No. 42 was signed by the Speaker.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Williams introduced
House Bill No. 164,
A bill for an act to amend section 28 and repeal section 30 of the Revised Codes of the state of North Dakota, relating to the election and appointment of officers and employes of the legislative assembly, fixing their numbers, duties and compensation,

Mr. Francis introduced (by request),
House Bill No. 165,
A bill for an act authorizing the district courts and also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial.

Mr. Aas introduced
House Bill No. 166,
A bill for an act to amend section 37, of article 3, of chapter 2, of the Revised Codes of 1895.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 164,
A bill for an act to amend section 28 and repeal section 30 of the Revised Codes of the state of North Dakota relating to the election and apportionment of officers and employes of the legislative assembly, fixing their numbers, duties and compensation,
Was read the first and second times, and
Referred to the committee on enrollment.

House Bill No. 165,
A bill for an act authorizing the district courts, also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 166,
A bill for an act to amend section 37 of article 3 of chapter 2 of the Revised Codes of 1895,
Was read the first and second times, and
Referred to the committee on apportionment.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256, and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking,

Was read the third time.

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

The roll being called there were ayes 51, nays none, absent and voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Mitchell,
Baker,	Goplerud.	Murphy.
Boyd of Cass,	Hammond,	Offerdahl.
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wirkus,
Erickson,	McConnachie,	Williams,
Francis,	McGinnis,	Wood.
Gaulke,	McPherson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Hankinson,	Sargent,
Currier,	Northrop,	Wallace,
Ebbighausen,	Peoples,	White.
Guinan,	Power,	

Messrs. Ebbighausen, Hankinson, Northrop and Wallace being excused.

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

The Speaker announced that he was about to sign

Senate Bill No. 14,

A bill for an act to amend sections 8651 and 8653 of chapter 20 of the Revised Codes, relating to the writ of habeas corpus.

Also,

Senate Bill No. 96,

A bill for an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers.

Also,
Senate Bill No. 98,
A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895.

There being no objection, their titles were read and the Speaker affixed his signature.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 18, 1897.

MR. SPEAKER:
I have the honor to return herewith
Senate Bill No. 32,
A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,
As requested by the House.
I also have the honor to transmit herewith
Senate Bill No. 114,
A bill for an act to amend section No. 267 of the political code.

Also,
Senate Bill No. 135,
A bill for an act to amend section 1615, article 8, of chapter 22, Revised Codes.

Also,
Senate Bill No. 123,
A bill for an act to amend section 2027 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Also,
Senate Bill No. 138, being a substitute for Senate Bill No. 45, Senate Bill No. 88, House Bill No. 73 and House Bill No. 103.
A bill for an act to amend sections 1642, 1643, 1644, 1645, 1646, 7677, 7678 and 7679 of the Revised Codes of North Dakota relating to the protection of game and fish, and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof; and enacting other provisions relating thereto, and providing penalties for violations thereof,
Which the Senate has passed and your favorable consideration thereof is respectfully requested.

Also,
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224, and 228 of article 3 of the political code of the Revised Codes of North Dakota,
Which the Senate has passed.

Also,

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota of 1895,

Which the Senate has amended as follows:

By striking out all between the word "alleged," in line 8, and the words "the challenge" in line 14, section 1, as appears in printed bill, and inserting in lieu thereof the following: "But no person shall be disqualified as a juror by reason of the fact that he may have heard from others or read in newspapers or public journals any statement or statements with regard to the case to be submitted to the jury, if it shall appear to the satisfaction of the court that the impression remaining upon the mind of such person from the statements so communicated to him will not prevent him from trying the case fairly and impartially."

And when so amended have passed the same.

Respectfully yours,
J. O. SMITH,
Secretary.

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 51, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Currier,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wirkus,
Francis,	McConnachie,	Williams,
Gaulke,	McGinnis,	Wood,
Gilbertson,	McPherson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hankinson,	Peoples,
Cryan,	Mitchell,	Sargent,
Ebbighausen,	Northrop,	White,
Erickson,		

Mr. Wallace voting in the negative.

Messrs. Ebbighausen, Hankinson, Northrop and White being excused.

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

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

House Bill No. 101,
A bill for an act to amend section 6776 of the Revised Codes, relating to appeals from justices of the peace.
Was read the third time.
The question being upon the final passage of the bill as amended.

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	McPherson,
Baker,	Gilbertson,	Mitchell,
Belden,	Goplerud,	Murphy,
Boyd of Cass,	Guinan,	Offerdahl,
Boyd of Cavalier,	Hammond,	Power,
Brotnov,	Hawk,	Richards,
Butterwick,	Heskin,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Dunton,	Lindstrom,	Wallace,
Earl,	Lovelace,	Wirkus,
Erickson,	McConnachie,	Wood,
Francis,	McGinnis,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Hurley,	Sargent,
Duncan,	Northrop,	Twichell,
Ebbighausen,	Peoples,	White,
Hankinson,	Porter,	Williams.
Howard,	Ryan,	

Messrs. Ebbighausen, Hankinson, Northrop and Peoples being excused.

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

House Bill No. 102,

A bill for an act to regulate appeals from justice courts on questions of law.

Was read the third time.

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

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Offerdahl,
Belden,	Guinan,	Power,
Boyd of Cass,	Hammond,	Richards,
Boyd of Cavalier,	Hawk,	Sargent,
Brotnov,	Heskin,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Syvertson,
Colby,	Joy,	Tanton,
Cryan,	Korsmo,	Towle,
Dougherty,	Kroeger,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunn on,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams,
Erickson,	McGinnis,	Wood,
Francis,	McPherson.	Mr. Speaker.
Gaulke,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Howard,	Porter,
Currier,	Lenz.	Ryan,
Ebbighausen,	Northrop,	Swenson,
Hankinson,	Peoples,	White.

Messrs. Ebbighausen, Hankinson, Northrop and Peoples being excused.

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

COMMUNICATION FROM THE GOVERNOR.

The following communications were received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 18, 1897.

To the House of Representatives:

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

House Bill No. 21,

Entitled an act to amend [section 200 of the Revised Codes of

North Dakota, making void the contract for purchase of state or school lands on failure to pay principal, interest or taxes.

Also,

House Bill No. 22,

Entitled an act to amend section 8455 of the Revised Codes of 1895 relating to bail upon appeal in criminal actions.

Also,

House Bill No. 59,

Entitled an act to provide for the allowance and payment of witness fees in certain cases.

I have the honor to be,

Yours very respectfully,

FRANK A. BRIGGS,

Governor.

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry, and making an appropriation therefor,

Was read the third time.

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

The roll being called there were ayes 38, nays 8, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Guinan,	Sargent,
Belden,	Hammond,	Sharpe,
Boyd of Cass,	Joy,	Stevenson,
Boyd of Cavalier,	Korsmo,	Swenson.
Carlin,	Kroeger,	Syvertson,
Cole,	Lindstrom,	Tanton,
Cryan,	Lovelace,	Twichell,
Duncan,	McConnachie,	Wallace,
Dunton,	Mitchell,	White,
Erickson,	Murphy,	Wirkus,
Francis,	Porter,	Williams,
Gaulke,	Power,	Mr. Speaker.
Goplerud,	Richards,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Gilbertson,	Offerdahl,
Butterwick,	Heskin,	Towle.
Colby,	McGinnis,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Bronnov,	Hawk,	McPherson.
Currier,	Howard,	Northrop,
Dougherty,	Hurley,	Peoples,
Earl,	Johnson,	Ryan,
Ebbighausen,	Lenz,	Wood.
Haukinson,		

Messrs. Ebbighausen, Hankinson and Peoples being excused.

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

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota,

Was read the third time.

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

The roll being called there were ayes 46, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Sargent,
Belden,	Hawk,	Sharpe,
Boyd of Cass,	Heskin,	Stevenson,
Boyd of Cavalier,	Johnson,	Swenson,
Brotnov,	Joy,	Syvertson.
Butterwick,	Korsmo,	Tauton,
Carlin,	Kroeger,	Towle,
Colby,	Lenz,	Twichell,
Cryan,	Lovelace,	Wallace,
Dougherty,	McConnachie,	White,
Duncan,	McGinnis,	Wirkus,
Dunton,	Mitchell,	Williams,
Francis,	Murphy,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hammond,	McPherson,
Currier,	Hankinson,	Northrop,
Earl,	Howard,	Peoples,
Ebbighausen,	Hurley,	Power,
Erickson,	Lindstrom,	Ryan.

Mr. Richards voting in the negative.

Messrs. Ebbighausen, Hankinson and Northrop being excused.

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

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

Substitute for House Bill No. 15,

A bill for an act providing for the taxation of insurance companies.

Also,

House Bill No. 24,

A bill for an act providing for fee for sheriff in cases of re-

demption of property from sale under execution or mortgage foreclosure.

Also,

House Bill No. 42,

A bill for an act to enforce the payment of taxes which became delinquent in and prior to the year 1895.

Also,

House Bill No. 51,

A bill for an act fixing date when the term of office of county auditor shall commence.

Having been severally signed by the Speaker of the House and President of the Senate, were presented to his excellency, the governor, this 18th day of February, 1897, at 2:35 p. m.

ROBT. J. MITCHELL,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

The concurrent resolution for a just and reasonable valuation of railroad property, for the purposes of taxation,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

The House concurrent resolution for a just and reasonable valuation of railroad property, for the purposes of taxation.

There being no objection the resolution was signed by the Speaker.

House Bill No. 92,

A bill for an act to amend sections 678, 689 and 714 of the Revised Codes of North Dakota for 1895, relating to official oaths and bonds of school officers,

Was read the third time.

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

The roll being called there were ayes 44, nays 2, absent and not voting 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Mitchell,
Baker,	Gaulke,	Offerdahl,
Belden,	Gilbertson,	Porter,
Boyd of Cavalier,	Goplerud,	Richards,
Brotnov,	Hammond,	Sargent,
Butterwick,	Heskin,	Sharpe,

Messrs—	Messrs—	Messrs—
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	White,
Duncan,	Lindstrom,	Wirkus,
Dunton,	Lovelace,	Williams,
Earl,	McGinnis,	Mr. Speaker.
Erickson,	McPherson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hurley,	Power,
Cole,	McConnachie,	Ryan,
Ebbighausen,	Murphy,	Tanton,
Guinan,	Northrop,	Twichell,
Hankinson,	Peoples,	Wood.
Howard,		

Messrs. Hawk and Wallace voting in the negative.

Messrs. Ebbinghausen, Hankinson, Northrop and Peoples being excused.

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

House Bill No. 98,

A bill for an act to amend section 370 of the Revised Codes of North Dakota, relating to deputies,

Was read the third time.

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

The roll being called there were ayes 43, nays 3, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd, of Cavalier,	Heskin,	Power,
Butterwick,	Hurley,	Sargeant,
Colby,	Joy,	Sharpe,
Currier,	Korsmo,	Stevenson,
Dougherty,	Kroeger,	Swenson,
Duncan,	Lenz,	Twichell,
Dunton,	Lindstrom,	Wallace,
Earl,	Lovelace,	Wirkus,
Erickson,	McConnachie,	Williams,
Francis,	McGinnis,	Mr. Speaker.
Gaulke,	McPherson,	
Gilbertson,	Mitchell,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Cryan,	Hawk.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cass,	Johnson,	Syvertson,
Brotnov,	Northrop,	Tanton,
Cole,	Peoples,	Towle,
Ebbighausen,	Richards,	White,
Hankinson,	Ryan,	Wood.
Howard,		

Messrs. Ebbighausen, Hankinson Northrop and Peoples being excused.

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

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to age of consent to marriage,

Was read the third time.

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

The roll being called there were ayes 52, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Porter,
Belden,	Guinan,	Power,
Boyd of Cavalier,	Hammond,	Richards,
Brotnov,	Hawk,	Sargent,
Butterwick,	Heskin,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cole,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougher'y,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	Wirkus,
Earl,	McConnachie,	Williams,
Erickson,	McPherson,	Wood,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	McGinnis,	Peoples,
Ebbighausen,	Northrop,	Ryan,
Hankinson,	Offerdahl,	White.
Howard,		

Mr. Francis moved

To strike out the word "fifth" in the title of the bill.

Which motion prevailed.

Messrs, Ebbighausen, Kankinson, Northrop and Peoples being excused.

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

House Bill No. 110,

A bill for an act to amend sections 681 and 682 of the Revised Codes of the state of North Dakota,.

Was read the third time.

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

The roll being called there were ayes 45, nays 7, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Power,
Baker,	Heskin,	Richards,
Belden,	Johnson,	Ryan,
Boyd of Cavalier,	Joy,	Sargent,
Brotnov,	Korsmo,	Sharpe,
Butterwick,	Kroeger,	Stevenson,
Carlin,	Lenz,	Swenson,
Cole,	Lindstrom,	Syvertson,
Currier,	Lovelace,	Tanton,
Dunton,	McConnachie,	Towle,
Earl,	McPherson,	Twichell,
Erickson,	Mitchell,	Wallace,
Francis,	Murphy,	Wirkus,
Gaulke,	Offerdahl,	Williams,
Goplerud,	Porter,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Colby,	Duncan,	Guinan,
Cryan,	Gilbertson,	Hurley.
Dougherty,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Howard,	Peoples,
Ebbighausen,	McGinnis,	White,
Hammond,	Northrop,	Wood.
Hankinson,		

Messrs. Ebbighausen, Hankinson, Northrop and Peoples being excused.

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

Mr. Boyd moved that

House Bill No. 117,

A bill for an act limiting the term of holding the offices of county treasurer, sheriff, superintendent of public instruction,

auditor, register of deeds, clerk of the district court and county judge,

Be taken from third reading of House bills and that it be recommitted to general orders,

Which motion prevailed, and

The bill was so referred.

House Bill No. 119,

A bill for an act to amend section 137 of the Revised Codes of 1895, relating to the duties of state examiner,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud	Offerdahl,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Richards,
Boyd of Cass,	Hawk,	Ryan,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cole,	Korsmo,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Hankinson,	Peoples,
Ebbighausen,	McGinnis,	Power.
Gaulke,	Northrop,	

Messrs. Ebbighausen, Hankinson, Northrop and Peoples being excused.

So the bill passed and the title was agreed to.

House Bill No. 131,

A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin.	Richards,
Bronnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,
Currier,	Lenz,	Towle,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Northrop,	Tanton.
Ebbighausen,	Peoples,	Twichell.
Hankinson,		

Messrs. Ebbighausen, Hankinson, Northrop and Peoples being excused.

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 137,

A bill for an act to amend section 103 of the Revised Codes of North Dakota relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Mitchell moved

That the House concur in the Senate amendments to House Bill No. 39,

Which motion prevailed, and

The amendments were concurred in, and the title being defective House Bill No. 39 was recommitted to the committee on judiciary.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 114,
A bill for an act to amend section No. 267 of the political code,
Was read the first and second times and
Referred to the committee on judiciary.

Senate Bill No. 123,
A bill for an act to amend section 2027 of the Revised Codes of North Dakota, regulating the fees of register of deeds,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 135,
A bill for an act to amend section 1615, article 8, of chapter 22, Revised Codes,
Was read the first and second times, and
Referred to the committee on public health.

Senate Bill No. 138, being a substitute for Senate Bill No. 45, Senate Bill No. 88, House Bill No. 73 and House Bill No. 103,
A bill for an act to amend sections 1642, 1643, 1644, 1645, 1647, 7677, 7678 and 7679 of the Revised Codes of North Dakota, relating to the protection of game and fish, and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof, and enacting other provisions relating thereto and providing penalties for violations thereof,
Was read the first and second times, and
Referred to the committee on state affairs.

Substitute for Senate Bill No. 40,
An act to provide for the creation of improvement districts within cities, paving the streets within the same, and providing for issuance of bonds for the payment of the same, and the assessment of property benefited thereby, for the payment of the bouds on the basis of the superficial area affected,
Was read the first and second times, and
Referred to the committee on municipal corporations.

The House took an informal recess.

The House reassembled.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 39,
A bill for an act to amend section 8166 of the Revised Codes of North Dakota,

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

By adding after the word "Dakota" in the title of the bill the following, relating to challenging the jury in criminal cases.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

That the rules be suspended, and

That the report of the committee on judiciary on House Bill No. 39 be adopted, and

That the roll be called on the passage of the bill as amended,

Which motion prevailed, and

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota,

Was placed upon its final passage.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there ayes 47, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Porter,
Baker,	Heskin,	Power,
Be den,	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Sargent.
Butterwick,	Johnson,	Stevenson,
Colby,	Joy,	Swenson.
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dunton,	Lenz,	Towle.
Earl,	Lindstrom,	Wallace,
Erickson,	Lovelace,	White,
Francis,	McConnachie,	Wirkus,
Gaulke,	McGinnis,	Williams,
Gilbertson,	McPherson,	Wood,
Guinan,	Mitchell,	Mr. Speaker.
Hammond,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Duncan,	Offerdahl,
Brotnov,	Ebbighausen,	Peoples,
Carlin,	Goplerud,	Ryan,
Cole,	Hankinson,	Sharpe,
Dougherty,	Northrop,	Twichell.

Messrs. Ebbighausen, Hankinson Northrop and Peoples being excused.

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

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
Senate Bill No. 73,
A bill for an act to amend sections 8518 and 8519 of the Revised Code of 1895, as to the boards of trustees and the appointment of members thereof, for the state penitentiary and state reform school,
Have had the same under consideration and recommend that the same be referred back to the House without recommendation.

Also,
House Bill No. 116,
A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom,
Have had the same under consideration and recommend the passage of the substitute bill of the committee on judiciary hereto attached, and recommend that the same be printed for the information of the members.

O. W. FRANCIS,
Chairman.

Mr. Howard moved that
The bill be referred to general orders,
Which motion prevailed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 152,
A bill for an act to amend section 5975 of the Revised Codes of North Dakota, relating to damages in cases of death by wrongful act,
Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,
House Bill No. 150,
A bill for an act to provide that certain contracts shall be in writing,
Have had the same under consideration and recommend that the same be indefinitely postponed.

O. W. FRANCIS,
Chairman.

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

The further consideration of House Bill No. 150 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 135,
A bill for an act fixing the salaries of county judges,
Have had the same under consideration and recommend that the same be indefinitely postponed.

O. W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
Further consideration of House Bill No. 135 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 154,
A concurrent resolution for proposed amendment to the constitution of the state of North Dakota,
Have had the same under consideration and recommend that the same be referred to the committee of the whole without recommendation.

Also,
House Bill No. 156,
A bill for an act to amend section 670 of the Revised Codes of 1895,
Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The further consideration of House Bill No. 156 was indefinitely postponed.

THIRD READING OF SENATE BILLS AND MEMORIALS.

Substitute for Senate Bill No. 33,
A bill for an act to amend section 2365, article 2, chapter 29 of

the Revised Codes of 1895, relating to powers of board of trustees of villages,

Was read the third time.

Mr. Mitchell moved

That after the word "alleys" in line 4 of printed bill insert a semi-colon instead of a comma.

Unanimous consent being given the motion prevailed.

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

The roll being called there were ayes 44, nays 13, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Power,
Belden,	Guinan,	Richards,
Boyd of Cass,	Hammond,	Ryan,
Boyd of Cavalier,	Hawk,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Cole,	Joy,	Towle,
Cryan,	Kroeger,	Twichell,
Dougherty,	Lenz,	Wallace,
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Erickson,	Mitchell,	Wood,
Francis,	Peoples,	Mr. Speaker.
Gaulke,	Porter,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	McPherson,
Colby,	Korsmo,	Offerdahl,
Currier,	Lindstrom,	Tanton,
Duncan,	Lovelace,	Williams.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Murphy,	Syvertson.
Hankinson,	Northrop,	

Messrs. Ebbighausen, Hankinson and Northrop being excused.

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

Mr. Hawk moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 19, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ebbighausen and Northrop, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-fifth day and recommend that it be amended as follows:

On page 3, line 42, correct the spelling of the word "decrees."

On page 22, line 1, after the word "House" strike out the words "Bill No. 150 was" and insert in lieu thereof "Bills Nos. 150 and 152 were."

And when so amended recommend the adoption of the Journal of the forty-fifth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the forty-fifth day was approved.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves.

Also,
House Bill No. 45,
A bill for an act providing for the dissolution of civil townships.
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

Mr. Ryan moved
That the chief clerk be directed to notify the Senate that the House is now ready to receive the Senate in joint session for the purpose of receiving the committee representing the Trans-Mississippi and International exposition for 1898, to be held at Omaha,
Which motion prevailed.

The courtesies of the floor was extended to T. Qualey of Barnes County, S. K. McGinnis, Mr. Pettigrew and J. M. Ohmstead of Jamestown, Charley Skager of Burleigh county and W. W. Tousley of Cass county.

Mr. Hawk moved
That the vote by which House Bill No. 12 was carried yesterday be reconsidered and the bill be returned to the engrossment committee for correction,

Which motion prevailed, and
House Bill No. 12 was recommitted to committee on engrossing.
The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 151,
A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury.

Also,
House Bill No. 143,
A bill for an act to establish the county or township system for the care of the poor.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 41,
A bill for an act to provide for the arrest and conviction of horse thieves.

Also,
House Bill No. 45,
A bill for an act entitled an act providing for the dissolution of civil townships.

Also,

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota.

Also,

The Senate concurrent resolution providing for a joint committee on apportionment.

Also,

The Senate concurrent resolution for a joint session for the purpose of meeting the delegates from Omaha.

There being no objection the bills and concurrent resolutions were signed by the Speaker.

JOINT SESSION.

The joint session of the two Houses was called to order by the President of the Senate.

Mr. Haggart moved

That the president of the joint session appoint a committee of five to notify the delegates from Omaha that the House was ready to receive them in joint session,

Which motion prevailed, and

The Speaker appointed Senators Haggart and LaMoure, and Messrs. Murphy, Twichell and Francis as such committee.

The committee returned and escorted the delegation from Omaha to the Speaker's desk.

The joint session was then addressed by the following gentlemen: Mr. Lindsay of Omaha, chairman of the executive committee; Mr. Crocker, president chamber of commerce, Minneapolis; Mr. Crofut of Omaha and Mr. Caldwell of Sioux City, Iowa.

Mr. Murphy moved

That the President appoint a committee of two from the Senate and three from the House to consider the proposition of having North Dakota properly represented at the Trans-Mississippi and International exposition to be held in Omaha in 1898,

Which motion prevailed, and

The President appointed as such committee Senators LaMoure and Rourke and Representatives Murphy, Hurley and Hankinson as such committee.

Mr. McGillivray moved

That the joint session do now dissolve,

Which motion prevailed, and

The joint session dissolved.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

The concurrent resolution relating to Cuban independence

Having been duly signed by the Speaker of the House and

President of the Senate, was delivered to the honorable the secretary of state this 18th day of February, 1897, at 2:40 p. m.

Also,

CONCURRENT RESOLUTION.

Concurrent Resolution for a Just and Reasonable Valuation of Railroad Property for the Purposes of Taxation.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That it being evident that railroad property within the State of North Dakota is returning good revenue on capitalization ranging from twenty-four thousand dollars ($24,000) to sixty thousand dollars ($60,000) per mile; while paying taxes on a mere nominal valuation, and the necessity for revenue for state institutions being apparent, the state board of equalization is hereby directed to assess all railroad property at a just and fair valuation which in no case in the future shall be less than five thousand dollars ($5,000) per mile.

Having been severally signed by the Speaker of the House and President of the Senate, was delivered to the honorable the secretary of state this 19th day of February, 1897, at 3:35 p. m.

Also,

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves.

Also,

House Bill No. 45,

A bill for an act providing for the dissolution of civil townships,

Having been duly signed by the Speaker of the House and the President of the Senate, were presented to his excellency, the governor, this 19th day of February, 1897, at 3:35 o'clock p. m.

ROBT. J. MITCHELL,
Chairman.

The committee on agriculture made the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred

House Bill No. 118,

A bill for an act to amend section 7506 of the Revised Codes of North Dakota, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals,

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

Also,

House Bill No. 148,

A bill for an act to encourage county agricultural fairs and exhibition associations, and to provide therefor,

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

Section 2, line 2, after the word "commissioners" strike out the word "shall" and substitute the word "may."

Section 2, line 3, after the words "tax of" insert the words "not to exceed."

And when so amended recommend that the same do pass.

H. M. WILLIAMS,
Chairman.

The committee on ways and means made the following report:

MR. SPEAKER:

Your committee on ways and means to whom was referred House Bill No. 52,

A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund,

Have had the same under consideration and recommend that the same be referred to general orders.

C. L. LINDSTROM,
Chairman.

The committee on municipal corporations made the following report:

MR. SPEAKER:

Your committee on municipal corporations to whom was referred

Substitute for Senate Bill No. 40,

A bill for an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities,

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

T. TWICHELL,
Chairman.

RRPORT OF COMMITTEE ON SUPPLIES AND EXPENDITURES.

The committee on supplies and expenditures made the following report:

MR. SPEAKER:

Your committee on supplies and expenditures who, under House rule 62, are required to report by February 20, find that they will be unable to get through with their work by that time, and ask that they be granted until the 26th instant.

H. PEOPLES,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 138,

A bill for an act to amend sections 1642, 1643, 1644, 1645, 1647, 7677, 7678 and 7679 of the Revised Codes of North Dakota, relating to the protection of game and fish, and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof; and enacting other provisions relating thereto, and providing penalties for violations thereof,

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

E. F. PORTER,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary, to whom was referred

House Bill No. 84,

A bill for an act to provide for and regulate sales of pledged property,

Have had the same under consideration, and recommend that the same be indefinitely postponed, for the reason that the subject matter is covered by Senate Bill No. 128.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

That the report be adopted,

Which motion prevailed, and

The further consideration of House Bill No. 84 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 128,

A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge,

Have had the same under consideration and a majority of the committee recommend that the same do pass.

Also,

Senate Bill No. 118,

Being a Concurrent Resolution,

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

After the words "no lands" in line 7 of the printed bill—being line 4 of section 159 of the engrossed bill—insert the following: "Other than those granted for the use and benefit of the common schools."

At the end of last line of engrossed bill add the following: "Provided, further, that sections 16 and 36 or any indemnity lands selected in lieu of losses thereof, appropriated for the common schools of the state shall not be sold for less than $10 per acre."

Also,
House Bill No. 158,
A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of court in certain cases of default,

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

Also,
House Bill No. 163,
A bill for an act to amend section 8495 of the Revised Codes of North Dakota, relating to compensation of officers for return of fugitives from justice.

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

Also,
Senate Bill No. 114,
A bill for an act to amend section No. 267 of the political code,
Have had the same under consideration and recommend that the same be indefinitely postponed for the reason that the present law covers all emergencies.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved that
The report be adopted,
Which motion prevailed, and
The further consideration of Senate Bill No. 114 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
Senate Bill No. 53,
A bill for an act to prohibit the selling of beef and veal carcasses without exhibiting the hides to the purchaser, and providing penalties for the violation thereof,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The further consideration of Senate Bill No. 153 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

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

By amending the title so as to read as follows: A bill for an act to amend section 5352 of the Revised Codes of North Dakota, relating to attachment."

By omitting the words "or is about to be" in the last line of subdivision 5 of the engrossed bill.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

Mr. Francis moved

That the rules be suspended and that

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

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

Which motion prevailed, and

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

Was read the third time.

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

The roll being called there were ayes 49, nays 3, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Offerdahl,
Baker,	Heskin,	Peoples,
Belden,	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson
Currier,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,

Messrs—	Messrs—	Messrs—
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Wood,
Goplerud,	Murphy,	Mr. Speaker.
Hammond,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Butterwick,	Hawk.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Guinan,	Power,
Cole,	Northrop,	Sargent.
Duncan,	Porter,	Tanton.
Ebbighausen,		

Messrs. Ebbinghausen and Northrop being excused.

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

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Hurley introduced

House Bill No. 167,

A bill for an act to amend section 1586, Revised Codes, relating to the enforcement of the laws against cruelty to animals.

Mr. Currier introduced

House Bill No. 168,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of North Dakota, relating to the division of organized townships and prescribing the duties of the board of commissioners in relation thereto.

Mr. Hurley moved

That the vote by which Senate Bill No. 33 was passed be reconsidered,

Which motion was lost.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 167,

A bill for an act to amend section 1586 of the Revised Codes relating to the enforcement of the laws against cruelty to animals,

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House Bill No. 168,

A bill for an act to amend sections 2533, 2534, 2535 of the Revised Codes of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto

Was read the first and second times, and

Referred to the committee on state affairs.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Mr. Hankinson moved

That substitute for House Bill No. 121 be made a special order for Feb. 23, 1897, at 3 o'clock p. m.,

Which motion was lost.

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving, delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam and bridge corporations and ferry companies the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for transportation and the manner thereof; to define the duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith,

Was read the third time.

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

The roll being called there were ayes 55, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Guinan,	Power,
Boyd of Cass,	Hammond,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Brotnov,	Howard,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cole,	Kroeger,	Syvertson,
Cryan,	Lenz,	Tanton,
Currier,	Lindstrom,	Towle,
Dougherty,	Lovelace,	Twichell,
Duncan,	McConnachie,	White,
Dunton,	McGinnis,	Wirkus,
Earl,	McPherson,	Williams,
Erickson,	Mitchell,	Wood,
Francis,	Murphy,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs— Hankinson,	Messrs— Hurley,	Messrs— Wallace.

Absent and not voting:

Messrs— Ebbighausen, Hawk,	Messrs— Northrop,	Messrs— Porter.

Messrs. Ebbighausen and Northrop being excused.

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

Mr. Williams of Traill moved

That the vote by which substitute for House Bill No. 121 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed, and

The vote to reconsider was laid on the table.

Mr. Hawk moved

That the House do now adjourn,

Which motion prevailed and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 20, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present except Ebbighausen, Francis, Northrop and Ryan, who were excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the forty-sixth day and recommend it be amended as follows:

On page 3, after the last line insert the following:

"The committee returned and escorted the delegation from Omaha to the Speaker's desk.

The joint session was then addressed by the following gentlemen:

Mr. Lindsay of Omaha, chairman of the executive committee; Mr. Crocker, president chamber of commerce, Minneapolis; Mr. Crofut of Omaha, and Mr. Caldwell, of Sioux City, Iowa,

And when so amended recommend that the Journal of the forty-sixth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the forty-sixth day was approved.

The courtesies of the floor were extended to C. A McKean of Richland county, Mr. McDonald of Emmons county.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 99,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota relating to issuance of druggists' permits fixing bonds, and prescribing the condition under which intoxicating liquors for medicinal, mechanical and scientific purposes may be sold,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224 227 and 228, of article 3, of the political code of the Revised Codes of North Dakota, relating to the board of university and school lands,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 40,
A bill for an act to amend sections 211, 219, 222, 224, 227 and 228 of article 3 of the political code of the Revised Codes of North Dakota.

There being no objection, the title was read and the Speaker affixed his signature.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 20, 1897.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved
Substitute for House Bill No. 15,
Entitled an act providing for the taxation of insurance companies.

Also,
House Bill No. 24,
Entitled an act providing for fee for sheriff in cases of redemption of property from sale under execution or mortgage foreclosure.

Also,
House Bill No. 41,
Entitled an act providing for the arrest and conviction of horse theives.

Also,
House Bill No. 42,
Entitled an act to enforce the payment of taxes which became delinquent in and prior to the year 1895.

Also,
House Bill No. 45,
Entitled an act to provide for the dissolution of civil townships.

Also,
House Bill No. 51,
Entitled an act fixing the date when the term of office of county auditor shall commence.

I have the honor to be

Yours respectfully,
FRANK A. BRIGGS,
Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 19, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 62,

A bill for an act to amend sections 1940, 1941 and 1944 of article 8 of chapter 26 of the Revised Codes of North Dakota for 1895.

Also,

Senate Bill No. 63,

A bill for an act to amend sections 237 and 238 of article 4 of chapter 4 of the Revised Codes of 1895.

Also,

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes.

Also,

Senate Bill No. 112,

A bill for an act to provide for the collection of vital statistics.

Also,

Senate Bill No. 144,

A bill for an act to provide for the erection, operation, and management of the Industrial school of the state of North Dakota, and to repeal sections 947 to 983 inclusive of the Revised Codes of North Dakota relating to industrial school,

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

Respectfully yours,
J. O. SMITH,
Secretary.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home,

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

Also,

Senate Bill No. 75,

A bill for an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota,

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

E. F. PORTER,
Chairman.

The committee on banking made the following report:

MR. SPEAKER:

Your committee on banking to whom was referred

Senate Bill No. 22,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the revised civil code of 1895, relating to banking,

Have had the same under consideration and recommend that the same do not pass, for the reason that the subject-matter therein contained is covered in House Bill No. 14, which has already passed.

H. N. JOY,
Chairman.

Mr. Joy moved

That the further consideration of Senate Bill No. 22 be indefinitely postponed,

Which motion prevailed, and

The further consideration of Senate Bill No. 22 was indefinitely postponed.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

House Bill No. 136,

A bill for an act to amend section 481 of the Revised Codes of North Dakota relating to election precincts,

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

By inserting between the words "village" and "from" in line 22 of the printed bill the following, "of less than 1,500 inhabitants."

Also by adding the following at the end of the section: "Providing further that when the combined vote of any township and incorporated city, town or village within its boundaries does not exceed 300 votes, said township and incorporated city, town or village may have but one voting p'ace."

And when so amended recommend that the same do pass.

Also,

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintenddents of schools,

Have had the same under consideration, and recommend that the title of the bill be amended as follows:

By adding after North Dakota the words "relating to election of county superintendent of schools."

And when so amended recommend that the same do pass.

C. L. LINDSTROM,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Mitchell offered the following resolution, and moved its adoption:

WHEREAS, The present force of competent enrolling and engrossing clerks is entirely insufficient for the expeditious performance of the work of properly engrossing and enrolling the bills which have already passed this House; and

WHEREAS, The number of such bills will from this time forward until the close of the session constantly increase, requiring still more expeditious engrossment and enrollment, therefore be it

Resolved, That the Speaker be and hereby is authorized and requested to appoint upon said force two additional clerks, one to be recommended by the chairman of the committee on enrollment and the other by the chairman of the committee on engrossment.

Which motion prevailed, and

The resolution was adopted.

Mr. Hawk moved

That House Bill No. 99 be re-referred to the committee on temperance for amendment.

There being no objection it was so ordered.

Mr. Twichell moved

That each of the elective officers of the House be provided with a copy of the Legislative Manual,

Which motion prevailed.

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

CONCURRENT RESOLUTION.

WHEREAS, A family of six persons, residing near the borders of the Great Sioux reservation, at Winona, Emmons county, have been murdered and their bodies horribly mutilated, under circumstances indicating the work of Indians, therefore,

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the governor be and is hereby authorized to offer a reward of $500 for the arrest and conviction of the murderers, and that the attorney general be and hereby is directed to aid the county of Emmons in every possible way in the arrest and conviction, and in whatever investigation may be deemed necessary as to the causes which have led up to this murder.

Which motion prevailed, and

The resolution was adopted.

Mr. Cryan offered

The following resolution and moved its adoption:

RESOLVED, That the Speaker appoint a committee of three to investigate the efficiency of the present clerical force and report their findings with recommendations as to whom shall be retained and whom shall dismissed.

Mr. Lindstrom moved

That the resolution be referred to the committee on state affairs.

Roll call demanded.

The question being upon the motion made by Mr. Lindstrom.

The roll being called there were ayes 39, nays 16, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Porter,
Belden,	Hurley,	Power,
Boyd of Cass.	Johnson,	Richards,
Colby,	Joy,	Sargent,
Dunton,	Korsmo,	Sharpe,
Earl,	Kroeger,	Stevenson,
Erickson,	Lindstrom,	Swenson,
Gaulke,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	McGinnis,	White,
Hammond,	Mitchell,	Williams,
Hankinson,	Offerdahl,	Wood,
Hawk,	Peoples,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	Murphy,
Boyd of Cavalier,	Dougherty,	Syvertson,
Brotnov,	Guinan,	Tanton,
Butterwick,	Lenz,	Towle,
Carlin,	McPherson,	Wirkus.
Cole,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Francis,	Heskin,
Duncan,	Northrop,	Ryan.
Ebbighausen,		

Messrs. Duncan, Ebbighausen, Francis, Northrop and Ryan being excused.

So the motion prevailed, and

The resolution was referred to the committee on state affairs.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

House Bill No. 40,

A bill for an act to amend sections 211, 219, 222, 224, 227 and 228 of article 3 of the political code of the Revised Codes of North Dakota, relating to the board of university and school lands,

Having been severally signed by the Speaker of the House and President of the Senate, was presented to his excellency, the governor, this 20th day of February, 1897, at 2:40 p. m.

ROBT. J. MITCHELL,
Chairman

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Lindstrom introduced
House Bill No. 169,
A bill for an act to amend section 1790 of the Revised Codes of North Dakota, relating to warehouse receipts, what to contain.

Mr. Korsmo introduced
House Bill No. 170,
A bill for an act providing for the election of county superintendent of county asylums for the poor and poor farms by direct votes of the people.

Mr. Twichell introduced
House Bill No. 171,
A bill for an act to amend section 1683 of the Revised Codes of North Dakota relating to noxious weeds and manner of destroying.

Mr. Hurley introduced
House Bill No. 172,
A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insaue.

Mr. Hurley introduced
House Bill No. 173,
A bill for an act to prohibit the payment of mileage or traveling expenses to state and deputy officers unless a receipt is filed showing that the sum claimed was actually expended.

Mr. Duncan introduced
House Bill No. 174,
Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota.

Mr. McPherson introduced
A joint memorial to congress relating to the tariff upon manufactured articles by trusts,
Was read and referred to the committee on state affairs.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 169,
A bill for an act to amend section 1790 of the Revised Codes of North Dakota, relating to warehouse receipts, what to contain,
Was read the second time, and
Referred to the committee on warehouses and grain grading.

House Bill No. 170,
A bill for an act providing for the election of county superintendent of county asylums for the poor and poor farms by direct vote of the people,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 171,

A bill for an act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds and manner of destroying,

Was read the first and second times, and

Referred to the committee on agriculture.

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota, relating to admission of patients to the state hospital for the insane,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 173,

A bill for an act to prohibit the payment of mileage or traveling expenses to state and deputy officers unless a receipt is filed showing that the sum claimed was actually expended,

Was read the first and second times, and

Referred to the committee on state affairs.

House Bill No. 174,

Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

The Speaker announced the following as members of the joint committee on apportionment on the part of the house:

Messrs. Twichell, Hankinson, Gaulke, Earl, Wallace, White, Syvertson and Dougherty.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 115,

A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,

Was read the third time.

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

The roll being called there were ayes 48, nays 3, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Porter,
Baker,	Hawk,	Power,
Boyd, of Cass,	Heskin,	Richards,
Boyd, of Cavalier,	Hurley,	Sargent,
Brotnov,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,

Messrs—	Messrs—	Messrs—
Currier,	Lenz,	Tanton,
Dougherty,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Gaulke,	McConnachie,	Wallace,
Gilbertson,	McGinnis,	White,
Goplerud,	McPherson,	Wirkus,
Guinan,	Mitchell,	Williams,
Hammond,	Peoples,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Butterwick,	Duncan,	Erickson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Francis,	Offerdahl,
Cole,	Howard,	Ryan,
Earl,	Murphy,	Wood.
Ebbighausen,	Northrop,	

Messrs. Ebbighausen, Francis, Northrop and Ryan being excused.

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

House Bill No. 137,

A bill for an act to amend section 103 of the Revised Codes of North Dakota relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Cryan.	Joy,	Swenson,
Currier,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Erickson,	McConnachie,	Wallace,
Gaulke,	McGinnis,	White,
Gilbertson,	McPherson,	Wirkus,
Goplerud,	Mitchell,	Williams,
Guinan,	Offerdahl,	Mr. Speaker.
Hammond,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Earl,	Murphy,
Belden,	Ebbighausen,	Northrop,
Colby,	Francis,	Ryan,
Cole,	Lenz,	Wood.

Messrs. Ebbighausen, Francis, Northrop and Ryan being excused.

So the bill passed and the title was agreed to.

House Bill No. 143,

A bill for an act to establish the county or township system for the care of the poor,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 30, nays 22, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Earl,	Peoples,
Boyd of Cass,	Gaulke,	Porter,
Boyd of Cavalier,	Gilbertson,	Power,
Brotnov,	Hammond,	Richards,
Carlin,	Hawk,	Sargent,
Colby,	Heskin,	Sharpe,
Cole,	Hurley,	Stevenson,
Cryan,	Kroeger,	Tanton,
Currier,	McGinnis,	Twichell,
Dunton,	Murphy,	Williams.

Those voting in the negative were:

Messrs—	Messers—	Messrs—
Aas,	Lenz,	Syvertson,
Butterwick,	Lindstrom,	Towle,
Duncan,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Goplerud,	McPherson,	Wirkus,
Guinan,	Offerdahl,	Wood,
Joy,	Swenson,	Mr. Speaker.
Korsmo,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Mitchell,
Dougherty,	Howard,	Northrop,
Ebbighausen,	Johnson,	Ryan.
Francis,		

Messrs. Ebbighausen, Francis, Northrop and Ryan being excused.

So the bill was lost

House Bill No. 151,

A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury,

Was read the third time.

Mr. Porter offered the following amendment:

In line 6 of printed bill strike out "not less than twenty dollars and no more" and insert instead the words "more than."

In line 8 strike out "not less than than thirty."

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

The roll being called there were ayes 52, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Brotnov,	Howard,	Richards,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe.
Cole,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Tanton,
Duncan,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Earl,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Francis,	Ryan,
Colby,	Lindstrom,	Towle,
Ebbighausen,	Northrop,	White.

Mr. Hammond voting in the negative.

Messrs. Ebbighausen, Francis, Northrop and Ryan being excused.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 20, 1897.

MR. SPEAKER:

I have the honor to return herewith
Concurrent Resolution,
Offered by Mr. Baker,
Which the Senate has concurred in.

I also have the honor to transmit herewith
Senate Bill No. 155,
A bill for an act to legalize and validate the tax levy for the year 1895 as made by the various counties,
Which the Senate has passed and your favorable consideration thereof is respectfully requested.

I also have the honor to return
House Bill No. 60,
A bill for an act to amend section 4681 of the Revised Codes of North Dakota relating to liens upon crops,
Which the Senate has passed as amended.

I also have the honor to transmit herewith
Senate Bill No. 136,
A bill for an act to amend section 5630 of the Revised Codes relating to trials in the district court,
Which the Senate has passed and your favorable consideration of the same is requested.

Respectfully yours,
J. O. SMITH,
Secretary.

The House took an informal recess.

Mr. A. C. Rankin addressed the House on the temperance commissioner bill.

The House reassembled.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 62,
A bill for an act to amend sections 1940, 1941 and 1944 of article 8 of chapter 26 of the Revised Codes of North Dakota for 1895,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 63,
A bill for an act to amend sections 237 and 238 of article 4 of chapter 4 of the Revised Codes of 1895,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 110,
A bill for an act to amend section 4817 of the Revised Codes,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 144,
A bill for an act to provide for the erection, operation, and management of the Industrial school of the state of North Dakota, and to repeal sections 947 to 983 inclusive of the Revised Codes of North Dakota relating to industrial school,
Was read the first and second times, and
Referred to the committee on state affairs.

Senate Bill No. 112,
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 public health.

Senate Bill No. 155,
A bill for an act to legalize and validate tax levy for the year 1895 as made by the various counties,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 136,
A bill for an act to amend section 5630 of the Revised Codes, relating to trials in the district court,
Was read the first and second times, and
Referred to the committee on judiciary.

The committee on engrossed bills made the following report:

MR. SPEAKER:
Your committee on engrossed bills have examined
House Bill No. 3,
A bill for an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325, 1336, to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Power moved

That the rules be suspended and that

House Bill No. 3,

A bill for an act prescribing the mode of assessment and the the levy and collection of taxes and for other purposes relative levy and collection of taxes, and for other purposes relative thereto,

Be placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 3,

A bill for an act prescribing the mode of assessments and thereto,

Was read the third time.

Mr. Power asked unanimous consent to introduce the following amendment, which was granted:

Insert section 115 as follows:

SEC. 115. NOT TO REPEAL.] Nothing in this act contained shall be construed as repealing the provisions of the act passed at this session of the legislative assembly relating to the collection of taxes that became delinquent in 1895 and prior years, and change the numbers of the two following sections to 116 and 117, respectively.

And the amendment was adopted.

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

The roll being called there were ayes 56, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cole,	Korsmo,	Tanton,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Dougherty,	Lindstrom,	Wallace,
Duncan,	Lovelace,	White,
Dunton,	McConnachie,	Wirkus,
Earl,	McGinnis,	Williams,
Erickson,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Hankinson,	Richards,
Francis,	Northrop,	Ryan.

Messrs. Ebbighausen, Francis, Northrop, Richards and Ryan being excused.

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

Mr. Hurley moved
That the House adjourn until Tuesday at 2 o'clock,
Which motion prevailed, and
The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 23, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.
All members present excepting Mr. Northrop, who was excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the forty-seventh day and recommend that it be amended as follows:

On page 15 strike out all of line 2.

On page 15, line 7, after the word "and" at the end of line insert the following, "the levy and collection of taxes and for other purposes relative."

And when so amended recommend the adoption of the Journal of the forty-seventh day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the forty-seventh day was approved.

The courtesies of the floor were extended to H. M. Jones and A. M. Davis of LaMoure county, F. A. Sargent of Cass county, G. A. Leiber of Stutsman, Hon. Erick Staphne and O. Oleson of Richland county, Edwin Brown of Grafton, C. F. Fish and J. P. Bray of Grand Forks.

PETITIONS AND COMMUNICATIONS.

Mr. Twitchell presented the following petition:

We, the undersigned firemen and taxpayers of the city of Casselton, do most earnestly request that Senate Bill No. 54, "an act to amend sections 1031 and 1033 of the Revised Codes relating to appropriation in aid of Volunteer Firemen's Association," be given your support, and that you use your best efforts to secure the speedy passage of the same.

H. F. STREHLOW,
(And 71 others.)

Referred to committee on state affairs.

Mr. Sargent presented the following petition:

We, the undersigned firemen and taxpayers of the city of Casselton, do most earnestly request that Senate Bill No. 54, "an act to amend sections 1031 and 1033 of the Revised Codes relating to appropriation in aid of Volunteer Firemen's Association," be given your support, and that you use your best efforts to secure the speedy passage of the same.

H. F. STREHLOW,
(And 71 others.)

Referred to committee on state affairs.

REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
House Bill No. 127,
A bill for an act to amend section 346 of the Revised Codes of

the state of North Dakota, relating to the filing of bonds of township officers and duties of county auditor and township clerks in relation thereto,

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

E. F. PORTER,
Chairman.

The committee on temperance made the following report:

MR. SPEAKER:

Your committtee on temperance to whom was referred

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond,

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

In line 3 of section 1 of printed bill strike out the word "permanent" and insert in lieu thereof the words "term of."

In line 6 of section 3 of printed bill strike out the word "his" and insert in lieu thereof the word "their."

In line 2 of section 3 of printed bill strike out the word "four" and insert in lieu thereof the word "three."

In line 2 of section 4 of printed bill strike out the word "co-existent" and insert in lieu thereof the word "co-extensive."

In line 2 of section 6 of printed bill strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

In line 6 of section 6 of printed bill strike out the words "one thousand" and insert in lieu thereof the words "seven hundred and fifty."

And when so amended a majority of said committee recommend that the same do pass.

N. A. COLBY,
Chairman.

The minority of the committee on temperance made the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond,

Have had the same under consideration and recommend that the same do not pass.

CHAS. EBBIGHAUSEN,
R. H. HANKINSON,
JULIUS WIRKUS,
Minority.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills to whom was referred
House Bill No. 164,

A bill for an act to amend section 28 and repeal section 30 of the Revised Codes of the state of North Dakota relating to the election and apportionment of officers and employes of the legislative assembly, fixing their numbers, duties and compensation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. J. MITCHELL,
Chairman.

Mr. Mitchell moved
The adoption of the report,
Which motion prevailed, and
The further consideration of House Bill No. 164 was indefinitely postponed.

The joint committee on state library made the following report:

MR. SPEAKER:

Your joint committee on state library to whom was referred
House Bill No. 94,

A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota,

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

H. D. HURLEY,
P. H. ROURKE,
Committee.

Mr. Hurley presented a communication from Hon. W. W. Barrett, commissioner of irrigation and forestry,
Which was referred to the committee on state affairs.

The Speaker announced that he was about to sign
Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 163,

A bill for an act to amend section 8495 of the Revised Codes of North Dakota, relating to compensation of officers for return of fugitives from justice.

Also,

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to age of consent to marriage.

Also,

Substitute for House Bill No. 65,

A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to compensation of overseers of highways.

Also,

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Also,

House Bill No. 158,

A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of court in certain cases of default,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Howard introduced

House Bill No. 176,

A bill for an act to amend section 4731 of the Revised Codes of North Dakota relating to the form of mortgages of personal property and relating to lein thereof.

Mr. Boyd of Cavalier introduced

House Bill No. 177,

A bill for an act to amend section 3305 of chapter 19 of the revised civil code of North Dakota relating to the method of loaning money by building and loan associations.

Mr. Hankinson introduced

House Bill No. 178,

A bill for an act to allow any receiver, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not exceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding 1 per cent per annum on the amount of liability on such bond or obligation.

Mr. Mitchell introduced
House Bill No. 179,
A bill for an act making it lawful and proper for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary of whom bond or other obligation is required, to agree with his sureties for the deposit for safe keeping of all money, assets and other property for which he is responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such.

Mr. Boyd of Cass introduced
House Bill No. 180,
A bill for an act entitled an act prohibiting the selling of cigarettes.

Mr. Francis introduced by request
House Bill No. 181,
A bill for an act to amend section 2889 of the Revised Codes of North Dakota, relating to power and number of directors of corporations created for educational, religious and charitable purposes.

Mr Murphy introduced
House Bill No. 182,
Being a concurrent resolution relating to the qualifications of voters.

Mr. Francis introduced by request
House Bill No. 183,
A bill for an act to amend section 9472 of the Revised Codes relating to the punishment for the crime of embezzlement.

Mr. Ryan introduced
House Bill No. 184,
A bill for an act making the rent due upon any demired premises a lien upon the property of the lessee therein, and to provide for the collection of said rent.

Mr. Richards introduced by unanimous consent
House Bill No. 185,
A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company and its receivers on behalf of the state of North Dakota and various counties, and taxing subdivisions thereof, which are interested.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 176,
A bill for an act to amend section 4731 of the Revised Codes of North Dakota relating to the form of mortgages of personal property and relating to the lien thereon,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 177,

A bill for an act to amend section 3205, chapter 19 of the revised civil code of North Dakota, relating to the method of loaning money by building and loan associations,

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

House Bill No. 178,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not exceeding one per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein not exceeding one per cent per annum on the amount of liability on such bond or obligation,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 179,

A bill for an an act making it lawful and proper for any receiver, assignee. guardian, trustee, committee, executor, administrator, curator or other fiduciary of whom bond or other obligation is required to agree with his sureties for the deposit for safe keeping of all money, assets and other property for which he is responsible with a bank, savings bank, safe deposit or trust company, authorized by law to do business as such,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 180,

A bill for an act entitled an act prohibiting the selling of cigarettes

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota relating to power and number of directors of corporations created for education, religion and charitable purposes,

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

House Bill No. 182,

A bill, being a concurrent resolution, relating to the qualifications of voters

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 183,

A bill for an act to amend section 9472 of the Revised Codes relating to the punishment for the crime of embezzlement,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 184,

A bill for an act making the rent due upon any demised premises a lien upon the property of the lessee thereon and provide for the collection of said rent,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 185,

A bill for an act creating a committee with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company, and the receivers on behalf of the state of North Dakota and various counties and taxing subdivisions thereof which are interested,

Was read the first and second times, and

Referred to the committee on appropriations.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 23, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 72,

A bill for an act to appropriate money to compensate the state of South Dakota for keeping, boarding and schooling North Dakota refractory boys at the South Dakota reform school.

Also,

Senate Bill No. 131,

A bill for an act to amend section 172 of article 3, chapter 4 of Revised Codes of 1895 of the state of North Dakota, relating to investment of school funds.

Also,

Senate Bill No. 142,

A bill for an act to amend section 2302 of the Revised Codes of North Dakota of 1895.

Also,

Senate Bill No. 143,

A bill for an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children by adoption or otherwise, and providing rules for the regulation of the same.

Also,
Senate Bill No. 148,
A bill for an act to repeal sections 123, 128 and 129, of article 7, of chapter 3, entitled "executive department of the Revised Codes of the state of North Dakota."

Also,
Senate Bill No. 150,
A bill for an act to amend the probate code of the state of North Dakota.

Also,
Senate Bill No. 153,
A bill for an act to prevent the adulteration of candy.

Also,
Senate Bill No. 156,
A bill for an act to repeal article 24 of chapter 18 entitled revenue and taxation, of the the Revised Codes of the state of North Dakota, being sections 1347 to 1354 inclusive,
Which the Senate have passed and your favorable consideration thereof is respectfully requested.

I also have the honor to return herewith
House Bill No. 111,
A bill for an act to amend sections 6020, 6046, 6089, 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure, relating to proceedings in insolvency,
Which the Senate has amended as follows:

By striking out all of section 6089 following the word "purpose" as appears on page 5, lines 16 and 17, printed bill, and inserting in lieu thereof the following: "Paying or securing a bona fide indebtedness shall be valid, whether such transfer was made, money paid or security given before or after the passage and approval of this act."

And passed the same as amended.

Respectfully yours,
J. O. SMITH,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Lindstrom moved
That the House do now resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.

The Speaker called Mr. Colby to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 93,

A bill for an act providing for primary elections, and prescribing the duties of primary election officers,

And recommend that the same be amended as follows:

In section 7, line 8, of printed bill, after the word "hour" insert "provided, however, that in precincts in which at least one-fourth of the electors reside at a distance of two miles or more from the place at which such primary meeting is to be held, the same shall be held between the hours of 12 m. and 7 p. m.

And when so amended recommend that the same do pass.

Also,

House Bill No. 100,

A bill for an act entitled "an act creating the office of state superintendent of irrigation and forestry and prescribing the duties thereof,"

And recommend that the same be amended as follows, and that the bill with the amendment be referred to the committee on judiciary, and that the committee be instructed to report the same back tomorrow:

AMENDMENT TO HOUSE BILL NO. 100.

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That section 5 of chapter 76 of the session laws of 1891 of the state of North Dakota be and the same are hereby amended so as to read as follows:

Sec. 5. Powers and Duties.] The commissioner of agriculture and labor shall be ex-officio state superintendent of irrigation and forestry, who shall have charge of the developments of a system of irrigation within the state by means of artesian wells, dams, reservoirs, storage works, canals or other methods that may be found practical or may be adopted by the state or the people: shall have jurisdiction over the system or department of state forestry, and shall clearly explain its necessity and economic uses, and by desirable methods aid in promoting tree culture in this state; shall superintend all meteorological or weather stations or schools, and shall render such assistance as shall conduce to their usefulness. And he shall investigate and explain all the laws, causes and operations of rainfalls, and, as far as possible, show how they can be increased or produced by scientific methods or invented skill; and he shall present the best systems for obviating, as far as it can be done, all unfavorable or dangerous climatic disturbances. He shall visit such parts of the state as he may deem necessary, or as the governor may direct him to visit, and examine and make notes of the geological formations, topography, water supply, its extent, pressure, operation and utility, and other features bearing upon artesian wells, and all other methods of irrigation and water supply from all attainable sources, and shall investigate the workings and gather all statistical information in relation to tree culture and meteorological observations or experiments. And he shall commend to

the legislative assembly at its next session the enactment of such measures as may be necessary to develop and make practical the systems beneficial to agriculture and the people coming under his jurisdiction.

Sec. 2. That sections 1, 2, 3 and 4 of chapter 76 of the session laws of 1891 of the state of North Dakota be and the same are hereby repealed.

And when so amended recommend that the same do pass.

N. A. COLBY,
Chairman.

Mr. Gaulke moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Mr Mitchell moved
That the rules be suspended and that the House concur in the Senate amendments to
House Bill No. 111,
A bill for an act to amend sections 6020, 6046, 6081, 6089, 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency,

By striking out all of section 6089 following the word "purpose" as appers on page 5, lines 16 and 17, printed bill, and inserting in lieu thereof thereof the following: "Paying or securing a bona fide indebtedness shall be valid whether such transfer was made, money paid or security given before or after the passage and approval of this act.

Which motion prevailed, and
The House concurred in the Senate amendments to House Bill No. 111.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Batterwick,	Howard,	Stevenson,
Carlin,	Hurley,	Swenson,
Cole,	Johnson,	Syvertson,
Cryan,	Joy,	Towle,

Messrs—	Messrs—	Messrs—
Currier,	Korsmo,	Wallace,
Dougherty,	Kroeger,	White,
Earl,	Lindstrom,	Wirkus,
Ebbighausen,	Lovelace,	Williams,
Erickson,	McConnachie,	Wood,
Francis,	McGinnis,	Mr. Speaker.
Gilbertson,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Lenz,	Peoples,
Duncan,	McPherson,	Sharpe,
Dunton,	Northrop,	Tanton,
Gaulke,	Offerdahl,	Twichell.

Mr. Northrop being excused.

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

COMMITTEE OF THE WHOLE.

Mr. Wallace moved

That the House resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole for The consideration of general orders.

The Speaker called Mr. Murphy to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds, and prescribing the conditions upon which such companies may do business in this state,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 49,

A bill for an act fixing the maximum rate that railroad companies may charge for the transportation of coal mined within the state of North Dakota,

And recommend that further consideration of House Bill No. 49 be indefinitely postponed.

Also,

Substitute for House Bill No. 38 and House Bill No. 109,

A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota relating to elections,

And recommend that the same do pass.

Also,

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota,

And recommend that the same do pass as amended by the committee on counties.

Also,

House Bill No. 130,

A bill for an act to provide for the bulletining of time of arrival at and departure from of passenger trains at stations in this state,

And recommend that the same be referred to the committee on judiciary.

Also,

House Bill No. 142,

Being a concurrent resolution to amend the constitution of the state of North Dakota,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 66,

A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation,

And recommend that the same be amended as follows:

On lines 2 and 3 of section 1 of printed bill erase the words "any" and "or years since the year 1889" and insert the words "the" and 1889 and subsequent years."

On line 2 of section 2 insert "June" in place of "April."

Also the following: Add to the end of section 16 the following: "Provided, however, that the holder of any certificate for any piece or parcel of land sold under any tax judgment must, ninety days preceding the maturity of such certificate, give personal notice to the owner, if a resident of the state, of the expiration and maturity of such certificate, and if the owner of any such piece or parcel of land is a non-resident of the state, such notice may be given by registered letter, addressed to such owner at his last known postoffice address, and in case the property covered by such certificate is occupied, the service of such notice shall, in addition to the foregoing provision be made upon the person in possession thereof; also, by publication of the maturity of such certificate in some newspaper published in the county where the land is situated; or otherwise as hereinbefore provided, for at least thirty days preceding the expiration and maturity of such certificate,

and the owner may redeem such certificate by paying the amount named therein, together with accrued interest and costs.

"Proof of the notice herein provided for must be filed in the office of the clerk of the district court prior to the maturity of such certificate.

"The fee simple of any piece or parcel of land named in any certificate shall not rest in the holder thereof until the notice provided for herein is given and due proof thereof filed with the clerk of the district court."

And when so amended recommend that the bill do pass.

Also,

House Bill No. 105,

A concurrent resolution to amend subdivision 1 of section 215 of article 19 of the constitution of the state of North Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein,

And recommend that the same do pass as amended by committee on judiciary.

Also,

House Bill No. 125,

A bill for an act to amend section 6841 of the Revised Codes of North Dakota, relating to Sabbath breaking,

And recommend that the same do pass as amended by committee on judiciary.

Also,

House Bill No. 97,

A bill for an act to amend section 2059 of the Revised Codes of North Dakota, relating to the manner of determining the population of counties for the purpose of fixing the salaries of county, township and other officers,

And recommend that it be made a special order for next Thursday at 3 o'clock p. m.

Also.

Senate Bill No. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota,

And recommend that the same be retained in general orders.

Also,

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

And recommend that the same do pass as amended by committee on judiciary.

Also,

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price of such product or article to producer or consumer, of any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination to sue for the recovery of such damage, and for other purposes,

And recommend that the same do pass as amended by committee on judiciary,

Also,

House Bill No. 133,

A bill for an act preventing taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof and providing the penalty therefor,

And recommend that the same do pass as amended by committee on judiciary.

Also,

House Bill No. 144,

A bill for an act regulating the foreclosure of land contracts,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 139,

A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurer's reports,

And recommend that the same be amended as follows:

On page 2, line 21, of printed bill, after the words "to be" insert "published in some newspaper designated by the school board or to be."

And when so amended recommend that the same do pass.

Also,

House Bill No. 138,

A bill for an act providing for cutting down weeds and other vegetation upon and along public highways,

And recommend that the same be amended as follows:

In line 2 of the printed bill strike out the word "August" and insert the word "July," and strike out the word "September" and insert "October" in lieu thereof.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 117,

A bill for a joint 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 praying for the passage of an act reducing to $5 an acre the minimum price at which lands granted to the state under the enabling act may be sold,

And recommend that the same do pass as amended by the committee on public lands.

Also,

House Bill No. 117,

A bill for an act limiting the term of holding the offices of county treasurer, sheriff, superintendent of public instruction, auditor, register of deeds, clerk of the district court and county judge,

And recommend that the further consideration of the same be indefinitely postponed.

Also,

Senate Bill No. 73,

A bill for an act to amend sections 8518 and 8519 of the Revised Codes of 1895, as to the boards of trustees and the appointment of members thereof for the state penitentiary and the state reform school,

And recommend that the same do pass.

Also,

House Bill No. 154,

Being a concurrent resolution for a proposed amendment to the constitution of the state of North Dakota,

And recommend that the same do pass.

Also,

House Bill No. 52,

A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund,

And recommend that the same be continued in general orders.

Also,

Substitute for House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where a defense to the foreclosure is claimed by the mortgagor or his successor,

And recommend that the same do pass.

Also,

House Bill No. 116,

A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom,

And recommend that the same do pass.

J. D. WALLACE,
Chairman.

Mr. Sharp moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report of the committee of the whole was adopted.

Mr. Twichell moved

That the rules be suspended and

Senate Bill No. 73,

A bill for an act to amend sections 8518 and 8519 of the Revised Codes of 1895, as to boards of trustees and the appointment of the members thereof, for the state penitentiary and the state reform school,

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

Which motion prevailed, and

Senate Bill No. 73,

A bill for an act to amend sections 8518 and 8519 of the Revised Code of 1895, as to the boards of trustees and the appointment of members thereof, for the state penitentiary and state reform school,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 38, nays 16, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Richards,
Boyd of Cass,	Hurley,	Ryan,
Carlin,	Johnson,	Sargent,
Cole,	Kroeger,	Sharpe,
Currier,	Lenz,	Stevenson,
Dunton,	Lindstrom,	Swenson,
Earl,	Lovelace,	Twichell,
Ebbighausen,	McGinnis,	Wallace,
Francis,	Mitchell,	White,
Gaulke,	Murphy,	Wirkus,
Hammond,	Offerdahl,	Wood,
Hankinson,	Porter,	Mr. Speaker.
Hawk,	Power,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	McPherson,
Belden,	Heskin,	Syvertson,
Boyd of Cavalier,	Joy,	Tanton,
Brotnov,	Korsmo,	Towle,
Butterwick,	McConnachie,	Williams.
Duncan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Erickson,	Northrop,
Cryan,	Gilbertson,	Peoples.
Dougherty,	Goplerud,	

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Hurley moved

That the vote by which the bill was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 127,

A bill for an act to amend section 346 of the Revised Codes of the state of North Dakota, relating to the filing of bonds of township officers, and duties of county auditors and township clerks in relation thereto.

Also,
House Bill No. 118,
A bill for an act to amend section 7506 of the Revised Codes of North Dakota, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 24, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Northrop, who was excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal

of the fiftieth day and recommend that it be amended as follows:

Add after line 20 on page 11 the following:

By striking out all of section 6089 following the word "purpose" as appears on page 5, lines 16 and 17, printed bill, and inserting in lieu thereof the following: "Paying or securing a bona fide indebtedness shall be valid, whether such transfer was made, money paid or security given before or after the passage and approval of this act."

And when so amended recommend the adoption of the Journal of the fiftieth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fiftieth day was approved.

The courtesies of the floor were extended to Mr. W. E. Foran of Cass county.

The Speaker referred
House Bill No. 75,
House Bill No. 116,
House Bill No. 154,
House Bill No. 139,
House Bill No. 144,
House Bill No. 133,
House Bill No. 124,
House Bill No. 125,
House Bill No. 10,
House Bill No. 142,
House Bill No. 104,
House Bill No. 69,
House Bill No. 91,
House Bill No. 66,
House Bill No. 93,
House Bill No. 107,
House Bill No. 139,

And Substitute for House Bills 38 and 109 to the committee on engrossment, and House Bill No. 111 to the committee on enrollment.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 66,
A bill for an act to provide for the assessment, levy and collec-

tion of taxes upon property in cases when such property was subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any cause escaped taxation,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota of 1895.

Also,

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops.

Also,

CONCURRENT RESOLUTION.

WHEREAS, A family of six persons, residing near the borders of the Great Sioux reservation at Winona, Emmons county, have been murdered and their bodies horribly mutilated, under circumstances indicating the work of Indians, therefore

Be it Resolved by the House of Representatives, the Senate Concurring:

That the governor be and is hereby authorized to offer a reward of $500 for the arrest and conviction of the murderers and that the attorney general be and hereby is directed to aid the county of Emmons in every possible way in the arrest and conviction, and in whatever investigation may be deemed necessary as to the causes which have led up to this murder.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

The concurrent resolution authorizing the governor to offer a reward of $500 for the arrest and conviction of the Winona murderers,

Also,

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota of 1895.

Also,

Senate Bill 73,

A bill for an act to amend sections 8518 and 8519 of the Revised Codes of 1895, as to boards of trustees and the appointment of the members thereof, for the state penitentiary and the state reform school.

Also,

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes of North Dakota, relating to liens upon crops.

Also,

Senate Bill No. 33,

A bill for an act to amend chapter 29, Revised Codes of 1895.

There being no objection the bills were signed by the Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 24, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 151,

A bill for an act relating to the probate of foreign wills,

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

Respectfully yours,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 24, 1897.

MR. SPEAKER:

I have the honor to return herewith

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor.

Also,

Senate Bill No. 34,

A bill for an act entitled an act making an appropriation for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvements thereat.

Also,

Senate Bill No. 48,

A bill for an act providing for an appropriation for the maintenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school.

Also,
Senate Bill No. 42,
A bill for an act providing for an appropriation for the current and contingent expenses of the State Normal school at Valley City, N. D.

Also,
Senate Bill No. 61,
A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.

Also,
Senate Bill No. 65,
A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,
Senate Bill No. 163
A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota Agricultural College and Experiment Station.

Also,
Senate Bill No. 69,
A bill for an act making appropriation for maintenance of the state university and for needed permanent improvements of the state university.

Also,
Senate Bill No. 177,
A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the university of North Dakota,

Also,
Senate Bill No. 76,
A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Which the Senate has passed and your favorable consideration of the same is requested.

Respectfully yours,
J. O. SMITH,
Secretary.

PETITIONS AND COMMUNICATIONS.

To the House of Representatives of the Fifth Legislative Assembly of the State of North Dakota:

The Woman's Temperance Union of North Dakota, representing 2,000 wives, mothers and daughters of this state, keenly regret the disgrace and infamy which the odious ninety days divorce law has brought upon the otherwise fair record of our young state, and protest against North Dakota being thus made a dumping ground for the scum of every state, and further believing the law to be a menace to the purity of the home and the sacredness of the family relation, we do most earnestly petition your honorable body to pass the Davis bill (Senate Bill No. 50) or a similar measure amending the law by increasing the term of residence to one year.

ELIZABETH PRESTON,
President.

EMMA F. VAIL,
Secretary.

Mr. Williams of Burleigh moved

That the rules be suspended and that the committee on judiciary be instructed to report back

House Bill No. 145,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to divorces.

Also,

House Bill No. 146,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to residence in cases of divorce,

Forthwith without recommendation and that the said bills be referred to the committee of the whole,

Which motion prevailed, and

It was so ordered and House Bills Nos. 145 and 146 were reported back by the committee.

STANDING COMMITTEES.

The committee on labor made the following report:

MR. SPEAKER:

Your committee on labor to whom was referred

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota,

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

By striking out section 3 and inserting in lieu thereof the following:

"Sec. 3. This act shall take effect and be in force from and after November 1, A. D. 1897."

And when so amended report the same back without recommendation.

C. A. CURRIER,
Chairman.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

Senate Bill No. 105,

A bill for an act to amend section 491 of the Revised Codes of North Dakota,

Have had the same under consideration and recommend that the same be referred to general orders.

C. L. LINDSTROM,
Chairman.

Mr. Lindstrom moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on agriculture made the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred

Senate Bill No. 67, (Reprinted,)

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians,

Have had the same under consideration and recommend that the further consideration thereof be indefinitely postponed.

H. M. WILLIAMS,
Chairman.

The minority of the committee on agriculture made the following report:

MR. SPEAKER:

A minority of your committee on agriculture to whom was referred

Senate Bill No. 67, (Reprinted)

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians,

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

THOS. RICHARDS,
DONALD STEVENSON,
Minority.

There being no objection the bill was referred to general orders.

The committee on agriculture made the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred

House Bill No. 171,

A bill for an act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds and manner of destroying,

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

H. M. WILLIAMS.
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:.

Your committee on judiciary, to whom was referred

House Bill No. 36,

A bill for an act to provide for granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,

Have had the same under consideration and report same back without amendment other than those previously reported.

ORIN W. FRANCIS,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

House Bill No. 161,

A bill for an act to provide for the submission to the people at each election for national, state, district and county officers any public measure or proposition of government for their approval or rejection,

Have had the same under consideration and recommend that the same be recommitted to the committee on judiciary.

E. F. PORTER,
Chairman.

There being no objection the bill was referred to the committee on judiciary.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred,

House Bill No. 173,

A bill for an act to prohibit the payment of mileage or traveling expenses to state and deputy officers unless a receipt is filed showing that the sum claimed was actually expended,

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

By inserting in line 2 of section 1 of the original bill the words "or to any member of the state legislature."

And by striking out all the rest of the section after the word "bill" in line 5.

And when so amended recommend that the same do pass.

Also,

House Bill No. 175,

A joint memorial to congress relating to the tariff upon manufactured articles by trusts,

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

Also,

House Bill No. 185,

A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company and its receivers on behalf of the state of North Dakota and various counties and taxing subdivisions thereof which are interested,

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

E. F. PORTER,
Chairman.

Mr. Hankinson moved

That the rules be suspended and that House Bill No. 185 be considered engrossed and that it be placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 185,

A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company and its receivers on behalf of the state of North Dakota and various counties, and taxing subdivisions thereof, which are interested.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 6, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Peoples,
Baker,	Hawk,	Porter,
Boyd of Cass,	Howard,	Power,
Carli ,	Hurley,	Richards,
Colby,	Joy,	Ryan,
Cole,	Kroeger,	Sargent,
Currier,	Lenz,	Sharpe,
Dunton,	Lindstrom,	Stevenson,
Earl,	Lovelace,	Twichell,
Ebbighausen,	McConnachie,	Wallace,
Erickson,	McGinnis,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Wood,
Gilbertson,	Offerdahl,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Cryan,	Goplerud,	Swenson,
Duncan,	McPherson,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Guinan,	Northrop,
Boyd of Cavalier,	Heskin,	Syvertson,
Brotnov,	Johnson,	Tanton,
Butterwick,	Korsmo,	Towle.
Dougherty,		

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Gilbertson moved

That the rules be suspended and that House Bill No. 66 be read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 66,

A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation,

Was read the third time.

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

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hammond,	Peoples,
Belden,	Hankinson,	Porter,
Boyd of Cavalier,	Hawk,	Power,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Currier,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Wood,
Goplerud,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Sargent.
Cole,	Northrop,	

Mr. Northrop being excused,

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

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain.

Also,

House Bill No. 147,

A bill for an act regulating the foreclosure of land contracts.

Also,

House Bill No. 125,

A bill for an act to amend section 6841 of the Revised Codes of North Dakota, relating to Sabbath breaking.

Also,

House Bill No. 94,

A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota.

Also,

House Bill No. 154,

A concurrent resolution for proposed amendment to the constitution of the state of North Dakota.

Also,

House Bill No. 133,

A bill for an act to prevent taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof, and providing the penalty therefor.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Also,

House Bill No. 142,

Being a concurrent resolution.

Also,

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state.

Also,

House Bill No. 116,

A bill for an act to provide for the subdivision of school townships and the establishment of independent school districts therefrom.

Also,

House Bill No. 139,

A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same.

Also,

House Bill 112,

A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Twichell moved

That the rules be suspended and House Bill No. 142 be read the third time and placed upon its final passage,

Which motion prevailed, and

House Bill No. 142,

Being a concurrent resolution to amend the constitution of the state of North Dakota,

Was read the third time.

Unanimous consent was given to amend the bill as follows:

In section 2, line 26 of the engrossed bill insert the word "companies" after the word "railroad" where the word "railroad" appears in said line.

And the bill was so amended.

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

The roll being called there were ayes 58, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hankinson,	Porter,

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cole,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougherty,	Lenz,	Twichell,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Erickson,	Power,	Ryan.
Northrop,		

Mr. Northrop being excused.

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

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
House Bill No. 167,

A bill for an act to amend section 1586 of the Revised Codes relating to the enforcement of the laws against cruelty to animals,

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

Substitute the word "authority" for "authorities" in line 16 of section 1 of original bill.

And when so amended recommend that the same do pass.

O. W. FRANCIS,
Chairman.

Mr. Hurley moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 24, 1897.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved
House Bill No. 40,
Entitled an act to amend sections 211, 219, 222, 224, 227 and 228

of article 3, of the political code of the Revised Codes of North Dakota, relating to the board of university and school lands.

I have the honor to be,

Yours very respectfully,
FRANK A. BRIGGS,
Governor.

Mr. Porter moved

That the rules be suspended and Senate Bill No. 138 be placed upon its third reading and final passage,

Which motion prevailed, and

Senate Bill No. 138, being a substitute for Senate Bill No. 45, Senate Bill No. 88, House Bill No. 73 and House Bill No. 103.

A bill for an act to amend sections 1642, 1643, 1644, 1645, 1647, 7677, 7678 and 7679 of the Revised Codes of North Dakota relating to the protection of game and fish, and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof; and enacting other provisions relating thereto, and providing penalties for violations thereof,

Was read the third time.

Mr. Porter moved to amend as follows:

In section 2, line 7 of engrossed bill after the word "animals" insert the words "or birds."

Which motion prevailed.

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

The roll being called there were ayes 48, nays 4, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan.
Brotnov,	Heskin,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cole,	Kroeger,	Sivertson.
Currier,	Lenz,	Tauton,
Dougherty,	Lovelace,	Towle,
Dunton,	McConnachie,	Twichell,
Earl,	McGinnis,	Wallace,
Ebbighausen,	Mitchell,	White,
Francis,	Murphy,	Wirkus,
Gaulke,	Peoples,	Williams,
Goplerud,	Porter,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Duncan,	McPherson.
Belden,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Howard,	Northrop,
Erickson,	Hurley,	Offerdahl,
Gilbertson,	Lindstrom,	Wood.
Hammond,		

Mr. Northrop being excused.

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

Mr. Power introduced, by unanimous consent,

House Bill No. 186,

A bill for an act to amend section 638 of the Revised Codes of 1895, relating to the election of county superintendent of schools,

Was read the first and second times, and

Referred to the committee on elections and privileges.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 165,

A bill for an act authorizing the district courts, also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial,

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

In line 4 of section 1 of original bill strike out the word "and" where it occurs between the words "denied" and "the."

In line 5 of the original bill after the word "verdict" insert the word "or."

In line 9 after the word "trial" insert the following: "Or from an order granting or denying a motion for judgment notwithstanding the verdict."

By adding a new section as follows:

Section 2. Whereas, An emergency exists in that there is an uncertainty as to the power of the district courts to direct judgment to be entered notwithstanding the verdict, this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes,

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

By amending the title of the bill so as to read as follows: "A bill for an act to amend section 4817 of the Revised Codes of North Dakota, relating to liens for sires."

In line 2 of section 1 of engrossed bill after the word "codes" insert the words "of North Dako a"

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence,

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

ORIN W. FRANCIS,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,

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

After the word "recommend" in line 9 of section 1 of the original bill insert the following: "And it shall be the duty of such commissioners to determine in each and every instance the question of the sufficiency of the estate of such patient."

By adding a new section as follows:

SEC. 2. In any case in which in the judgment of the commissioners of insanity the patient should be required to meet all or any proportion of the first cost of the board and treatment aforesaid such commissioners are hereby authorized and empowered to collect by suit or otherwise from the estate of the patient or from the husband, parent or guardian of a married woman or minor child as the case may be, such amount as said commissioners may deem necessary and sufficient which sum when collected shall be paid into the treasury of the state and placed to the debit of the proper asylum fund.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 155,

A bill for an act to legalize and validate the tax levy for the year 1895 as made in the various counties,

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

ORIN W. FRANCIS,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 63,

A bill for an act to amend sections 237 and 238 of article 4 of chapter 4 of the Revised Codes of 1895,

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

By adding to the title of engrossed bill the words 'relating to depositories of state funds"

Also by striking out the word "fifth" in the enacting clause.

Also in lines 24 and 25 of section 1 by striking out the words "more than 2 per cent" and inserting in lieu thereof the words "less than 1 nor more than 3 per cent per annum.

And when so amended recommend that the same do pass.

E. F. PORTER,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 62,

A bill for an act to amend sections 1940, 1941 and 1944 of article 8 of chapter 26 of the Revised Codes of North Dakota for 1895,

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

By striking out the word "fifth" in the enacting clause of the engrossed bill.

By adding to the title the words "relating to depositories of county funds."

By striking out in lines 17 and 18 of section 1 the words "not exceed two per cent" and insert in lieu thereof the words "not be less than one per cent nor more than three per cent."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 123,

A bill for an act to amend section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds,

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

E. F. PORTER,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 52,

A bill for an act to require butchers and slaughterers of horned cattle to give bonds and to keep a record of the animals purchased and slaughtered by them, and providing penalties for the violation thereof,

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

By adding to section 2 the following:

Every person not having such bond on file who, after slaughtering any beef or veal for his own use, shall fail to keep intact the hide and horns taken therefrom and exhibit the same and the marks and brands thereon, if

any, on such hide, to any person on demand, for a period of thirty days after such killing, and every such person who shall sell, or offer for sale, any carcass of beef or veal whatever, or any portion of such carcass without exhibiting therewith intact the hide and horns taken therefrom, and the marks and brands, if any thereon, to the person to whom the same is sold or offered, shall be deemed guilty of a misdemeanor and be punishable in like manner, unless such hide shall have been sold within such period, after or exhibiting the same while offering such carcass for sale, as the case may be, to a person, firm or corporation, having such bond on file, in which case the purchaser of such hide shall keep and exhibit the same and keep a record thereof as in other cases.

Also,

Senate Bill No. 144,

A bill for an act to provide for the erection, operation and management of the Industrial school of the state of North Dakota and to repeal sections 974 to 983 inclusive of the Revised Codes of North Dakota, relating to industrial school,

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

E. F. PORTER,
Chairman.

The committee on warehouse, grain and grain grading made the following report:

MR. SPEAKER:

Your committee on warehouse, grain and grain grading to whom was referred

House Bill No. 82,

A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof,

Have had the same under consideration and recommend that the accompanying substitute bill, being House Bill No. 189, do pass.

W. L. BELDEN,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed, or which tend to advance, reduce or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating

any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination, to sue for the recovery of such damage and for other purposes,

And find the same correctly engrossed.

Also,

House Bill No. 142,

Being a Concurrent Resolution,

And find the same correctly engrossed.

Also,

House Bill No. 167,

A bill for an act to amend section 1586, Revised Codes, relating to the enforcement of the laws against cruelty to animals.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

INTRODUCTION OF BILLS AND MEMORIALS.

Mr. Heskin introduced

House Bill 187,

A bill for an act to prohibit any county, city, village officials granting license to any person or persons within this state, to sell liquid or soft drinks and prescribing a penalty therefor.

Mr. Colby introduced

House Bill No. 188,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same and provide a bounty for the same.

The committee on warehouse and grain grading introduced

House Bill 189,

Being a substitute for House Bill No. 82.

Mr. Korsmo introduced

House Bill 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 187,

A bill for an act to prohibit any county, city, or village officials

granting license to any person or persons within this state to sell liquid or soft drinks and prescribing a penalty therefor,

Was read the first and second times, and

Referred to the committee on temperance.

House Bill No. 188,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same, and providing a bounty for the same,

Was read the first and second times, and

Referred to the committee on state affairs.

The committee on warehouse and grain grading introduced

House Bill No. 189,

Being a substitute for House Bill No. 82,

Was read the first and second times, and

Referred to general orders.

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization,

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Hurley moved

That the rules be suspended and that House Bill No. 167 be read the third time and placed upon its final passage,

Which motion prevailed.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 167,

A bill for an act to amend section 1586, Revised Codes, relating to the enforcement of the laws against cruelty to animals,

Was read the third time.

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

The roll being called there were ayes 49, nays 6, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hankinson,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Brotnov,	Howard,	Richards,
Butterwick,	Hurley,	Ryan,
Carlin,	Johnson,	Sargent,
Colby,	Joy,	Sharpe,
Cole,	Korsmo,	Stevenson,
Cryan,	Lenz,	Swenson
Currier,	Lindstrom,	Syvertson,

Messrs—	Messrs—	Messrs—
Duncan,	Lovelace,	Tanton,
Dunton,	McConnachie,	Twichell,
Francis,	McPherson,	Wallace,
Gaulke,	Mitchell,	White,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Hammond,	Wirkus
Ebbighausen,	Kroeger,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	McGinnis,	Towle,
Earl,	Northrop,	Wood.
Erickson,		

Mr. Northrop being excused.

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

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

Substitute for House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where a defense to the foreclosure is claimed by the mortgagor or his successor.

Also,

House Bill No. 171,

A bill for an act to amend section 1683 of the Revised Codes of North Dakota relating to noxious weeds and manner of destroying.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Was read the third time.

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

The roll being called there were ayes 41, nays 11, absent and voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Richards,
Baker,	Guinan,	Ryan,
Belden,	Hammond,	Sargent,
Boyd of Cass,	Hankinson,	Stevenson,
Boyd of Cavalier,	Hawk,	Swenson,
Butterwick,	Joy,	Syvertson,
Colby,	Kroeger,	Tanton,
Cole,	Lindstrom,	Twichell,
Currier,	Lovelace,	Wallace,
Duncan,	McConnachie,	White.
Dunton,	McGinnis,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,	Peoples,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Johnson,	Porter,
Earl,	Lenz,	Sharpe,
Heskin,	McPherson,	Towle.
Hur ey,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Erickson,	Northrop,
Cryan,	Howard,	Power,
Dougherty,	Korsmo,	Wood.
Ebbighausen,		

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

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 93,

A bill for an act providing for primary elections and prescribing the duties of primary election officers.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

CONCURRENT RESOLUTION.

WHEREAS, A family of six persons, residing near the borders of the Great Sioux reservation, at Winona, Emmons county, have been murdered and their bodies horribly mutilated, under circumstances indicating the work of Indians, therefore,

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the governor be and is hereby authorized to offer a reward of $500 for

the arrest and conviction of the murderers, and that the attorney general be and hereby is directed to aid the county of Emmons in every possible way in the arrest and conviction, and in whatever investigation may be deemed necessary as to the causes which have led up to this murder.

And find the same correctly enrolled.

Also,

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of the state of North Dakota of 1895.

Also,

House Bill No. 60,

A bill for an act to amend section 4681 of the Revised Codes, relating to liens upon crops,

Having been severally signed by the Speaker of the House and President of the Senate, were presented to his excellency, the governor, this 24th day of February, 1897, at 2:30 p. m.

ROBT. J. MITCHELL,
Chairman

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 72,

A bill for an act to appropriate money to compensate the state of South Dakota for keeping, boarding and schooling North Dakota refractory boys at the South Dakota reform school,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 131,

A bill for an act to amend section 172 of article 3, chapter 4 of Revised Codes of 1895 of the state of North Dakota, relating to investment of school funds,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 143,

A bill for an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children by adoption or otherwise, and providing rules for the regulation of the same,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 148,

A bill for an act to repeal sections 123, 128 and 129 of article 7 of chapter 3 entitled executive department of the Revised Codes of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 153,

A bill for an act to prevent the adulteration of candy,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 156,

A bill for an act to repeal article 24 of chapter 18 entitled revenue and taxation, of the Revised Codes of the state of North Dakota, being sections 1347 to 1354 inclusive,

Was read the first and second times, and

Referred to the committee on taxes and tax laws.

Senate Bill No. 151,

A bill for an act relating to the probate of foreign wills,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current and contingent expenses of the State Normal school at Valley City, N. D.,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 48,

A bill for an act providing for an appropriation for the maintenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent ex-

penses, furnishing and for making needed permanent improvements for the Soldiers' Home at Lisbon,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 34,

A bill for an act entitled an act making an appropriation for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvement thereat,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 69,

A bill for an act making appropriation for maintenance of the State University and for needed permanent improvements of the State University,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 65,

A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the Hospital for the Insane at Jamestown,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 61,

A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 163,

A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota Agricultural college and experiment station,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 177,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota,

Was read the first and second times, and

Referred to the committee on appropriations.

Mr. Ryan moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 25, 1897.

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

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Erickson, Guinan and Northrop, who were excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-first day and recommend that it be amended as follows:

On page 7, line 16, strike out the word "were" and insert in lieu thereof the word "was."

On page 17, line 4, strike out the number "24" and insert in lieu thereof the number "25."

On page 11, line 33, strike out the first word in the line, "than," and insert in lieu thereof the word "after," and after the word "other" insert the words "evidence of."

On page 18, line 31, strike out the number "191" and insert in lieu thereof the number "189."

On page 20, line 25, strike out the words "was lost" and insert in lieu thereof the word "prevailed."

On page 23, line 19, before the letters "nd" insert the letter "a."

And when so amended recommend the adoption of the Journal of the fifty-first day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-first day was approved.

The Speaker appointed John T. McKnight as assistant engrossing and enrolling clerk, and the oath of office was administered to him by the Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 25, 1897.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 98,
A bill for an act to amend section 370 of the Revised Codes of the state of North Dakota, relating to deputies,
Which the Senate has indefinitely postponed.

I also have the honor to transmit herewith
Senate Bill No. 106,
A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan and an appropriation of money therefor.

Also,
Senate Bill No. 116,
A bill for an act to amend section 1128, of article 7, of chapter 17, of the Revised Codes of 1895, entitled "Highways, bridges and ferries."

Also,
Senate Bill No. 127,
A bill for an act to amend section 964 of article 5 of chapter 10 of the Revised Codes of 1895, entitled Deaf and Dumb asylum.

Also,
Senate Bill No. 145,
A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota.

Also,
Senate Bill No. 154,
A bill for an act to license commission merchants and other factors,

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

Respectfully yours,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 25, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 165,
A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,
Senate Bill No. 183,
A bill for an act to appropriate money to pay J. D. Wallace for services and mileage as trustee of the agricultural college of North Dakota during the year 1890.

Also,
Senate Bill No. 137,
A bill for an act to amend section four hundred and seven (407) of the Revsied Codes of North Dakota, providing for the boundary and terms of court for the Fifth Judicial district in the state of North Dakota,

Which the Senate has passed and your favorable consideration of the same is requested.

Respectfully yours,
J. O. SMITH,
Secretary.

PETITIONS AND COMMUNICATIONS.

Mr. Hankinson presented the following petition:

We, the members of the Wahpeton Fire department and citizens of Wahpeton, earnestly urge that you use all honorable means to secure the passage of Senate Bill No. 54, entitled "An act to amend sections 1031 and 1033 of the Revised Codes, relating to appropriations in aid of Volunteer Firemen's association."

JOHN P. REEDER.
(And 105 others.)

Referred to committee on state affairs.

The courtesies of the floor were extended to Messrs. J. G. Dingle of Mandan, M. C. Young of Pembina, W. L. Gill, S. M. Gouland, N. G. Eggen, C. E. Wilson and Thomas Kleinogle of Cass county, W. L. Yeater, Ed Campbell and J. H. Robinson of Emmons county, Charles H. Stanley, P. J. Lyons and L. C. Pettibone of Kidder county.

Mr. Aas presented the following petition:

To the House of Representatives:

The undersigned society, and individuals, hereby petition your honorable body to increase the penalty clause of Sabbath observance law.

MRS. C. H. BOBB,
(And 37 others.)

Mr. Swenson presented the following petition:

To Hon. N. Swenson:

We, the undersigned, members of the Cooperstown Fire department, respectfully petition that you will use your influence to secure the passage of Senate Bill No. 54, in aid of the Volunteer Firemen's association

M. W. BUCK.
(And 20 others.)

Referred to the committee on state affairs.

Mr. Dougherty presented the following petition:

To the Senate and House of Representatives:

Realizing the importance of Senate Bill No 54, relating to an appropriation in aid of the Volunteer Firemen's association, and further realizing that said association is of material benefit to local fire companies, and in view of the fact that the present appropriation is inadequate to pay the expenses of visiting members to the regular meeting of the state association.

We, the undersigned, electors of the city of Park River, Walsh county, North Dakota, do humbly petition your honorable body that you take favorable action in support of said bill. And your petitioners will ever pray, etc.

H. A. LIBBY.
Mayor.

G. W. YOUNG,
President Park River V. F. D.
J. D. LANDSBOROUGH,
Secretary Park River V. F. D.
(And 50 others.)

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 100,

A bill for an act repealing an act entitled "an act creating the

office of state superintendent of irrigation and forestry, and prescribing the duties thereof,"

Have had the same under consideration and a majority of your committee recommend that the original bill do pass, and a minority of your committee recommend that the bill do not pass.

O. W. FRANCIS,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive of article 1, of chapter 17, of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways,

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

By amending the title so as to read as follows: "A bill for an act relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto, and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075, both inclusive, of the Revised Codes of North Dakota."

By striking out section 1, and renumbering the sections accordingly, to section 17, which will then be section 16.

On the last line of section 16 of engrossed bill, being then section 15 of bill as amended, insert the words "proceedings of the" between the words "the" and "board."

In line 18 of section 14, being then section 13, between the words 'as" and "provided" insert the words "is hereinafter."

By substituting for section 18 of engrossed bill, and numbering it section 22, the following:

SEC. 22. Sections 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075 of the Revised Codes of North Dakota be and the same are hereby repealed.

By renumbering section 19, making it section 23.

By inserting, as sections 17, 18, 19, 20 and 21, the attached printed and written provisions.

SEC. 17. APPEALS.—Any person who shall feel himself aggrieved by any determination or award of damages made by the supervisors of any town or towns, or by the commissioners of any county, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any highway or cartway, may, within thirty days after the filing of such determination or award of damages, as provided in this act, appeal therefrom to a justice of the peace of the county for a jury to hear and determine such appeal; provided, the amount of damages allowed in such appeal does not exceed one hundred dollars.

SEC. 18. BOND, APPLICATION, ETC.—Every application to a justice of the peace for an appeal shall be in writing, and shall briefly state the grounds on which it is made, and whether it is brought in relation to damages assessed, or in relation to laying out, altering or discontinuing, or refusal to lay out, alter or discontinue any highway, or whether it is brought to reverse entirely the decisions of the supervisors or commissioners, or any part thereof—if the latter, what part. Upon filing such application and a bond executed to the supervisors of the town, or the commissioners of the county, with sufficient sureties to be approved by the justice, conditioned to pay all costs arising from such appeal, provided that the determination of the supervisors or the county commissioners (as the case may be) shall be sustained, such justice shall issue a summons specifying therein a time and place for the hearing of such appeal, which summons shall be served on one or more of the supervisors (or commissioners, if a county road), at least six days before such time, and at the time and place so appointed the justice shall proceed as in other cases of trial by jury. If upon the trial it is deemed necessary by the jury, or either party in the action, that a personal examination by the jury of the road in controversy is necessary, the justice may, on motion of the jury or either party in the action, direct the jury to view and examine the highway described in the application, and consider the determination of the supervisors or commissioners in laying out, altering or discontinuing, or refusing to lay out, alter or discontinue the same, and to make return to him in writing within ten days.

SEC. 19. FILING RETURN, COSTS, ETC.—The justice shall file the return of the jury in the office of the town clerk—if the appeal was taken from the decision of the board of supervisors of the town, and in the office of the county auditor if the appeal was taken from the decision of the county commissioners; and if the determination of the supervisors or commissioners shall be affirmed by the jury, the party appealing shall pay all costs, but if such determination shall be reversed or altered, or a greater amount of damages awarded, then the costs in the case shall be a charge against the town or county, as the case may be.

SEC. 20. WHEN APPEAL IS TAKEN TO DISTRICT COURT—In case the amount of damages claimed exceed one hundred dollars, appeal may be taken within thirty days to the district court of the county in which said damages are sustained, by filing in the office of the clerk of such court a bond to be approved by the judge of such district court, or the court commissioner, or the county auditor of the county, of the same nature as provided in the two preceding sections, and by the service of a written or printed notice of such appeal upon the chairman of the board of supervisors or county commissioners, as the case may be, signed by the party making the appeal or his attorney. Such appeal shall bring before the appellate court the propriety of the amount of damages and all matters referred to in such notice of appeal. Unless the parties otherwise agree, the matter shall be submitted to a jury and tried as other appeal cases are tried, and the court or jury, as the case may be, shall re-assess the damages aforesaid, and make the verdict conform to the justice and facts in the case; but the rule for ascertaining and fixing such judgment shall be based upon the same principles as the supervisors or commissioners were required to adopt in originally determining the same; and upon judgment being rendered the clerk of said court shall serve a certified transcript of such judgment upon the chairman on whom the notice of appeal was served as aforesaid. If the determination of the board of supervisors or commissioners appealed from be affirmed, or if the amount of damages allowed be reduced in said district court, the party appealing shall pay all costs and disbursements incurred in said court; but if the amount of damages allowed be increased, or if such determination shall be altered, modified or reversed in said district court, otherwise than as to the amount of damages, said costs and disbursements shall be paid by the town or county, as the case may be; said costs and disbursements to be taxed and adjusted as in other cases in said district court, and judgment entered therefor in like manner.

SEC. 21. WHEN APPEAL SUSTAINED, DUTY OF BOARD.—When an appeal shall have been made from the determination of any board of supervisors or county commissioners, and such determination shall have been reversed or altered, the supervisors or commissioners from whose determination such appeal was taken, shall proceed to lay out, alter or discontinue such highway, in conformity with the decision of such appeal, and the proceedings thereon shall be the same as if they had originally so determined to lay out, alter or discontinue such highway the amount of damages finally determined and awarded by the supervisors or by the court and jury, together with all the charges of officers and other persons necessarily employed in laying out, altering or discontinuing any town road, shall be audited by the supervisors, specifying the amount of damages and charges due each individual, and the respective amount shall be certified to by the said supervisors and by them deposited with the town clerk and paid by the town. Before any road shall be opened or used, an amount of town orders, equal to the damages assessed to individual, shall be duly issued and deposited with said town clerk for the use and benefit of said individual, and shall be delivered to him upon demand. The issuing and depositing of said orders shall be deemed to be sufficient security for the payment of said damages. In no case shall a town be compelled to pay any damages that may be awarded in laying out and altering or discontinuing any county road.

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

REPORTS OF STANDING COMMITTEES.

The committee on corporations other than municipal made the following report:

MR. SPEAKER:

Your committee on corporations other than municipal to whom was referred

House Bill No. 177,

A bill for an act to amend section 3305 of chapter 19 of the revised civil code of North Dakota relating to the method of loaning money by building and loan associations,

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

Also,

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota relating to power and number of directors of corporations created for educational, religion and charitable purposes,

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

J. S. JOHNSON,
Chairman.

The committee on taxes and tax laws made the following report:

MR. SPEAKER:

Your committee on taxes and tax laws to whom was referred

House Bill No. 159,

A bill for an act defining express companies, freight line com-

panies and equipment companies, telegraph and telephone companies, and providing for the assessment of their property and the taxation of the same,

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

By amending the title of the bill so as to read as follows:

"For an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies, and providing for ascertaining the value of their property, as nearly as possible, for the assistance of assessors in the assessment of their property and the taxation of the same."

By substituting "April" for "June" in line 3 of section 2.

By substituting the word "what" for the word "that" in line 10 of section 2, page 3.

By inserting the words "as nearly as possible" between the words "ascertain" and "the" in line 38 of section 2, page 4.

By striking out all of line 1 and line 2 up to and including the word "assess" of section 3, page 5, and insert in lieu thereof: "Sec. 3. The state board of equalization shall hold a special meeting on the first Monday after the first Tuesday of May in each year to ascertain as nearly as possible the value of."

By substituting the word "ascertaining" for the word "determining" in line 8 of section 3, page 5.

By inserting the words "by the several assessors" between the words "assessed" and "as" in line 8 of section 3, page 5.

By substituting the word "shown" for the word "determined" in line 9, section 3, page 5.

By striking out the words "the assessment" and inserting the words "ascertaining the value" in line 20, section 3, page 6.

By striking out the word "annual" in line 21 of section 3, page 6.

By substituting the word "value" for the word "assessment" in line 22 of section 3, page 6.

By substituting the word "ascertained" for the word "determined" in lines 22 and 23 of section 3, page 6.

By striking out the word "for" in line 25 and the word "taxation" in line 26 of section 3, page 6.

By substituting "April" for "June" in lines 3 and 5 of section 4, page 6.

By substituting "15th day of May" for "fourth Monday in August" in lines 1 and 2 of section 5, page 7.

By inserting the words "within such county" between the words "Dakota" and "as" in line 4 of section 5, page 7,

By striking out the words "and assessed" in same line and page.

By striking out all of line 4 after the word "board" of section 5, page 7.

By striking out all of line 5 and the "board" in line 6 of section 5, page 8.

By substituting the word "ascertained" for the word "assessed" in line 8 of section 5, page 8.

In line 16 of section 5, page 8, strike out all after the word "shall," and in line 17, same section and page, strike out all up to and including the word "list" and insert the following: "notify the several assessors of his county of the numbers of miles and valuations as ascertained by the board of equalization for the guidance and assistance of such assessors in assessing such property, and such assessor shall assess the property of such company within his assessors' district at its full and true value to be ascertained by him."

By inserting the word "assessed" between the words "the" and "valuation" in line 1 of section 6, page 8

In line 1 of section 6, page 8, strike out the words "so apportioned to" and insert the words "of such property in."

Reference being had to the printed copy of House Bill No. 159.

And when so amended recommend that the same do pass.

J. B. POWER,
Chairman.

The committee on taxation and tax laws made the following report:

MR. SPEAKER:

Your committee on taxation and tax laws to whom was referred House Bill No. 126,

A bill for an act defining telegraph and telephone companies, and providing for the assessment of their property and the valuation of the same,

Have had the same under consideration and recommend that the same be indefinitely postponed, as the subject matter therein is more fully contained in House Bill No. 159.

J. B. POWER,
Chairman.

Mr. Power moved

The adoption of the report,

Which motion prevailed, and

The further consideration of House Bill No. 126 was indefinitely postponed.

MOTIONS AND RESOLUTIONS.

Mr. Belden introduced the following:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That a copy of the concurrent resolution, expressing sympathy for the people of Cuba in their struggle for independence, which was passed by the House and Senate and filed with the secretary of state of February 19, be transmitted by the secretary of state, under the great seal of the state, to Senor Quesada, the Cuban minister at Washington, for transmission to the president of the Cuban republic.

Mr. Belden moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Korsmo offered the following:

CONCURRENT RESOLUTION.

WHEREAS, The lignite coal rates now in force on certain lines of railroads in this state are unjust and unreasonable and so high as to prohibit the use of said coal by the people living in a great portion of the state, especially by those living along the lines of said lines charging said unreasonable rates; and,

WHEREAS, The rates so charged are higher than the rates prescribed by law, and higher than the schedules adopted by the commissioners of railroads under the law prescribing their duties and defining their powers, which said rates have been adopted by the Northern Pacific and Soo Lines of railroad, being accepted by them as just and reasonable; now, therefore

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the railroad commissioners of this state be and hereby are requested

to take immediate steps for the enforcement of the rates adopted by them and accepted by the Northern Pacific and Soo Lines, on other lines of railroads doing business in this state; and, be it further

Resolved, That the attorney general be and hereby is requested to act in connection with said railroad commissioners in the enforcement of said rates.

Mr. Korsmo moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

Mr. Williams of Burleigh offered the following

CONCURRENT RESOLUTION:

WHEREAS, Under the laws of the United States persons engaging in the unlawful sale of intoxicating liquors in this and other states having prohibitory laws or laws regulating the sale of intoxicating liquors, may pay the special tax required by those laws for the sale of intoxicating liquors receiving from the United States stamps or certificates which assures them immunity from punishment, so far as the United States is concerned, notwithstanding their violations of the law of the state, thus encouraging the unlawful traffic in intoxicating liquors while removing one of the strongest factors which might be used for the enforcement of the laws, therefore be it

Resolved, By the House of Representatives, the Senate concurring, that the senators and representatives in congress from this state be and hereby are requested to use their best endeavors to secure such an amendment to the laws of the United States as will prohibit the issue of stamps or certificates showing the payment of the special taxes required for the sale of intoxicating liquors to persons not authorized to engage in the sale or manufacture of intoxicating liquors within the limits of this or other states.

Resolved, Further, That the secretary of state is hereby requested to transmit copies of this resolution signed by the President of the Senate and the secretary thereof, and the Speaker of the House and clerk thereof, to Hon. H. C. Hansbrough, Hon. W. N. Roach and Hon. M. N. Johnson, the representatives of this state in the congress of the United States.

And moved its adoption.

Roll call demanded.

The question being upon the adoption of the resolution.

The roll being called there were ayes 27, nays 27, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Dunton,	Mitchell,
Belden,	Gaulke,	Power,
Boyd of Cass,	Goplerud,	Stevenson,
Boyd of Cavalier,	Hammond,	Swenson,
Brotnov,	Heskin,	Syvertson,
Butterwick,	Howard,	Towle,
Cryan,	Korsmo,	Wallace,
Dougherty,	Lindstrom,	Williams.
Duncan,	McConnachie,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Richards,
Carlin,	Hurley,	Ryan,
Colby,	Johnson,	Sargent,
Cole,	Kroeger,	Sharpe,
Earl,	Lenz,	Tanton,
Ebbighausen,	Lovelace,	Twichell,
Francis,	McGinnis,	White,
Gilbertson,	Peoples,	Wirkus,
Hankinson,	Porter,	Wood.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Currier,	Joy,	Northrop,
Erickson,	McPherson,	Otterdahl.
Guinan,	Murphy,	

Messrs. Guinan and Northrop being excused.

So the resolution was lost.

The Speaker announced that he was about to sign
House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6081, 6089, 6090, 6091 and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency.

INTRODUCTION OF HOUSE BILLS AND MEMORIALS.

Mr. Wood introduced
House Bill No. 191,

A bill for an act to define the boundaries of the first judicial district and consolidate therewith the seventh judicial district, and designate the terms of court to be held in the several counties thereof, and the judges having jurisdiction.

Mr. Gilbertson introduced
Senate Bill No. 192,

A bill for an act to promote the development of coal mines on the coal bearing university and school lands of this state, and to provide for the leasing of such lands for the purpose of mining coal.

Mr. Mitchall introduced
House Bill No. 193,

A bill for an act to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and to regulate the management thereof.

Mr. Hawk introduced
House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to the election of officers and their duties,

Mr. McConnachie introduced
House Bill No. 195,
A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined.

Mr. Hankinson introduced
House Bill No. 196,
A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota relating to the boundaries of the Fourth judicial district and fixing the times of holding of the terms of court in different counties thereof.

Mr. Twichell introduced
House Bill No. 197,
A bill for an act relating to land sales upon crop payments.

Mr. Murphy introduced
House Bill No. 198,
A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes of 1895 relating to corporations.

Mr. Francis introduced
House Bill No. 199,
A bill for an act to regulate auctioneers' and peddlers' licenses.

Mr. Ryan introduced
House Bill No. 200.
A concurrent resolution to amend section 217 of the constitution.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 191,
A bill for an act to define the boundaries of the First Judicial district and consolidate therewith the Seventh Judicial district, and designate the terms of court to be held in the several counties thereof and the judge having jurisdiction,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No 192,
A bill for an act to promote the development of coal mines on the coal bearing university and school lands of this state, and provide for the leasing of such lands for the purpose of mining coal,
Was read the first and second times, and
Referred to the committee on school and public lands.

House Bill No. 193,
A bill for an act to provide for the organization of annuity, safe deposit, surety and trust companies, and to regulate the management thereof,
Was read the first and second times, and
Referred to the committee on banks and banking.

House Bill No. 194,
A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election of officers and their duties,
Was read the first and second times, and
Referred to the committee on elections and privileges.

House Bill No. 195,
A bill for an act to amend section 7589 of the Revised Codes of North Dakoata of 1895, relating to intoxicating liquors defined,
Was read the first and second times, and
Referred to the committee on temperance.

House Bill No. 196,
A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota, relating to the boundaries of the Fourth Judicial district and fixing the times of holding of the terms of court in different counties thereof,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 197,
A bill for an act relating to land sales upon crop payments,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 198,
A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes of 1895, relating to corporations,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 199,
A bill for an act to regulate auctioneers and peddlers' licenses,
Was read the first and second times, and
Referred to the committee on judiciary.

House Bill No. 200,
A concurrent resolution to amend section 217 of the constitution relating to the prohibition of the manufacture and sale of intoxicating liquors,
Was read the first and second times, and
Referred to the committee on temperance.

Mr. Hurley introduced by unanimous consent
House Bill No. 201,
A bill for an act making the use of abusive, violent, profane and indecent language or conduct by a passenger on a railroad train a misdemeanor, and providing penalty, and investing conductors with powers of sheriff while in charge of train,
Was read the first and second times, and
Referred to the committee on judiciary.

Mr. Currier introduced by unanimous consent
House Bill No. 202,
A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake, in the county of Ramsey.

COMMITTEE OF THE WHOLE.

Mr. Hurley moved
That the House resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.

The Speaker called Mr. Hurley to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee has had under consideration
House Bill No. 97,
A bill for an act to amend section 2059 of the Revised Codes of North Dakota, relating to the manner of determining the population of counties for the purpose of fixing the salaries of county, township and other officers,
And recommend that further consideration of same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Murphy moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted, and
The further consideration of House Bill No. 97 was indefinitely postponed.

Mr. Hurley moved
That the rules be suspended and that engrossed House Bill No. 10 be printed for the use of the members,
Which motion prevailed, and
It was so ordered.

Mr. Lindstrom moved
That the rules be suspended and that Substitute for House Bill No. 53 be read the third time and placed upon its final passage,
Which motion was lost.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 65,

A bill for an act to amend section 1138 of the Revised Codes of North Dakota, relating to the compensation of overseers of highways,

Was read the third time.

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

The roll being called there were ayes 43, nays 8, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker.	Hammond,	Offerdahl,
Brotnov,	Heskin,	Peoples,
Butterwick,	Howard,	Power,
Carlin,	Hurley,	Ryan,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Severtson.
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Wood.
Gilbertson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Porter,	Sharpe,
Hawk,	Richards,	Mr. Speaker.
Lindstrom,	Sargent,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Erickson,	Northrop,
Boyd of Cavalier,	Guinan,	White,
Dunton,	Hankinson,	Williams.
Ebbighausen,	McGinnis,	

Messrs. Guinan and Northrop being excused.

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

Mr. Twichell gave notice that he would on the next legislative day move to reconsider the vote by which House Bill No. 43 was passed.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 53,

A bill for an act to repealing section 482 of the Revised Codes of 1895, construing the word precinct in the constitution,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

House Bill No. 158,

A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of the court in certain cases of default,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 32, nays 9, absent and not voting 21.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Porter,
Belden,	Howard,	Richards,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Currier,	Korsmo,	Stevenson,
Dougherty,	Kroeger,	Swenson,
Dunton,	Lindstrom,	Towle,
Earl,	Lovelace,	Wirkus,
Francis,	McConnachie,	Wood,
Gilbertson,	Mitchell,	Mr. Speaker.
Goplerud,	Peoples,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carli,	Hawk,	Offerdahl,
Cryan,	Heskin,	Ryan,
Gaulke,	Lenz,	Syvertson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Northrop,
Boyd of Cass,	Guinan,	Power,
Boyd of Cavalier,	Hankinson,	Tanton,
Colby,	Hurley,	Twichell,
Cole,	McGinnis,	Wallace,
Duncan,	McPherson,	White,
Ebbighausen,	Murphy,	Williams.

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

House Bill No. 163,

A bill for an act to amend section 8495 of the Revised Codes of North Dakota, relating to compensation of officers for return of fugitives from justice,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 1, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hawk,	Peoples,
Boyd of Cavalier,	Heskin,	Porter,
Brotnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Cryan,	Joy,	Stevenson,
Dougherty,	Korsmo,	Swenson,
Duncan,	Kroeger,	Syvertson,
Dunton,	Lenz,	Towle,
Earl,	Lovelace,	Twichell,
Francis,	McConnachie,	Wirkus,
Gaulke,	McPherson,	Wood,
Gilbertson,	Mitchell,	Mr. Speaker.
Goplerud,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Erickson,	Richards,
Boyd of Cass,	Guinan,	Tanton,
Colby,	Hankinson,	Wallace,
Cole,	McGinnis,	White,
Currier,	Northrop,	Williams.
Ebbighausen,	Power,	

Mr. Lindstrom voting in the negative.

Messrs. Erickson, Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

House Bill No. 118,

A bill for an act to amend section 7506 of the Revised Codes,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 53, nays 1, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Peoples,
Baker,	Hawk,	Porter,
Belden,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Ryan,
Butterwick,	Johnson,	Sargent,
Carlin,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Cryan,	Kroeger,	Swenson,
Currier,	Lenz,	Syvertson,

Messrs—	Messrs—	Messrs—
Dougherty,	Lindstrom.	Tanton,
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Francis,	McGinnis,	White,
Gaulke,	McPherson,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud	Murphy,	Mr. Speaker.
Hammond,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Wallace,
Cole,	Guinan,	Wood.
Duncan,	Northrop,	

Mr. Ebbighausen voting in the negative.

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

The Speaker referred House Bills Nos. 181 and 177 to the committee on engrossment.

House Bill No. 127,

A bill for an act to amend section 346 of the Revised Codes of the state of North Dakota, relating to the filing of bonds of township officers. and duties of county auditors and township clerks in relation thereto,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 46, nays 3, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	McPherson,
Baker,	Hammond,	Mitchell,
Belden,	Hankinson,	Murphy,
Boyd of Cavalier,	Hawk,	Offerdahl,
Brotnov,	Heskin,	Peoples.
Butterwick,	Howard,	Porter,
Carlin,	Hurley,	Power,
Colby.	Johnson,	Ryan,
Cryan,	Joy.	Sargent,
Currier,	Korsmo,	Sharpe,
Dougherty,	Lenz,	Syvertson,
Dunton,	Lindstrom,	Tanton,
Earl,	Lovelace,	Towle,
Ebbighausen,	McConnachie,	Wirkus,
Francis,	McGinnis,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs—	Messers—	Messrs—
Goplerud,	Kroeger,	Swenson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Northrop,	Wallace,
Cole,	Richards,	White,
Duncan,	Stevenson,	Williams,
Erickson,	Twichell,	Wood.
Guinan,		

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein.

Also,

House Bill No. 175,

Joint memorial to congress relating to the tariff upon manufactured articles by trusts.

Also,

Joint memorial introduced by Mr. Lenz.

Also,

Substitute for House Bills No. 108 and 38,

A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to election.

Also,

House Bill No. 138,

A bill for an act providing for cutting down weeds and other vegetation upon and along public highways.

Also,

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

House Bill No. 91,

A bill for an act authorizing surety companies, prescribing the conditions upon which such companies may do business in this state,

Was read the third time.

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

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Goplerud,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Colby,	Johnson,	Swenson,
Cole,	Joy,	Syvertson,
Cryan,	Korsmo,	Tanton,
Currier,	Kroeger,	Towle,
Dougherty,	Lovelace,	Twichell,
Duncan,	McConnachie,	Wallace,
Dun on,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Mitchell,	Williams,
Francis,	Murphy,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Erickson,	Lenz.	Northrop.
Guinan,	Lindstrom,	

Messrs. Erickson, Guinan and Northrop being excused.

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

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6089, 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure, relating to proceedings in insolvency,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain,

Was read the third time.

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

The roll being called there were ayes 46, nays 2, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Richards,
Baker,	Hawk,	Ryan,
Belden,	Heskin,	Sargent.
Boyd of Cass.	Johnson,	Sharpe.
Boyd of Cavalier,	Joy,	Stevenson,
Butterwick,	Korsmo,	Swenson,
Colby,	Lenz,	Syvertson,
Currier,	Lovelace,	Tanton,
Dougherty,	McConnachie,	Towle,
Dunton,	Mitchell,	Twichell,
Ebbighausen,	Murphy,	Wallace,
Francis,	Offerdahl,	White,
Gaulke,	Peoples,	Wirkus,
Gilbertson,	Porter,	Wood,
Goplerud,	Power,	Mr. Speaker.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Guinan,	McGinnis,
Cole,	Howard,	McPherson,
Duncan,	Hurley,	Northrop,
Earl,	Kroeger,	Williams.
Erickson,	Lindstrom,	

Messrs. Carlan and Cryan voting in the negative.

Messrs. Guinan and Northrop being excused.

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

Mr. Mitchell moved

That the rules be suspended and that House Bills Nos. 178 and 179 be considered as engrossed, read the third time and placed upon their final passage,

Which motion prevailed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 178,

A bill for an act to allow any receiver, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not exceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for execut-

ing any bond or other obligation therein, not exceeding 1 per cent per annum on the amount of liability on such bond or obligation.

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

ORIN W. FRANCIS,
Chairman.

House Bill No. 178,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not exceeding one per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein not exceeding one per cent per annum on the amount of liability on such bond or obligation,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 38, nays 3, absent and not voting 21.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Porter,
Baker,	Heskin,	Power,
Belden,	Hurley,	Ryan,
Boyd, of Cavalier,	Joy,	Sargent,
Brotnov,	Korsmo,	Sharpe,
Butterwick,	Kroeger,	Stevenson,
Carlin,	Lenz,	Swenson,
Colby,	Lovelace,	Syvertson,
Cryan,	McConnachie,	Wallace,
Dunton,	Mitchell,	Wirkus,
Francis,	Murphy,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.
Goplerud,	Peoples,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dougherty,	Johnson,	Towle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cass,	Gilbertson,	McPherson,
Cole,	Guinan,	Northrop,
Currier,	Hammond,	Richards,
Duncan,	Hawk,	Tanton,
Earl,	Howard,	Twichell,
Ebbighausen,	Lindstrom,	White,
Erickson,	McGinnis,	Williams.

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 179,

A bill for an act making it lawful and proper for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary of whom bond or other obligation is required, to agree with his sureties for the deposit for safe keeping of all money, assets and other property for which he is responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such,

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

O. W. FRANCIS,
Chairman.

House Bill No. 179,

A bill for an act making it lawful and proper for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary of whom bond or other obligation is required, to agree with his sureties for the deposit for safe keeping of all money, assets and other property for which he is responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 40, nays 3, absent and not voting 19.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Peoples,
Baker,	Heskin,	Porter,
Belden,	Hurley,	Power,
Boyd of Cass.	Johnson,	Richards,
Boyd of Cavalier,	Joy,	Ryan,
Brotnov,	Korsmo,	Sargent,
Butterwick,	Kroeger,	Sharpe,
Carlin,	Lovelace,	Stevenson,
Colby,	McConnachie,	Swenson,
Dougherty,	McGinnis,	Twichell,
Dunton,	Mitchell,	Wirkus,
Francis,	Murphy,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs —	Messrs—	Messas—
Goplerud,	Tanton,	Towle,
Syvertson,		

Absent and not voting:

Cole,	Erickson,	Lindstrom,
Cryan,	Gilbertson,	McPherson,
Currier,	Guinan,	Northrop,
Duncan,	Hawk,	Wallace,
Earl,	Howard,	White,
Ebbighausen,	Lenz,	Williams.

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

House Bill No. 104,

A bill for an act to amend sections 1664, 1665. 1666, 1668 and 1671 of the political code of the state of North Dakota,

Was read the third time.

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

The roll being called there were ayes 49, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Baker,	Hankinson,	Porter,
Belden,	Hawk,	Power,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Stevenson,
Carlin,	Kroeger,	Swenson,
Cole,	Lenz,	Syvertson,
Cryan,	Lovelace,	Tanton,
Dougherty,	McConnachie,	Towle,
Dunton,	McGinnis,	Wallace,
Ebbighausen,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Williams,
Gilbertson,	Offerdahl,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Guinan,	Northrop,
Currier,	Howard,	Sharpe,
Duncan,	Korsmo,	Twichell,
Earl,	Lindstrom,	Wood.
Erickson,		

Messrs. Guinan and Northrop being excused.

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

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 46, nays 3, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Power,
Baker,	Hankinson,	Richards,
Belden,	Hawk,	Ryan,
Boyd of Cass,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe.
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Towle,
Duncan,	Lenz,	Twichell,
Dunton,	Lovelace,	Wallace.
Earl,	McConnachie,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Porter.	Mr. Speaker.
Goplerud,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Dougherty,	Ebbighausen.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Lindstrom,	Offerdahl,
Cole,	McGinnis,	Peoples,
Erickson,	Murphy,	Tanton,
Guinan,	Northrop,	Williams.
Heskin,		

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 116,

A bill for an act to provide for the subdivision of school townships, and the establishment of independent school districts therefrom,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 45, nays 3, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Peoples,
Baker,	Heskin,	Porter,
Belden,	Howard,	Power,
Brotnov,	Hurley,	Richards,
Butterwick,	Johnson,	Sargent,

Messrs—	Messrs—	Messrs—
Carlin,	Joy,	Sharpe,
Colby,	Korsmo,	Syvertson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Ebbighausen,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Goplerud,	Hawk,	Swenson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Guinan,	Northrop,
Boyd of Cavalier,	Hammond,	Ryan,
Cole,	Hankinson,	Stevenson,
Dougherty,	Lovelace,	Wallace.
Erickson,	Murphy,	

Messrs. Guinan and Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Cryan moved

That the vote by which House Bill No. 116 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hurley moved

That the House do not adjourn,

Which motion was lost.

House Bill No. 125,

A bill for an act to amend section 6841 of the Revised Codes of North Dakota, relating to Sabbath breaking,

Was read the third time.

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

The roll being called there were ayes 25, nays 29, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Porter,
Belden,	Howard,	Sharpe,
Boyd of Cavalier,	Hurley,	Stevenson,
Butterwick,	Lenz,	Twichell,
Carlin,	Lovelace,	White,
Cole,	McGinnis,	Williams,
Dunton,	Mitchell,	Wood,
Earl,	Peoples.	Mr. Speaker.
Francis,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Power,
Boyd of Cass,	Hawk,	Richards,
Brotnov,	Heskin,	Sargent,
Colby,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson.
Dougherty,	Kroeger,	Tanton,
Duncan,	McConnachie,	Towle,
Ebbighausen,	McPherson,	Wallace,
Ganlke.	Murphy,	Wirkus,
Gilbertson,	Offerdahl,	

Absent and not voting:

Messrs--	Messrs—	Messrs—
Currier,	Hankinson,	Northrop,
Erickson,	Johnson,	Ryan.
Guinan,	Lindstrom,	

Messrs. Guinan and Northrop being excused.

So the bill as amended was lost.

Mr. Currier moved
That the rules be suspended and that
House Bill No. 100,
A bill for an act entitled "an act creating the office of state superintendent of irrigation and forestry and prescribing the duties thereof,"
Be placed upon its third reading and final passage,
Which motion prevailed.

Mr. Currier moved
That the further consideration of House Bill No. 100 be indefinitely postponed,
Which motion prevailed, and
The further consideration of House Bill No. 100 was indefinitely postponed.

House Bill No. 133,
A bill for an act preventing taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof and providing the penalty therefor,
Was read the third time.

Mr. Dougherty moved to amend House Bill No. 133

By inserting after the word "thereof," line 3 of printed bill, the following: "Provided, however, that the foregoing provisions shall not apply to notes or contracts which bear no interest before maturity."

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

The roll being called there were ayes 50, nays 6, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Peoples,
Baker,	Gilbertson,	Porter,
Belden,	Goplerud,	Power,
Boyd of Cass.	Hammond,	Sargent,
Boyd of Cavalier,	Heskin,	Sharpe,
Brotnov,	Howard,	Stevenson,
Butterwick,	Johnson,	Swenson,
Carlin,	Korsmo,	Syvertson,
Colby,	Kroeger,	Tanton,
Cryan,	Lenz,	Towle,
Currier,	Lovelace,	Twichell,
Dougher'y,	McConnachie,	White,
Duncan,	McGinnis,	Wirkus,
Dunton,	McPherson,	Williams,
Earl,	Mitchell,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Francis,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Hawk,	Joy,	Richards,
Hurley,	Lindstrom,	Wallace.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Guinan,	Northrop,
Erickson,	Hankinson,	Ryan.

Messrs. Guinan and Northrop being excused.

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

Mr. Cryan moved

That the vote by which House Bill No. 133 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6081, 6089, 6090,

6091 and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating ot proceedings in insolvency,

Having been duly signed by the Speaker of the House and President of the Senate, was presented to his excellency, the governor, this 25th day of February, 1897, at 4:45 p. m.

ROBT. J. MITCHELL,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota, relating to power and number of directors of corporations created for educational, religious and charitable purposes.

Also,

House Bill No. 177,

A bill for an act to amend section 3205, chapter 19 of the revised civil code of North Dakota, relating to the method of loaning money by building and loan associations,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Hawk moved

That the rules be suspended and that

Substitute for House Bills Nos. 38 and 109,

A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to elections,

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

Which motion was lost.

House Bill No. 139,

A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same,

Was read the third time.

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

The roll being called there ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud.	Peoples,
Belden,	Hammond,	Porter,

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Power,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	Towle,
Dougherty,	Lindstrom,	Wallace,
Duncan,	Lovelace,	White,
Dunton,	McConnachie,	Wirkus,
Earl,	McGinnis,	Williams,
Ebbighausen,	McPherson,	Wood,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Erickson,	Northrop,	Ryan,
Guinan,	Offerdahl,	Twichell.
Hurley,		

Messrs. Guinan and Northrop being excused.

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

House Bill No. 93,
A bill for an act providing for primary elections, and prescribing the duties of primary election officers,

Was read the third time.

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

The roll being called there were ayes 39, nays 17, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Power,
Belden,	Hurley,	Richards,
Boyd of Cass,	Johnson,	Ryan,
Boyd of Cavalier,	Joy,	Sargent,
Butterwick,	Lindstrom,	Sharpe,
Colby,	Lovelace,	Stevenson,
Currier,	McConnachie,	Swenson,
Dunton,	McGinnis,	Twichell,
Earl,	Mitchell,	Wallace,
Francis,	Murphy,	White,
Gaulke,	Offerdahl,	Williams,
Gilbertson,	Peoples,	Wood,
Hankinson,	Porter,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Duncan,	Lenz,
Brotnov,	Ebbighausen,	McPherson,
Carlin,	Goplerud,	Tanton,
Cole,	Hammond,	Towle,
Cryan,	Heskin,	Wirkus,
Dougherty,	Kroeger,	

Absent and not voting:

Messrs--	Messrs—	Messrs—
Erickson,	Hawk,	Northrop,
Guinan,	Korsmo,	Syvertson.

Messrs. Guinan and Northrop being excused.

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

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

H. E. LAVAYEA,
Chief Clerk.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 26, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Northrop, who was excused.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the fifty-second day and recommend that it be amended as follows:

On page 7, line 40, change the word "education" to "educational" and the word "religion" to "religious."

On page 12, line 24, after the word "constitution" insert the following: "relating to the prohibition of the manufacture and sale of intoxicating liquors."

On page 26, line 29, strike out the word "not" and insert in lieu thereof the word "now."

Insert the name "Erickson" wherever it does not appear among the members who were excused.

And when so amended recommend that the Journal of the fifty-second day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-second day was approved.

Mr. Lenz presented the following

JOINT 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, praying for the passage of an act providing for the election of United States senators by the vote of the people.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the secretary of the Senate and the chief clerk of the House of Representatives, be sent to Hon. William N. Roach and Hon. Henry C. Hansbrough of the United States Senate and Hon. Martin N. Johnson of the House of Representatives at Washington, D. C.

That said Hon. William N. Roach and Hon. Henry C. Hansbrough, representing the state of North Dakota in the Senate of the United States, and Hon. Martin N. Johnson, representing the state of North Dakota in the House of Representatives, be, and they are hereby respectfully requested to support, in their respective Houses, and to urge the passage of an act of congress for the election of United States senators by the vote of the people.

Referred to committee on state affairs.

There being no objection the regular order was passed and the House took up the

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 144,
A bill for an act regulating the foreclosure of land contracts.
Was read the third time.

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

The roll being called there were ayes 53, nays 5, absent and voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Hammond,	Power,
Boyd of Cass,	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Cryan,	Kroeger,	Tanton,
Currier,	Lindstrom,	Towle,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White.
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dougherty,	Hankinson,	Porter.
Guinan,	Lenz,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Northrop,	Twichell.
Duncan,		

Mr. Northrop being excused.

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

Mr. McGinnis moved

That the rules be suspended and that

House Bill No. 154,

A concurrent resolution for proposed amendment to the constitution of the state of North Dakota,

Be made a special order for next Friday, at 3 o'clock p. m.,

Which motion was lost.

House Bill No. 154,

Being a concurrent resolution for a proposed amendment to the constitution of the state of North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 11, nays 49, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	McGinnis,	Ryan,
Hawk,	McPherson,	Stevenson,
Hurley,	Murphy,	Wallace.
McConnachie,	Richards,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Boyd of Cass,	Gilbertson,	Peoples,
Boyd of Cavalier,	Goplerud,	Porter,
Brotnov,	Guinan,	Power,
Butterwick,	Hammond,	Sargent.
Carlin,	Hankinson,	Sharpe,
Colby,	Heskin,	Swenson
Cole,	Howard,	Syvertson,
Cryan,	Johnson,	Tanton,
Currier,	Joy,	Towle,
Dougherty,	Korsmo,	Twichell,
Duncan,	Kroeger,	White,
Dunton,	Lenz,	Wirkus.
Earl,	Lindstrom,	Williams.
Ebbighausen,	Lovelace,	Wood,
Erickson,	Mitchell,	Mr. Speaker.
Francis,		

Absent and not voting, Messrs. Belden and Northrop.

Mr. Northrop being excused.

So the bill was lost.

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price of such product or article to producer or consumer, of any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination to sue for the recovery of such damage, and for other purposes,

Was read the third time.

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

The roll being called there were ayes 48, nays 2, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Murphy,
Baker,	Gaulke,	Offerdahl,
Belden,	Gilbertson,	Peoples,
Boyd of Cass.	Goplerud,	Richards,
Boyd of Cavalier,	Guinan,	Ryan,
Brotnov,	Hammond,	Sargent.
Butterwick,	Hawk,	Swenson,
Colby,	Howard,	Syvertson,
Cole,	Hurley,	Tanton,
Cryan,	Johnson,	Towle,
Currier,	Joy,	Twichell,
Dougherty,	Korsmo,	Wallace,
Dunton,	Kroeger,	White,
Earl,	Lindstrom,	Wirkus,
Ebbighausen,	Lovelace,	Williams,
Erickson,	McConnachie,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	McGinnis,	Porter,
Duncan,	McPherson,	Power,
Hankinson,	Mitchell,	Stevenson,
Heskin,	Northrop,	Wood.

Messrs. Lenz and Sharpe voting in the negative.

Mr. Northrop being excused,

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 26, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 1,

A bill for an act providing for a bounty for certain stock-destroying animals and a fund for the payment thereof,

Which the Senate has amended

By striking out the word "one-fifth" in line 3, section 7 and inserting in lieu thereof the word "one-tenth."

And passed the same as amended.

Also,

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota, relative to the fencing of railroad right of way,

Which the Senate has indefinitely postponed.

I have also the honor to transmit herewith

Senate Bill No. 132,

A bill for an act to appropriate money to pay the annual expenses of advertising the common school lands for lease, and of leasing the same.

Also,

Senate Bill No. 51,

A bill for an act to appropriate money to pay the necessary expenses of the board of university and school lands.

Also,

Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils,

Which the Senate has passed and your favorable consideration of the same is requested.

Respectfully yours,
J. O. SMITH,
Secretary.

House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where the defense to the foreclosure is claimed by the mortgagor or his successor,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 47, nays 8, absent and not voting 7.

Those voting in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd of Cavalier,
Brotnov,
Carlin,
Colby,
Cole,
Cryan,
Currier,
Dunton,
Ebbighausen,
Erickson,
Francis,
Gaulke,
Gilbertson,

Messrs—
Goplerud,
Hammond,
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lindstrom,
Lovelace,
McConnachie,
Mitchell,
Murphy,
Offerdahl,

Messrs—
Peoples,
Porter,
Power,
Richards,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Towle,
Twichell,
White,
Wirkus,
Williams,
Wood,
Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Butterwick,	Guinan,	McPherson,
Dougherty,	Lenz,	Wallace.
Duncan,	McGinnis,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Northrop,	Sargent,
Earl,	Ryan,	Tanton.
Hankinson,		

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Mitchell moved

That the vote by which House Bill No. 75 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Murphy moved

That the rules be suspended and that the House concur in the Senate amendments to

House Bill No. 1,

Which motion prevailed.

House Bill No. 1,

A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 53, nays 1, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Porter,
Baker,	Hawk,	Power,
Belden,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Sargent,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Carlin,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,
Currier,	Lenz,	Tanton,
Dunton,	Lindstrom,	Towle,
Ebbighausen,	Lovelace,	Twichell,
Erickson,	McConnachie,	Wallace,
Francis,	McGinnis,	White,
Gaulke,	McPherson,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Murphy,	Wood,
Guinan,	Offerdahl,	Mr. Speaker.
Hammond,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Duncan,	Northrop,
Colby,	Earl,	Ryan.
Cole,	Hurley,	

Mr. Dougherty voting in the negative.

Mr. Northrop being excused.

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

House Bill No. 171,

A bill for an act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds and manner of destroying,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Guinan,	Power,
Belden,	Hammond,	Richards,
Boyd of Cavalier,	Hawk,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Cole,	Korsmo,	Towle,
Currier,	Kroeger,	Twichell,
Dougherty,	Lindstrom,	Wallace,
Duncan,	Lovelace,	White,
Dunton,	McConnachie,	Wirkus,
Ebbighausen,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.
Gilbertson,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Murphy,
Cryan,	Heskin,	Northrop,
Earl,	Lenz,	Ryan,
Erickson,	McGinnis,	Tanton.

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Gaulke gave notice that he would on the next legislative day move to reconsider the vote by which House Bill No. 171 was passed for the purpose of amendment.

Mr. Boyd of Cavalier moved

That the further consideration of substitute for House No. 38 and House Bill No. 109 be indefinitely postponed,

Which motion was lost.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 25, 1897.

To the House of Representatives:

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

House Bill No. 39,

Entitled an act to amend section 8166 of the Revised Codes of North Dakota, relating to challenging the jury in criminal cases.

Also,

House Bill No. 60,

Entitled an act to amend section 4681 of the Revised Codes of North Dakota relating to liens upon crops.

I have the honor to be,

Yours very respectfully,
FRANK A. BRIGGS,
Governor.

Substitute for House Bill No. 38 and House Bill No. 109,

A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota, relating to elections,

Was read the third time.

The question being upon the final passage of the bill,

The roll being called there were ayes 43, nays 17, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Currier,	Joy,	Ryan,
Dunton,	Korsmo,	Sargent,
Earl,	Kroeger,	Sharpe,
Erickson,	Lindstrom,	Stevenson,
Francis,	Lovelace,	Twichell,
Gaulke,	McConnachie,	Wallace,
Gilbertson,	McGinnis,	White,
Goplerud,	Mitchell,	Williams,
Hammond,	Murphy,	Wood,
Hankinson,	Offerdahl,	Mr. Speaker.
Hawk.		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	McPherson,
Boyd of Cavalier,	Dougherty,	Swertson.
Brotnov,	Duncan,	Tanton,
Butterwick,	Ebbighausen,	Towle,
Carlin,	Guinan,	Wirkus.
Cole,	Lenz,	

Absent and not voting, Messrs. Northrop and Swenson.

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

Mr. Hawk moved

That the vote by which Substitute for House Bill No. 38 and House Bill No. 109 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Ryan moved

That the further consideration of substitute for House Bill No. 53 be indefinitely postponed,

Which motion was lost.

Substitute for House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895 construing the word "precinct" in the constitution,

Was read the third time.

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

The roll being called there were ayes 43, nays 15, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Porter.
Baker,	Howard,	Power.
Belden,	Hurley,	Richards,
Boyd of Cass,	Johnson,	Sargent,
Colby,	Joy,	Sharpe.
Currier,	Korsmo,	Stevenson,
Dougherty,	Kroeger,	Swenson,
Dunton,	Lindstrom,	Towle,
Erickson,	Lovelace,	Twichell,
Francis,	McConnachie,	Wallace.
Gaulke,	McGinnis,	White,
Gilbertson,	Mitchell,	Williams.
Goplerud,	Offerdahl,	Wood,
Hammond,	Peoples,	Mr. Speaker.
Hankinson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Cryan,	Lenz,
Brotnov,	Duncan,	McPherson,
Butterwick,	Earl,	Ryan,
Carlin,	Ebbighausen.	Tanton,
Cole,	Guinan,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hawk,	Northrop,	Syvertson.
Murphy,		

Mr. Northrop being excused.

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

Mr. Francis moved

That the vote by which substitute for House Bill No. 53 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurer's reports,

Was read the third time.

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

The roll being called there were ayes 51, nays 1, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Peoples,
Baker,	Hammond,	Porter,
Belden,	Haukinson,	Power,
Boyd of Cass.	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Sargent,
Brotnov,	Howard,	Sharpe,
Butterwick,	Johnson,	Stevenson,
Carlin,	Joy,	Swenson.
Cryan,	Korsmo,	Syvertson.
Dougherty,	Kroeger,	Tanton,
Dunton,	Lenz,	Towle,
Ebbighausen,	Lindstrom,	Twichell,
Erickson,	Lovelace,	Wallace,
Francis,	McConnachie,	White,
Gaulke,	McPherson,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messas—
Colby,	Earl,	Northrop,
Cole,	Hurley,	Ryan,
Currier,	Murphy,	Wood.
Duncan,		

Mr. McGinnis voting in the negative.

Mr. Northrop being excused.

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

Mr. Porter moved

That when the House adjourn that it adjourn to meet at 10:30 o'clock to-morrow,

Which motion prevailed.

House Bill No. 138,

A bill for an act providing for cutting down weeds and other vegetation upon and along public highways,

Was read the third time.

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

The roll being called there were ayes 46, nays none, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Power,
Baker,	Hammond,	Richards,
Belden,	Hankinson,	Sargent,
Boyd of Cass,	Hawk,	Sharpe,
Boyd of Cavalier,	Heskin,	Stevenson,
Brotnov,	Howard,	Swenson,
Butterwick,	Joy,	Syvertson,
Carlin,	Kroeger,	Tanton,
Cryan,	Lenz,	Towle,
Dougherty,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	Wirkus,
Erickson,	Offerdahl,	Williams,
Francis,	Peoples,	Wood,
Gaulke,	Porter,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Hurley,	Mitchell,
Cole,	Johnson,	Murphy,
Currier,	Korsmo,	Northrop,
Duncan,	McGinnis,	Ryan,
Earl,	McPherson,	White.
Gilbertson,		

Mr. Northrop being excused.

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

House Bill No. 175,

A joint memorial to congress relating to the tariff upon manufactured articles by trusts,

Was read the third time and adopted.

House Bill No. 177,

A bill for an act to amend section 3205, chapter 19 of the re-

vised civil code of North Dakota, relating to the method of loaning money by building and loan associations,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 43, nays none, absent and not voting 19.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud	Porter,
Belden,	Hammond,	Richards,
Boyd of Cavalier,	Hankinson,	Ryan,
Brotnov,	Heskin,	Sargent,
Butterwick,	Howard,	Stevenson,
Carlin,	Johnson,	Swenson,
Cryan,	Joy,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lovelace,	Twichell,
Dunton,	McConnachie,	Wallace,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hurley,	Peoples,
Colby,	Korsmo,	Power,
Cole,	Lenz,	Sharpe,
Duncan,	Lindstrom,	Towle,
Earl,	Murphy,	White,
Gninan,	Northrop,	Wood.
Hawk,		

Mr. Northrop being excused.

Mr. Boyd of Cavalier moved

To amend the title so as to read as follows:

"A bill for an act to amend section 3205 of the Revised Codes of North Dakota, relating to the method of loaning money by building and loan associations."

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

House Bill No. 181,

A bill for an act to amend section 2889 of the Revisid Codes of North Dakota, relating to power and number of directors of corporations created for educational, religious and charitable purposes,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 39, nays none, absent and not voting 23.

Those voting in the affirmative were:

Messrs---	Messrs—	Messrs—
Aas.	Hawk.	Offerdahl,
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd, of Cavalier,	Hurley,	Richards,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Carlin,	Korsmo,	Swenson,
Dunton,	Kroeger,	Syvertson,
Francis,	Lenz,	Twichell,
Gaulke,	Lovelace,	Wallace,
Gilbertson,	McConnachie,	Wirkus.
Goplerud,	McGinnis,	Williams,
Hammond,	Mitchell,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cass,	Ebbighausen,	Power,
Colby,	Erickson,	Ryan,
Cole,	Guinan,	Stevenson,
Cryan,	Hankinson,	Tanton,
Curri-r,	Lindstrom,	Towle,
Dougherty,	McPherson,	White,
Duncan,	Murphy,	Wood.
Earl,	Northrop,	

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

The House took an informal recess.

The House reassembled.

REPORTS OF STANDING COMMITTEES.

BISMARCK, Feb. 24, 1897.

MR. SPEAKER: Your committee on supplies and expenditures, acting under House Rule No. 62, have inves igated the several public offices and beg leave to report:

We have examined the books of the state auditor and find them well and properly kept. We urge upon this office the greatest care in the acceptance of vouchers to the end that none may be passed unless verified in strict compliance with the law. He is and should ever be the watch dog of the treasury, so to speak, and should bear in mind always that he is responsible to a greater extent than any other officer should excessive or improper expenses be allowed.

The office of the state treasurer was found to be in good condition. The books and records are properly kept. The amount of money in the suspended banks, belonging to the state, is $63,505.82, but we are of the opinion that the interests of the state will be best served by leaving the adjustment of this matter to the treasurer, confident that he will take proper and early steps to collect from the bondsmen should that course become necessary. The bonds are ample to secure the state from loss.

The office of insurance commissioner has collected in fees and taxes during the biennial period $47,770.77; the expense for clerks was $4,170.77, and for other expenses $674.82. But $14 due from insurance companies remains uncollected. The expense for printing report was $600, against $2,678 for the previous term, a reduction of over $2,000.

In the judgment of this committee the expense of the office of superintendent of public instruction have been too large. Aside from the salary of the superintendent the expense has amounted to $14,026 25. We recommend greater care in the selection of books for the educational library, and that publishers invoice should in all cases accompany the vouchers. The books should be catalogued and a better system of bookkeeping be adopted.

While the office of the railroad commissioners has incurred expense, calling for adverse criticism, a comparison with the expense of previous terms shows a material reduction. We are of the opinion that further reduction can be made without injury to the interests of the state.

There is decided improvement in the system of bookkeeping in the office of the land commissioner. The records and books are properly kept and checked up to date.

The attorney general has made no charge for his traveling expenses, and there has been economy in every feature in the management of this office. In view of the large amount of work called upon this office to perform under the laws and resolutions of the legislative assembly we recommend that provision be made for a stenographer for this office in addition to the expense for clerks heretofore authorized.

The office of the state examiner has also been carefully and economically managed. Provision should be made for the additional work put upon this office by the laws passed at this session of the legislature.

It appears to us that there was room for a reduction in the expense of capitol maintenance. Some system should be adopted which will give the state the benefit of competition and prevent excessive charges for material, merchandise and supplies. Each office should be made responsible for its own expense. There should be a strict compliance with the law as to requisitions for printing for the respective offices.

The department reports should be reduced in volume wherever practicable. Some of them, especially those of the superintendent of public instruction, commissioners of railroads and superintendent of forestry and irrigation, have been unnecessarily large.

In conclusion, we recommend the closest economy with regard to all expenses of the state, closer scrutiny as to the vouchers for traveling and other incidental expenses, in order that the state may pass through the present period of depression without embarrassment and the burdens of the taxpayers be reduced to the lowest possible limit.

Respectfully submitted,

H. PEOPLES,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895,

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

By amending the title of the bill so as to read as follows:

"A bill for an act to amend section 2802 of the Revised Codes of North Dakota, relating to petitions for the adoption of children and for the change of the names thereof."

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
Senate Bill No. 153,
A bill for an act to prevent the adulteration of candy,
Have had the same under consideration and recommend that the same do pass.

Also,
Senate Bill No. 148,
A bill for an act to repeal sections 123, 128 and 129, of article 7, of chapter 3, entitled "executive department of the Revised Codes of the state of North Dakota,"
Have had the same under consideration and recommend that the same be amended as follows:

By amending the title of the bill so as to read as follows:
"A bill for an act to repeal sections 123, 128 and 129 of the Revised Codes of North Dakota, relating to duties of commissioner of agriculture and labor."
By amending section 1 of the bill so as to read as follows:
"That sections 123, 128 and 129 of the Revised Codes of North Dakota, relating to certain duties of the commissioner of agriculture and labor be and the same are hereby repealed."

And when so amended recommend that the same do pass.

O. W. FRANCIS,
Chairman.

The committee on school and public lands made the following report:

MR. SPEAKER:
Your committee on school and public lands to whom was referred
Senate Bill No. 131,
A bill for an act to amend section 172 of article 3, chapter 4 of Revised Codes of 1895 of the state of North Dakota, relating to investment of school funds,
Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,
Chairman.

The committee on apportionment made the following report:

MR. SPEAKER:
Your committee on apportionment to whom was referred

House Bill No. 166,

A bill for an act to amend section 37, of article 3, of chapter 2, of the Revised Codes of 1895,

Have had the same under consideration and recommend that further consideration of the same be indefinitely postponed.

FRANK GAULKE,
Chairman.

Mr. Gaulke moved

That the report be adopted,

Which motion prevailed, and

The further consideration of House Bill No. 166 was indefinitely postponed.

The committee on apportionment made the following report:

MR. SPEAKER:

Your committee on apportionment to whom was referred

House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota,

Have had the same under consideration and report a substitute bill for the same and recommend the same to pass.

FRANK GAULKE,
Chairman.

To the Legislature of the State of North Dakota:

We, the undersigned residents and voters of the county of Traill and state of North Dakota, respectfully petition your honorable body to vote for House Bill No. 128, being a bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond, and respectfully ask the members from Traill county to use honorable means to secure the passage of said bill.

JOHN CANNODY,
(And 77 others.)

Referred to committee on temperance.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 170,

A bill for an act providing for the election of county superintendent of county asylums for the poor and poor farms by direct votes of the people,

Have had the same under consideration, and recommend that the same be reported back to the house without recommendation.

Also,

House Bill No. 55,

A bill for an act requiring all state and county officials now required by law to give bonds, except justices of the peace, consta-

bles and coroners, to have their official bonds issued and executed by a fidelity insurance company,

Have had the same under consideration and recommend that the same be reported back to the House without recommendation, other than that which was made when this bill was before this committee on a former occasion.

ORIN W. FRANCIS,
Chairman.

The committee on sheep husbandry made the following report:

MR. SPEAKER:

Your committee on sheep husbandry to whom was referred Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors,

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

In section 2, line 7 of engrossed bill strike out the word "charge" and insert in lieu thereof the word "lien."

Also add to the same section the following:

But where the owner is a resident of this state importing such animals for breeding purposes or the ordinary purposes of husbandry and has notified the district veterinarian of the time and place where the same may be inspected, as well as the place where such animals are to be dipped, and they are found free from any infectious or contagious disease, the inspection shall be made free of fee, mileage or per diem to the owner.

ALFRED WHITE,
Chairman.

And when so amended recommend that the same do pass.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred Senate Bill No. 143,

A bill for an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children by adoption or otherwise, and providing rules for the regulation of the same,

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

Also,

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization,

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

Also,

Joint Memorial by Mr. Lenz,

Being a joint memorial praying for the passage of an act pro-

viding for the election of United States senators by vote of the people,

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

Also,

House Bill No. 120,

A bill for an act to amend section 172 of article 3 of chapter 4 of the Revised Codes of North Dakota, relating to the investment of the permanent school fund,

Have had the same under consideration and report it back without recommendation.

Also,

House Bill No. 188,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same, and providing a bounty for the same,

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

E. F. PORTER,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 26, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district, and county officers, members of boards and employes of public institutions.

Also,

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commisioner of university and school lands.

Also,

Senate Bill No. 167,

A bill for an act to amend section 395 of the Revised Codes of North Dakota, relating to salary of supreme court reporter.

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

I also have the honor to return

The following concurrent resolution by Mr. Belden:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That a copy of the concurrent resolution, expressing sympathy for the people of Cuba in their s ruggle for independence, which was passed by the House and Senate and filed with the secretary of state of February 19, be transmitted by the secretary of state, under the great seal of the state, to Senor Quesada, the Cuban minister at Washington, for transmission to the president of the Cuban republic.

Also,

The following concurrent resolution by Mr. Korsmo:

CONCURRENT RESOLUTION.

WHEREAS, The lignite coal rates now in force on certain lines of railroads in this state are unjust and unreasonable and so high as to prohibit the use of said coal by the people living in a great portion of the state, especially by those living along the lines of said lines charging said unreasonable rates; and,

WHEREAS, The rates so charged are higher than the rates prescribed by law, and higher than the schedules adop ed by the commissioners of railroads under the law prescribing their duties and defining their powers, which said rates have been adopted by the Northern Pacific and Soo Lines of railroad, being accepted by them as just and reasonable; now, therefore

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the railroad commissioners of this state be and hereby are requested to take immediate steps for the enforcement of the rates adopted by them and accepted by the Northern Pacific and Soo Lines, on other lines of railroads doing business in this state; and, be it further

Resolved, That the attorney general be and hereby is requested to act in connection with said railroad commissioners in the enforcement of said rates

Which the Senate has concurred in.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Ryan gave notice that he would on the next legislative day move to reconsider the vote by which House Bill No. 144 was passed.

The committee on temperance made the following report:

MR. SPEAKER:

Your committtee on temperance to whom was referred House Bill 187,

A bill for an act to prohibit any county, city and village officials granting license to any person or persons within this state, to sell liquid or soft drinks and prescribing a penalty therefor,

Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

Mr. Colby moved
That the report be adopted.
Which motion prevailed, and
The report was adopted, and
Further consideration of House Bill No. 187 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 174,
Being a joint 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 the same be amended as follows:

By amending the title of the bill so as to read:
"A bill for an act to amend section 162 of the constitution of the state of North Dakota, relating to the investing of the moneys of the permanent school fund and other educational funds."
For section 1 substitute the following:
"That the following proposed amendment of section 162 of the constitution of the state of North Dakota, relating to the investing of the moneys of the permanent school fund and other educational funds be referred to the legislative assembly to be chosen at the next general election in said state, to be by said last named legislative assembly submitted to the people of said state for adoption or rejection in accordance with the provisions of section 202 of the constitution of the state of North Dakota."
In section 2 strike out the words "of article 9."

And when so amended recommend that the same do pass.

Also,
House Bill No. 183,
A bill for an act to amend section 7472 of the Revised Codes relating to the punishment for the crime of embezzlement,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 160,
A bill for an act to amend section 5423 of the Revised Codes of North Dakota, being section 5428 of article 3 of chapter 10 of the code of civil procedure relating to trials and judgment in civil actions,
Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,
House Bill No. 161,
A bill for an act to provide for the submission to the people at each election for national, state, district and county officers any

public measure or proposition of government for their approval or rejection,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
The adoption of the report,
Which motion prevailed, and
The further consideration of House Bill No. 161 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
Senate Bill No. 136,
A bill for an act to amend section 5630 of the Revised Codes, relating to trials in the district court,
Have had the same under consideration and recommend that the same be amended as follows:

Amend the title of the bill so as to read as follows:
"A bill for an act to amend section 5630 of the Revised Codes of North Dakota, relating to appeals from cases tried in district court without a jury"
In line 1 of section 1 after the word "Codes" insert the words "of North Dakota."

In line 16 of the printed bill substitute the words "shall specify" for the word "specified."

And when so amended recommend that the same do pass.

Also,
House Bill No. 182,
A bill, being a concurrent resolution, relating to the qualifications of voters,
Have had the same under consideration and recommend that the same be referred to committee of the whole without recommendation.

Also,
House Bill No. 130,
A bill for an act to provide for the bulletining of, arrival at, and departure from of passenger trains at stations in this state
Have had the same under consideration and recommend that the further consideration thereof be indefinitely postponed.

O. W. FRANCIS,
Chairman.

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

The report was adopted, and
The further consideration of House Bill No. 130 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 184,
A bill for an act making the rent due upon any demised premises a lien upon the property of the lessee thereon and provide for the collection of said rent,
Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 153,
A bill for an act amending section 403 of the Revised Codes, relating to the boundaries and terms of court of the first judicial district of the state of North Dakota,
Have had the same under consideration and recommend that the same be reported back to the House without recommendation.

O. W. FRANCIS,
Chairman.

And the bill was referred to general orders.

The committee on judiciary made the following report:

MR. SPEAKER:
Your committee on judiciary to whom was referred
House Bill No. 176,
A bill for an act to amend section 4371 of the Revised Codes of North Dakota relating to the form of mortgages of personal property and relating to the lien thereon,
Have had the same under consideration and recommend that the same be reported back to the House without recommendation.

O. W. FRANCIS,
Chairman.

And the bill was referred to general orders.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 86,

A bill for an act regulating the liability of corporations, except municipal, for personal injury to persons employed by them, and providing that all contracts relieving from liabilities hereunder shall be void; that decisions or statutes shall not be pleaded or proven as a defense in this state, and providing further, that provisions of this act shall not apply to any injuries sustained before it takes effect nor in any manner to suits or legal proceedings pending at the time it takes effect,

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

By substituting "or" for "and" in line 6 of section 1 of printed bill.

By substituting the word "employe" for "person" in section 2, wherever it occurs.

By inserting the word "state" in line 3 of section 3 between the words "another" and "or."

By substituting the word "specified" for "provided" in line 4 of section 3.

And when so amended be reported back to the House without further recommendation.

O. W. FRANCIS,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 155,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes,

Have had the same under consideration and recommend that the same be indefinitely postponed, for the reason that the subject matter is covered by House Bill No. 86.

O. W. FRANCIS,
Chairman.

Mr. Francis moved

The adoption of the report,

Which motion prevailed, and

The further consideration of House Bill No. 155 was indefinitely postponed.

And the bill was referred to general orders.

The committee on ways and means made the following report

MR. SPEAKER:

Your committee on ways and means beg leave to report the following bills:

House Bill No. 204,
A bill for an act to amend section 2080 of the Revised Codes of North Dakota providing for the salary of county treasurer.

Also,
House Bill No. 207,
A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Also,
House Bill No. 206,
A bill for an act to amend section 2073 of the Revised Codes of North Dakota, providing for the salary of county auditor.

Also,
House Bill No. 205,
A bill for an act to amend section 2068 of the Revised Codes of North Dakota, providing for the salary of county judges.

Also,
House Bill No. 203,
A bill for an act to amend section 652 of the Revised Codes of North Dakota, providing for the salary of county superintendents of schools.

C. L. LINDSTROM,
Chairman.

Mr. Lindstrom moved
That the rules be suspended, and that
House Bill No. 203,
House Bill No. 204,
House Bill No. 205,
House Bill No. 206,
House Bill No. 207,
Be read the first and second times, and
Referred to the committee on engrossment,
Which motion prevailed, and
House Bill No. 203,
A bill for an act to amend section 652 of the Revised Codes of North Dakota providing for the salary of county superintendent of schools,
Was read the first and second times, and
Referred to the committee on engrossment.

House Bill No. 204,
A bill for an act to amend section 2080 of the Revised Codes of North Dakota, providing for the salary of county treasurers;
Was read the first and second times, and
Referred to the committee on engrossment.

House Bill No. 205,
A bill for an act to amend section 2068 of the Revised Codes of North Dakota, providing for the salary of county judges,
Was read the first and second times, and
Referred to the committee on engrossment.

House Bill No. 206,
A bill for an act to amend section 2073 of the Revised Codes of North Dakota, providing for the salary of county auditors,
Was read the first and second times, and
Referred to the committee on engrossment.

House Bill No. 207,
A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of registers of deeds,
Was read the first and second times, and
Referred to the committee on engrossment.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 1,
A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

INTRODUCTION OF BILLS AND MEMORIALS.

The committee on agriculture introduced
Substitute for House Bill No. 129,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota.

Mr. Korsmo introduced
House Bill No. 208,
A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to unlawful evasion of the law prohibiting the sale of intoxicating liquors.

Mr. White introduced
House Bill No. 209,
A bill for an act to amend sections 7593, 9602, 9605, 7608 and 7616, of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 202,
A bill for an act to provid for the erection and equipment of

additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake in the county of Ramsey,

Was read the first and second times, and

Referred to the committee on appropriations.

The committee on agriculture introduced substitute for

House Bill No. 129,

A bill for an act to amend section 1895 and 1896 of the Revised Codes of North Dakota,

Was referred to the committee of the whole.

Mr. Korsmo introduced

House Bill No. 208,

A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to the unlawful evasion of the law prohibiting the sale of intoxicating liquors,

Was referred to the committee on temperance.

Mr. White introduced

House Bill No. 209,

A bill for an act to amend section 7593, 9602, 9605, 7608 and 7616 of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Was referred to committee on temperance.

The Speaker announced that he was about to sign

Senate Bill No. 138, being a substitute for Senate Bill No. 45, Senate Bill No. 88, House Bill No. 73 and House Bill No. 103,

A bill for an act to amend sections 1642, 1643, 1644. 1645, 1647, 7677, 7678 and 7679 of the Revised Codes of North Dakota relating to the protection of game and fish, and the issuing of permits to hunt, and prescribing penalties for violations of the provisions thereof; and enacting other provisions relating thereto, and providing penalties for violations thereof.

Also,

House Bill No. 1,

A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof.

There being no objection the bills were signed by the Speaker.

The courtesies of the floor was extended to Messrs. Frank Lycan, J. D. Bacon and Stephen Collins of Grand Forks, S. J. Vidger of Fargo.

COMMITTEE OF THE WHOLE.

Mr. Francis moved

That the House resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole for

The consideration of general orders.

The Speaker called Mr. Wallace to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state of North Dakota.

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

Mr. Hankinson moved

That the report of the committee of the whole be adopted,

Which motion prevailed.

Mr. Hurley moved

That the rules be suspended and that

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota,

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

Roll call demanded.

The roll being called there were ayes 38, nays 20, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Richards,
Butterwick,	Hurley,	Ryan,
Carlin,	Johnson,	Sargent,
Colby,	Kroeger,	Sharpe,
Cole,	Leuz,	Stevenson,
Cryan,	Lindstrom,	Tanton,
Duncan,	McGinnis,	Twichell,
Earl,	McPherson,	Wallace,
Ebbighausen,	Mitchell,	White,
Erickson,	Murphy,	Wirkus,
Francis,	Porter,	Wood
Guinan,	Power,	Mr. Speaker.
Hankinson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Lovelace,
Boyd of Cass,	Goplerud,	McConnachie,
Boyd of Cavalier,	Hammond,	Offerdahl,
Brotnov,	Hawk,	Peoples,
Dougherty,	Heskin,	Swenson,
Dunton,	Joy,	Towle,
Gaulke,	Korsmo,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Northrop,	Syvertson,
Currier,		

Mr. Northrop being excused.

So the motion to suspend the rules was lost.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 106,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan, and an appropriation of money therefor.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 116,

A bill for an act to amend section 1128, of article 7, of chapter 17, of the Revised Codes of 1895, entitled "Highways, bridges and ferries."

Was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

Senate Bill No. 127,

A bill for an act to amend section 964 of article 5 of chapter 10 of the Revised Codes of 1895, entitled Deaf and Dumb asylum.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 145,

A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota.

Was read the first and second times and

Referred to the committee on municipal corporations.

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 51,

A bill for an an act to appropriate money to pay the necessary expenses of the board of university and school lands,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 132,

A bill for an act to appropriate money to pay the annual ex-

penses of advertising the common school lands for lease, and of leasing the same,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 139,

A bill for an act to amend 1760 of the Revised Codes relating to the inspection of illuminating oils.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 183,

A bill for an act to appropriate money to pay J. D. Wallace for services and mileage as trustee of the agricultural college of North Dakota during the year 1890,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 137,

A bill for an act to amend section four hundred and seven (407) of the Revsied Codes of North Dakota, providing for the boundary and terms of court for the Fifth Judicial district in the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 167,

A bill for an act to amend section 395 of the Revised Codes of North Dakota, relating to salary of supreme court reporter,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, county and district officers, members of boards and employes of public institutions,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commissioner of university and school lands,

Was read the first and second times, and

Referred to the committee on public school lands.

The Speaker appointed Miss Kitty Davidson as assistant engrossing and enrolling clerk, and the oath of office was administered by the Speaker.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
February 27, 1897.

The House assembled at 10:30 o'clock p. m. pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Northrop, who was excused.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-third day and recommend that it be amended as follows:

On page 2, line 19, after the word "day" insert the word "was."

And when so amended recommend the adoption of the Journal of the fifty-third day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-third day was approved.

MOTIONS AND RESOLUTIONS.

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

Resolved, That as the end of this session is drawing near, and as a great amount of important business is pending that needs special attention, be it

Resolved, That we request the honorable Speaker of this body to select a suitable committee of seven members, to be designated a steering committee, whose duty it shall be to select and use their best efforts in furthering the measures that, in their judgment, are of the greatest importance and of greatest interest to this body; said committee to be named by the honorable Speaker at 3 o'clock today.

Which motion prevailed, and
The resolution was adopted.

COMMITTEE OF THE WHOLE.

Mr. Joy moved
That the House resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Aas to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:
Your committee of the whole has had under consideration
House Bill No. 52,
A bill for an act to provide North Dakota coal for use at the capitol, penitentiary and other state institutions and to employ convict labor in opening and operating mines for the benefit of the state and the public school fund,
And recommend that the further consideration of the same be indefinitely postponed.

Also,
House Bill No. 145,
A bill for an act to amend section 2755 of the Revised Codes of the state of North Dakota, relating to divorces,
And recommend that the same do pass.

Also,
House Bill No. 157,
A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools,
And recommend that the same be amended as follows:

After words "special act" in line 2, section 2, add the words "having a board of education and city superintendent of schools."

And when so amended recommend that the same do pass.

S. S. AAS,
Chairman.

Mr. White moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Mr. Howard moved
That the rules be suspended and the bills reported back by the committee of the whole be referred to committee on engrossment.
Which motion prevailed, and
House Bill No. 145,
A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to divorce.

Senate Bill No. 157,
A bill for an act providing that the means derived from the fund known as the school for the feeble minded at Grafton shall be credited to such fund,
Were ordered engrossed.

Mr. Ryan moved
That the vote by which
House Bill No. 144,
A bill for an act regulating the foreclosure of land contracts,
Was passed be reconsidered.

Roll call demanded.

The question being upon the motion to reconsider.

The roll being called there were ayes 20, nays 29, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Peoples,
Carlin,	Hankinson,	Porter,
Cole,	Joy,	Ryan.
Cryan,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Wallace.
Duncan,	McConnachie,	Mr. Speaker.
Dunton,	McPherson,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Belden.	Goplerud,	Offerdahl,
Boyd of Cass.	Hammond,	Sargent,
Boyd of Cavalier,	Hawk,	Sharpe,
Brotnov,	Heskin,	Stevenson,
Butterwick,	Hurley,	Towle,
Colby,	Johnson,	Twichell,
Currier,	Korsmo,	White,
Francis,	Lovelace,	Williams.
Gaulke,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Earl,	McGinnis,	Swenson,
Ebbighausen,	Northrop,	Tanton,
Erickson,	Power,	Wirkus,
Howard.	Richards,	Wood.
Lindstrom,		

Mr. Northrop being excused.

So the motion to reconsider was lost.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 145,

A bill for an act to amend section 2755 sf the Revised Codes of North Dakota, relating to divorce.

Also,

House Bill No. 133,

A bill for an act to prevent taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof and providing the penalty therefor,

W. J. HAWK,
Chairman.

Mr. Hawk moved
That the rules be suspended and that
House Bill No. 145
Be read the third time and placed upon its final passage,
Which motion prevailed, and
House Bill No. 145,
A bill for an act to amend section 2755 of the Revised Codes of the state of North Dakota, relating to divorce,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 5, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Offerdahl,
Baker,	Hawk,	Peoples,
Boyd of Cass,	Heskin,	Porter,
Boyd of Cavalier,	Howard,	Sargent,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cryan,	Kroeger,	Towle,
Currier,	Lenz,	Twichell,
Dougherty,	Lindstrom,	Wallace,
Earl,	Lovelace,	White,
Gilbertson,	McConnachie,	Wirkus,
Goplerud,	McPherson,	Williams,
Guinan,	Mitchell,	Mr. Speaker.
Hammond,	Murphy,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Be'den,	Francis,	Ryan.
Cole,	Hurley,	

Absent and not voting:

Messrs--	Messrs—	Messrs—
Carlin,	Gaulke,	Richards,
Duncan,	McGinnis,	Syvertson,
Dunton,	Northrop,	Tanton,
Ebbighausen,	Power,	Wood.
Erickson,		

Mr. Northrop being excused.

So the bill passed and the title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Lindstrom moved
That the House do now resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and
The House resolved itself into a committee of the whole for
The consideration of general orders.

The Speaker called Mr. Wallace to the chair.

REPORT OF COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 159,

A bill for an act defining express companies, freight line companies, telegraph and telephone companies and providing for the assessment of their property and taxation of the same,

And recommend that the same do pass as amended by the committee on taxes and tax laws.

Also,

Senate Bill No. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota,

And recommend that the same be made a special order for next Tuesday at 2 o'clock p. m.

Also,

House Bill No. 148,

A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor.

And recommend that the same do pass as amended by the committee on agriculture.

Also,

House Bill No. 136,

A bill for an act to amend section 481 of the Revised Codes, relating to election precincts,

And recommend that the same be amended as follows:

Add after the word "village" in line 12 of the printed bill the following: "excepting as hereinafter provided."

Also by inserting between the words "township" and "having" in line 21 of printed bill the words "adjoining or."

Also by adding the following at the end of the section in lieu of amendment reported by committee:

Provided further, That when the combined vote of any township and incorporated city, town or village, or the combined vote of any township, and any portion of any incorporated city, town or village within its boundaries, or within the town lines or section lines which form the boundaries thereof, does not exceed 300, such township and incorporated city, town or village may have but one voting place.

And when so amended recommend that the same do pass.

J. D. WALLACE,
Chairman.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to election of county superintendent of schools,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Twichell moved

That the rules be suspended and that House Bill No. 159 be considered engrossed and that it be placed upon its third reading and final passage,

Which motion prevailed, and

House Bill No. 159,

A bill for an act defining express companies, freight line companies, telegraph and telephone companies, and providing for the assessment of their property and taxation of the same,

Was read the third time.

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

The roll being called there ayes 45, nays 1, absent and not voting 16.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	McConnachie,
Baker,	Gilbertson,	Mitchell,
Belden,	Goplerud,	Murphy,
Boyd of Cass,	Guinan,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Butterwick,	Heskin,	Ryan,
Carlin,	Howard,	Sargent,
Colby,	Hurley,	Sharpe,
Cole,	Johnson,	Syvertson,
Cryan,	Joy,	Twichell,
Currier,	Korsmo,	Wallace,
Duncan,	Kroeger,	White,
Dunton,	Lenz,	Wirkus,
Earl,	Lindstrom,	Williams,
Francis,	Lovelace,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	McPherson,	Stevenson,
Dougherty,	Northrop,	Swenson,
Ebbighausen,	Offerdahl,	Tanton,
Erickson,	Power,	Towle,
Hammond,	Richards,	Wood.
McGinnis,		

Mr. Hankinson voted in the negative.

Mr. Northrop being excused.

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

Mr. Twitchell moved

That the vote by which House Bills 145 and 159 were passed be reconsidered. The motion to reconsider be laid on the table.

Which motion prevailed.

The House took an informal recess.

House reassembled.

Mr. Joy moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

House Bill No. 186,

A bill for an act to amend section 638 of the Revised Codes of 1895, relating to the election of county superintendent of schools.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. L. LINDSTROM,
Chairman.

Mr. Lindstrom moved

That the report be adopted,

Which motion prevailed, and

The further consideration of House Bill No. 186 was indefinitely postponed.

The committee on elections and privileges made the following report:

MR. SPEAKER:

Your committee on elections and privileges to whom was referred

House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties,

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

C. L. LINDSTROM,
Chairman.

The committee on schools and public lands made the following report:

MR. SPEAKER:

Your committee on schools and public lands to whom was referred

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commissioner of university and school lands,

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

J. B. SHARPE,
Chairman.

The committee on public health made the following report:

MR. SPEAKER:

Your committee on public health to whom was referred

Senate Bill No. 112,

A bill for an act to provide for the collection of vital statistics, and appropriating money therefor,

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

G. W. EARL,
Chairman.

The committee on banking made the following report:

MR. SPEAKER:

Your committee on banking to whom was referred

House Bill No. 193,

A bill for an act to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and to regulate the management thereof,

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

By inserting before the words "Revised Codes" in line 2 of section 2 the words "civil code of the."

By substituting in place of the word "double" in line 16 of section 4 the words "three times."

By striking out from section 13 all after the word "order" in line 20 of said section, and placing a period after the word "order."

(Above amendments refer to the printed bill.)

And when so amended recommend that the same do pass.

H. N. JOY,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 184,

A bill for an act to define the words "expense" and to limit the allowance of expense to state, district and county officers, members of boards and employes of public institutions,

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

Also,

House Bill No. 127,

A bill for an act to amend section 964 of article 5, of chapter 10, of the Revised Codes of 1895, entitled "deaf and dumb asylums,"

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

Also,

Senate Bill No. 106,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan and an appropriation of money therefor,

Have had the same under consideration and report it back without recommendation.

Also,

Senate Bill No. 167,

A bill for an act to amend section 395 of the Revised Codes of North Dakota, relating to salary of supreme court reporter,

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

E. F. PORTER,
Chairman.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools,

Was read the third time.

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

The roll being called there were ayes 39, nays 14, absent and voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Mitchell,
Baker,	Gilbertson,	Murphy,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Brotnov,	Howard,	Sargent,
Butterwick,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Currier,	Korsmo,	Tanton,
Earl,	Kroeger,	Towle,
Ebbighausen,	Lindstrom,	Twichell,
Erickson,	Lovelace,	Wallace,
Francis,	McConnachie,	White.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Dunton,	Ryan,
Cole,	Hankinson,	Sharpe,
Cryan,	Lenz,	Wirkus,
Dougherty,	McGinnis,	Mr. Speaker.
Duncan,	Richards,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Goplerud,	McPherson,	Syvertson,
Guinan,	Northrop,	Williams,
Hurley,	Offerdahl,	Wood.

Mr. Northrop being excused.

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

Mr. Hawk moved

That the vote by which House Bill No. 157 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

The courtesies of the floor were extended to Mr. O. G. Christianson of Stutsman county.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 27, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes,

Which the Senate has passed and your favorable consideration of the same is requested.

I have also the honor to inform you that the Senate has concurred in the conference committee amendments to Senate Bill No. 8.

I also have the honor to transmit herewith
Senate Bill No. 173,
A bill for an act te amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor.

Also,
Senate Bill No. 91,
A bill for an act to appropriate moneys to the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year A. D. 1896, arising in the unorganized counties of Dunn, Wallace, Hettinger and Allred, attached to Stark county for judicial purposes.

Also,
Senate Bill No. 176,
A bill for an act to amend section 1811 of the Revised Codes of North Dakota, relating to expenses of commissioner of agriculture and labor.

Also,
Senate Bill No. 180,
Being a concurrent resolution to amend the constitution of the state of North Dakota.

Also,
Senate Bill No. 186,
Being a concurrent resolution to amend section 162 of article 9 of the constitution of the state of North Dakota.

Also,
Senate Bill No 111,
A bill for an act to reimburse F. H. DeVaux for expenses by him incurred as superintendent of public health in the year 1894.

Also,
Senate Bill No. 192,
A bill for an act to provide temporary for the erection and maintenance of the state reform school at Mandan.

Also,
Senate Bill No. 87,
A bill for an act to reimburse the county of Burleigh for expenses in prosecuting W. H. Leonard for obtaining wolf bounty under false pretenses,

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

Respectfully yours,
J. O. SMITH,
Secretary.

COMMITTEE OF THE WHOLE.

Mr. Hankinson moved

That the House do now resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole.

The Speaker called Mr. Mitchell to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submited.

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 128,

A bill for an act to create the office of state temperance commissioner.

And recommend that it be amended as follows:

Amend by inserting "two" in place of three deputy commissioners and by inserting "nine hundred" dollars in place of "seven hundred and fifty" dollars,

And when so amended recommend that the same do pass.

Also,

House Bill No. 146,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to residence in cases of divorce.

And recommend that further consideration of same be indefinitely postponed.

Also,

Senate Bill No. 118,

Being a concurrent resolution to amend the constitution of the state of North Dakota.

And recommend that the same do pass.

Also,

Senate Bill No. 67,

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians.

And recommend that the same be amended as follows:

Line 13, page 4, strike out the word "charge" and insert in lieu thereof the words "fee, per diem, or mileage."

Page 5, line 17, after the word "fund" insert the following, "and one-half shall be immediately transferred to the county treasurer of the county in which such inspection was made and the county treasurer shall place all money so received in the general county fund and the county treasurer shall receipt to the district veterinarian."

And when so amended recommend that the same do pass.

Senate Bill No. 105,
A bill for an act to amend section 491 of the Revised Codes of North Dakota, relating to how ballot shall be prepared and the arrangement of names thereon,
And recommend that the further consideration of the same be indefinitely postponed.

Also,
House Bill No. 36,
A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,
And recommend that the same do pass as amended by the committee on judiciary.

Also,
House Bill No. 173,
A bill for an act to prohibit the payment of mileage or traveling expenses to the state or county and deputy officers, unless a receipt is filed showing that the sum claimed was actually expended,
And recommend that the same do pass as amended by the committee on state affairs.

Also,
Senate Bill No. 52,
A bill for an act to require butchers and slaughterers of horned cattle to give bonds and to keep a record of the animals purchased and slaughtered by them, and providing penalties for the violation thereof,
And recommend that the same be made a special order in general orders for Monday next.

Also,
Senate Bill No. 62,
A bill for an act to amend sections 1940, 1941 and 1944 of article 8 of chapter 26 of the Revised Codes of North Dakota for 1895.
And recommend that the same do pass as amended by the committee on state affairs.

Also,
Senate Bill No. 63,
A bill for an act to amend sections 237 and 238 of article 4 of chapter 4 of the Revised Codes of 1895,
And recommend that the same do pass as amended by the committee on state affairs.

Also,
Senate Bill No. 110,
A bill for an act to amend section 4817 of the Revised Codes.
And recommend that the same do pass as amended.

Also,

House Bill No. 165,

A bill for an act authorizing the district courts and also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial.

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive, of article 1, of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

House Bill No. 189, Substitute for House Bill No. 82,

A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof,

And recommend that the same do pass.

Also,

JOINT 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, praying for the passage of an act providing for the election of United States senators by the vote of the people.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the secretary of the Senate and the chief clerk of the House of Representatives, be sent to Hon. William N. Roach and Hon. Henry C. Hansbrough of the United States Senate and Hon. Martin N. Johnson of the House of Representatives at Washington, D. C.

That said Hon. William N. Roach and Hon. Henry C. Hansbrough, representing the state of North Dakota in the Senate of the United States, and Hon. Martin N. Johnson, representing the state of North Dakota in the House of Representatives, be, and they are hereby respectfully requested to support, in their respective Houses, and to urge the passage of an act of congress for the election of United States senators by the vote of the people.

And recommend the same do pass.

Also,

House Bill No. 170,

A bill for an act providing for the election of county superin-

tendent of county asylums for the poor and poor farms by direct vote of the people,

And recomend that the further consideration of the same be indefinitely postponed.

Also,

House Bill No. 55,

A bill for an act requiring all state and county officials now required by law to give bonds except justices of the peace, constables and coroners to have their official bonds issued and executed by a fidelity insurance company,

And recommend that the same be amended as follows:

Strike out the words "except justices of the peace, constables or coroners" wherever they appear in the title or body of the bill.

And when so amended that the same do pass as amended by the committee.

Also,

House Bill No. 86,

A bill for an act regulating the liability of corporations, except municipal, for personal injury to persons employed by them, and providing that all contracts relieving from liabilities hereunder, shall be void; that decisions and statutes shall not be pleaded or proven as a defense in this state, and providing further that provisions of this act shall not apply to any injuries sustained before it takes effect, nor in any manner to suits or legal proceedings pending at the time it takes effect,

And recommend that the further consideration of the same be indefinitely postponed.

Also,

House Bill No. 120,

A bill for an act to amend section 172 of article 3 of chapter 4 of the Revised Codes of North Dakota, relating to the investment of the permanent school fund,

And recommend that the same be referred to the committee on public and school lands and be considered with Senate Bill No. 131.

Also,

Senate Bill No. 136,

A bill for an act to amend section 5630 of the Revised Codes relating to trials in the district court,

And recommend that the same do pass as amended.

Also,

House Bill No. 174,

Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota,

And recommend that the same do pass as amended.

Also,
Senate Bill No. 68,
A bill for an act relating to the duty of sheep inspectors,
And recommend that the same do pass as amended.

Also,
House Bill No. 153,
A bill for an act amending section 403 of the Revised Codes of North Dakota, relating to the boundaries and terms of courts of the First Judicial district of the state of North Dakota,
And recommend that the same do pass.

Also,
House Bill No. 182,
A bill, being a concurrent resolution, relating to the qualifications of voters,
And recommend that the same do pass.

Also,
House Bill No. 76,
A bill for an act to amend section 4731 of the Revised Codes of North Dakota relating to the form of mortgages of personal property and relating to lien thereon,
And recommend that the same do pass.

Also,
House Bill No. 149,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota,
And recommend that the bill remain in general orders.

ROBT. J. MITCHELL,
Chairman.

Mr. Hurley moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted, and
The Speaker referred all bills reported back to the committee on engrossment.

REPORTS OF STANDING COMMITTEES.

The committee on conference made the following report:

MR. SPEAKER:
Your committee on conference to whom was referred
Senate Bill No. 8,
A bill for an act relating to the organization of corporations for the purpose of erecting, procuring and maintaining an armory for

companies of the national guard, and to manage the financial affairs of companies of the national guard of the state,

Have had the same under consideration and recommend that the same be referred to the Senate committee on military affairs for amendment.

H. M. CREEL,
Chairman Senate Committee.

H. N. JOY,
Chairman House Committee.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 183,

A bill for an act to amend section 7472 of the Revised Codes, relating to the punishment of the crime of embezzlement.

Also,

House Bill No. 205,

A bill for an act to amend section 2068 of the Revised Codes of North Dakota providing for the salary of county judges.

Also,

House Bill No. 188,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same and providing a bounty for the same.

Also,

House Bill No. 177,

A bill for an act to amend section 3205 of chapter 19 of the revised civil code of North Dakota relating to the method of loaning money by building and loan associations.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

Also,

House Bill No. 207,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of registers of deeds.

Also,
House Bill No. 206,
A bill for an act to amend section 2073 of the Revised Codes of North Dakota, providing for the salary of county auditors.

Also,
House Bill No. 204,
A bill for an act to amend section 2080 of the Revised Codes of North Dakota, providing for the salary of county treasurers.

Also,
House Bill No. 203,
A bill for an act to amend section 652 of the Revised Codes of North Dakota providing for the salary of county superintendent of schools.

Also,
House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor,
And find the same correctly engrossed.

W. J. HAWK,
Chairman.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 1, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the fifty-fourth day and recommend that it be amended as follows:

On page 4, after line 44, insert the following: "and find the same correctly engrossed."

On page 19, after line 9, insert the following:

"Mr. Joy moved
The adoption of the report,
Which motion prevailed, and
The report was adopted,"

And when so amended recommend the adoption of the Journal of the fifty-fourth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-fourth day was approved.

The courtesies of the floor were extended to A. E. Thorberg of Morton county, G. Olson and Nels Folsom of Walsh county, D. G. McIntosh of Pembina county, Dan R. Davidson of Wahpeton, Mr. Fraine of Walsh county, Messrs. E. E. May, Horace Tufts, C. R. Meredith, E. T. Gilbert and D. F. Miller of Cass county.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 1, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 23,
A bill for an act entitled "an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor,"
Which the Senate has passed and your favorable consideration of the same is respectfully requested.

I also have the honor to transmit herewith
Senate Bill No. 170,
A bill for an act to regulate the printing of Executive Documents and limit the cost thereof.

Also,
Senate Bill No. 174,
A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon

the capitol building and executive mansion, and the public grounds and parks connected therewith, and making an annual appropriation therefor,

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

I also have the honor to return herewith

House Bill No. 6,

A bill for an act to amend section 4064 of the civil code of North Dakota, relating to usury,

Which the Senate has indefinitely postponed.

Also,

House Bill No. 185.

A bill for an act creating a committee with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company, and its receivers on behalf of the state of North Dakota and various counties and taxing subdivisions thereof which are interested,

Which the Senate has passed.

I also have the honor to transmit herewith

Senate Bill No. 188,

A bill for an act to provide for the compensation of messenger and postmaster of the House and Senate of the Fifth and future legislative assemblies.

Also,

Senate Bill No. 149,

A bill for an act to amend sections 130 and 131 of Article 7 of Chapter 3, entitled executive department of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 157,

A bill for an act providing that the means derived from the fund known as school for the feeble minded at Grafton shall be credited to such fund.

Also,

Senate Bill No. 187,

A 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. 193,

A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties.

Which the Senate has passed and your favorable consideration of the same is respectfuly requested.

Very respectfully,

J. O. SMITH,

Secretary

PETITIONS AND COMMUNICATIONS.

Mr. Earl presented the following petition:

To the North Dakota House of Representatives:

The undersigned society and individuals hereby earnestly petition your honorable body to favor the bill which provides for the increase of the penalty clause of our Sabbath laws.

MRS. R. SHULER,
(And 29 Others.)

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., Feb. 27, 1897.

To the House of Representatives:

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

House Bill No. 111,

Entitled an act to amend sections 6020, 6046, 6081, 6089, 6090, 6091, and 6092 of the Revised Codes of 1895, being chapter 38 of the code of civil procedure relating to proceedings in insolvency.

I have the honor to be,

Yours very respectfully,
F. A. BRIGGS,
Governor.

REPORTS OF STANDING COMMITTEES.

The committee on school and public lands made the following report:

MR. SPEAKER:

Your committee on school and public lands to whom was referred

House Bill No. 120,

A bill for an act to amend section 172 of article 3 of chapter 4 of the Revised Codes of North Dakota, relating to the investment of the permanent school fund,

Have had the same under consideration and recommend that the same be indefinitely postponed, as the subject matter therein is fully contained in Senate Bill No. 131.

J. B. SHARPE,
Chairman.

Mr. Sharpe moved

The adoption of the report,

Which motion prevailed, and

The further consideration of House Bill No. 120 was indefinitely postponed.

The committee on school and public lands made the following report:

MR. SPEAKER:

Your committee on school and public lands to whom was referred

House Bill No 192,

A bill for an act to promote the development of coal mines on the coal bearing university and school lands of this state, and provide for the leasing of such lands for the purpose of mining coal,

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

By substituting the word "ten" for "twenty" in line 17 of section 3, page 3, and when so amended recommend that it be referred to the committee of the whole. Reference being had to the printed copy of House Bill No, 192.

J. B. SHARPE,
Chairman.

The committee on highways, bridges and ferries made the following report:

MR. SPEAKER:

The committee on highways, bridges and ferries to whom was referred

Senate Bill No. 116,

A bill for an act to amend section 1128, of article 7, of chapter 17, of Revised Codes of 1895, entitled highways, bridges and ferries,

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

EGBERT GILBERTSON,
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

House Bill No. 191,

A bill for an act to define the boundaries of the First Judicial district and consolidate therewith the Seventh Judicial district, and designate the terms of court to be held in the several counties thereof and the judge having jurisdiction,

Have had the same under consideration and recommend that the same be returned to the House without recommendation.

Also,

House Bill No. 196,

A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota, relating to the boundaries of the

Fourth Judicial district and fixing the times of holding of the terms of court in different counties thereof,

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

Also,

Senate Bill No. 137,

A bill for an act to amend section four hundred and seven (407) of the Revised Codes of North Dakota providing for the boundary and terms of court for the Fifth Judicial district in the state of North Dakota,

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

Also,

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors,

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

Also,

House Bill No. 199,

A bill for an act to regulate auctioneers and peddlers' licenses,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ORIN W. FRANCIS,
Chairman.

Mr. Francis moved that

The report be adopted,

Which motion prevailed, and

The further consideration of House Bill No. 199 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 58,

A bill for an act to amend the probate code of the state of North Dakota,

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

By striking out sections 3, 6, 7, 9, 10, 12, 13, 15, 17, 18, 19 and 20 of said bill, and renumbering the remaining sections accordingly,

And when so amended recommend that the same do pass.

Also,

House Bill No. 201,

A bill for an act making the use of abusive, violent, profane

and indecent language or conduct by a passenger on a railroad train a misdemeanor, and providing penalty, and investing conductors with powers of sheriff while in charge of train,

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

Also,

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota,

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

Also,

House Bill No. 197,

A bill for an act relating to land sales upon crop payments,

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

By amending the title of the bill so as to read as follows:

"A bill for an act relating to the taking and filing of chattel mortgages upon crops grown on lands sold under crop contract, for the purchase price of such lands, and providing for the priority of the lien thereof."

By amending section 1 so as to read as follows:

"Section 1. Whenever land shall be sold under contract and the purchaser thereof shall agree in such contract to pay for the same by delivering to the seller a stipulated proportion of the crop to be grown each year upon the lands so purchased, and not otherwise, such purchaser, his assigns or legal representatives, may mortgage to the seller the crops to be grown on such land so contracted for, at any time during the life of such contract, and such mortgage when executed and delivered shall become a part of such contract, and from and after the date of its filing shall remain in full force and effect until the terms and conditions of such contract shall have been fully complied with."

By striking out all of section 2 of said bill and substituting therefor section 3 of said bill.

By renumbering section 4, making it section 3.

And when so amended recommend that the same do pass.

Also,

House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes of 1895, relating to corporations,

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

"A bill for an act to amend section 5776 of the Revised Codes of North Dakota, relating to proceedings to annul corporations."

Section 1. That sec ion 5776 of the Revised Codes of North Dakota be and the same is hereby amended so as to read as follows:

"Section 5776. SAME—CAUSES FOR BRINGING.] An action may be brought by the state or by any private person in the name of the state on leave granted therefor by the district court upon cause shown for the purpose of an-

nulling the existence of any corporation created by or under the laws of this state, except a municipal corporation, whenever any such corporation shall

"1. Offend against any of the provisions of any law by or under which it shall have been created, altered or renewed; or

"2. Violate the provisions of any law by which such corporation shall have forfeited its corporate rights, privileges and franchises by abuse of its powers; or,

"3. Whenever it shall have forfeited its privileges or franchises by failure to exercise its powers, and such default has not been repaired by actually commencing active operations; or,

"4. Whenever it shall have done or omitted any act which amounts to a surrender of its corporate rights, privileges or franchises; or,

"5. Whenever it shall exercise franchies or privileges not conferred upon it by law.

"Section 2. Whereas an emergency exists in that the law on the subject matter hereof is not adequate to cover all cases equitably, therefore this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

ORIN W. FRANCIS,
Chairman.

A majority of the committee on temperance made the following report:

MR. SPEAKER:

A majority of your committtee on temperance to whom was referred

House Bill No. 209,

A bill for an act to amend section 7593, 9602, 9605, 7608 and 7616 of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

A minority of the committee on temperance made the following report:

MR. SPEAKER:

A minority of your committee on temperance to whom was referred

House Bill No. 209,

A bill for an act to amend sections 7593, 9602, 9605, 7608 and 7616, of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

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

R. H. HANKINSON,
C. EBBIGHAUSEN,
JULIUS WIRKUS,
Minority.

Mr. Colby moved

That House Bill No. 209 be made a special order for tomorrow at 3 o'clock p. m.,

Which motion prevailed.

A majority of the committee on temperance made the following report:

MR. SPEAKER:

A majority of your committee on temperance to whom was referred

House Bill No. 200,

A concurrent resolution to amend section 217 of the constitution, relating to the prohibition of the manufacture and sale of intoxicating liquors,

Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

A minority of the committee on temperance made the following report:

MR. SPEAKER:

A minority of your committee on temperance to whom was referred

House Bill No. 200,

A concurrent resolution to amend section 217 of the constitution relating to the prohibition of the manufacture and sale of intoxicating liquors,

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

R. H. HANKINSON,
JULIUS WIRKUS,
C. EBBIGHAUSEN,
D. STEVENSON,
Minority.

The committee on temperance made the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred

House Bill No. 99,

A bill for an act to amend section 7594 of the Revised Codes of North Dakota relating to issuance of druggists' permits fixing bonds, and prescribing the condition under which intoxicating liquors for medicinal, mechanical and scientific purposes may be sold,

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

In printed bill, in line 25, section 1, change "25 per cent" so it will read "70 per cent."

In line 2, section 1, subdivision 3, after the word "drugs" insert the words "and fixtures."

In line 13, section 1, subdivision 3, strike out the word "village."

Insert in line 55, section 1, subdivision 3 of printed bill after the word "women" the words "provided, however, that when the number of freeholders having the qualifications of electors residing within the town, village, township, ward or city shall not exceed forty, then the petition may be signed by 70 per cent of such number.

And when so amended recommend that the same do pass.

Also,

House Bill No. 180,

A bill for an act entitled an act prohibiting the selling of cigarettes,

Have had the same under consideration and recommend that the same be indefinitely postponed.

N. A. COLBY,
Chairman.

Mr. Colby moved

That the report be adopted,

Which motion prevailed, and

The further consideration of House Bill No. 180 was indefinitely postponed.

The committee on temperance made the following report:

MR. SPEAKER:

Your committee on temperance to whom was referred

House Bill No. 195,

A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined,

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

N. A. COLBY,
Chairman.

A majority of the committee temperance made the following report:

MR. SPEAKER:

A majority of your committee on temperance to whom was referred

House Bill No. 208,

A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to the unlawful evasion of the law prohibiting the sale of intoxicating liquors,

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

N. A. COLBY,
Chairman.

A minority of the committee on temperance made the following report:

MR. SPEAKER:

A minority of your committee on temperance to whom was referred

House Bill No. 208,

A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to unlawful evasion of the law prohibiting the sale of intoxicating liquors,

Have had the same under consideration and recommend that further consideration of the same be indefinitely postponed.

R. H. HANKINSON,
JULIUS WIRKUS,
C. EBBIGHAUSEN,
Minority.

MOTIONS AND RESOLUTIONS.

Mr. Mitchell introduced the following resolution and moved its adoption:

WHEREAS, By reason of absences and sickness, the force of assistant enrolling and engrossing clerks in the House has become considerably reduced; and

WHEREAS, The work that will be required of said force during these closing days of the session will be exceptionally heavy and will necessarily have to be performed with expedition; therefore,

Resolved, That the Speaker be and he is hereby authorized and requested to appoint forthwith not to exceed ten additional assistant enrolling and engrossing clerks,

Which motion prevailed, and

The resolution was adopted.

Mr. Lindstrom moved that

House Bill No. 205,

A bill for an act to amend section 2068 of the Revised Codes of North Dakota, providing for the salary of county judges,

Be recalled from the committee on engrossment and be referred to committee on ways and means,

Which motion prevailed, and

The bill was so referred.

Mr. Joy introduced the following resolution and moved its adoption:

Be it Resolved by the House of Representatives:

That the sum of seventy-one and 42-100 dollars ($71.42) be allowed to Hon. J. B. Power as chairman of the committee on taxation from funds in the state treasury for the payment of expenses of this legislative assembly, to reimburse him for postage and extra clerk hire, and the Speaker and chief clerk of this House are hereby authorized to sign his voucher for said amount,

Which motion prevailed, and

The resolution was adopted.

Mr. Lindstrom moved that
House Bill No. 198,
House Bill No. 203,
House Bill No. 204,
House Bill No. 206,
House Bill No. 207,
House Bill No. 10,
Be reconsidered, engrossed and placed upon their third reading and final passage.

Also,
Senate Bill No. 40,
Senate Bill No. 184,
Senate Bill No. 1,
Senate Bill No. 74,
Senate Bill No. 75,
Senate Bill No. 122,
Be placed upon their third reading and final passage,
Which motion prevailed.

The Speaker appointed the following assistant engrossing and enrolling clerks:
John Harold, W. H. Wallace, Clara Ullum, Miss Nellie Wallace, F. O. Bryant, D. J. Burkholder, Miss Frances Hanson, Miss Myrtle Wade, Miss Maggie Hetherton, Miss Kittie Call,
And the oath of office was administered to them by the Speaker.

House Bill No. 203,
A bill for an act to amend section 652 of the Revised Codes of North Dakota, providing for the salary of county superintendent of schools,
Was read the third time.

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

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Baker,	Heskin,	Richards,
Belden,	Howard,	Ryan,
Boyd of Cavalier,	Hurley,	Sargent,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Carlin,	Korsmo,	Swenson.
Colby,	Kroeger,	Syvertson,
Cole,	Lenz,	Tanton,
Currier,	Lovelace,	Towle,
Dougherty,	Lindstrom,	Twichell,
Dunton,	McConnachie,	Wallace,
Earl,	McPherson,	White,

House—42

Messrs—	Messrs—	Messrs—
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	McGinnis,
Cryan,	Guinan,	Porter,
Duncan,	Hankinson,	Power,
Ebbighausen,	Hawk,	Williams.

So the bill passed and the title was agreed to.

Mr. Lindstrom moved

That the vote by which House Bill No. 203 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 204 was referred to the committee on engrossment.

House Bill No. 206,

A bill for an act to amend section 2073 of the Revised Codes of North Dakota, providing for the salary of county auditors,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 59, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Baker,	Hankinson,	Porter,
Belden,	Hawk,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson.
Currier,	Lenz,	Tanton,
Dougherty,	Lindstrom,	Towle,
Dunton,	Lovelace,	Wallace,
Erickson,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Wood,
Goplerud,	Northrop,	Mr. Speaker.
Guinan,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Ebbighausen,	McGinnis,
Cole,	Gilbertson,	Ryan,
Duncan,	Heskin,	Twichell,
Earl,	McConnachie,	Williams.

So the bill passed and the title was agreed to.

Mr. Lindstrom moved
That the vote by which House Bill No. 206 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill No. 207,
A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Baker,	Hammond,	Offerdahl,
Belden,	Haukinson,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Bro'nov,	Howard,	Richards,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,
Currier,	Lenz,	Tanton,
Dougherty,	Lindstrom,	Towle,
Dunton,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messas—
Duncan,	Guinan,	Twichell,
Earl,	McGinnis,	Williams,
Ebbighausen,	Ryan,	Wood.

So the bill passed and the title was agreed to.

Mr. Lindstrom moved
That the vote by which House Bill No. 207 was passed be reconsidered and the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill No. 10,
A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the

state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein.

Was read the third time.

Mr. Hurley asked unanimous consent to amend House Bill No. 10 as follows:

That section 1 be amended as follows:

By inserting "eighteen hundred dollars" wherever "two thousand dollars" appears in said section 1.

And that section 4 be amended as follows:

By inserting "twenty-seven hundred dollars" where "three thousand dollars" appears in said section.

And by adding to the last section "excepting that the provisions of this act shall not be construed to reduce the salary of any officer already elected or appointed during the term for which said officer may have been elected or appointed."

Which was granted and the amendments were adopted.

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

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Northrop,
Belden,	Guinan,	Offerdahl,
Boyd of Cass,	Hammond,	Peoples,
Boyd of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Power,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Wallace,
Dunton,	Lovelace,	White,
Ebbighausen,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Mr. Speaker.
Gaulke,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Joy,	Swenson,
Earl,	Richards,	Twichell,
Hankinson,	Ryan,	Wood.

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

Mr. Hurley moved

That the vote by which House Bill No. 10 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes of 1895 relating to corporations.

Was read the third time.

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

The roll being called there were ayes 40, nays 3, absent and not voting 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Offerdahl,
Baker,	Howard,	Peoples,
Belden,	Hurley,	Porter,
Butterwick,	Joy,	Sharpe.
Carlin,	Korsmo,	Stevenson,
Colby,	Kroeger,	Swenson,
Cryan,	Lenz,	Syvertson,
Dunton,	Lindstrom,	Wallace,
Ebbighausen.	Lovelace,	White,
Erickson,	McConnachie,	Wirkus,
Francis,	Mitchell,	Williams.
Gaulke,	Murphy,	Wood,
Goplerud,	Northrop,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Hankinson,	Johnson,	Towle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass.	Earl,	Power,
Boyd of Cavalier,	Gilbertson,	Richards,
Brotnov,	Guinan,	Ryan,
Cole,	Hawk,	Sargent,
Currier,	McGinnis,	Tanton,
Dougherty,	McPherson,	Twichell.
Duncan,		

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

Mr. Murphy moved

That the vote by which House Bill No. 198 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Substitute for Senate Bill No. 40,

A bill for an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Peoples,
Brotnov,	Heskin,	Porter,
Butterwick,	Hurley,	Richards,
Colby,	Johnson,	Sargent,
Currier,	Joy,	Stevenson,
Dougherty,	Korsmo,	Swenson,
Dunton,	Kroeger,	Syvertson,
Earl,	Lenz,	Tanton,
Ebbighausen,	Lindstrom,	Towle,
Francis,	Lovelace,	Wallace,
Gaulke,	McConnachie,	White,
Gilbertson,	McGinnis,	Wirkus,
Goplerud	McPherson,	Wood,
Guinan,	Mitchell,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Duncan,	Power,
Boyd of Cass,	Erickson,	Ryan,
Boyd of Cavalier,	Hawk,	Sharpe,
Carlin,	Howard,	Twichell,
Cole,	Murphy,	Williams.
Cryan,	Northrop,	

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which Senate Bill No. 40 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The House took an informal recess.

HOUSE REASSEMBLED.

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

Was read the third time.

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

The roll being called there were ayes 55, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Murphy,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hankinson,	Porter,

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hawk,	Richards,
Butterwick,	Heskin,	Ryan,
Carlin,	Howard,	Sharpe,
Colby,	Hurley,	Stevenson,
Cole,	Johnson,	Swenson,
Cryan,	Joy,	Syvertson,
Currier,	Korsmo,	Tanton,
Dougherty,	Kroeger,	Towle,
Dunton,	Lenz,	Wallace,
Earl,	Lovelace,	White,
Ebbighausen,	McConnachie,	Wirkus,
Erickson,	McGinnis,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Northrop,	Sargent,
Duncan,	Power,	Twichell.
Lindstrom,		

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

Mr. Mitchell moved

That the vote by which Senate Bill No. 74 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. M. L. Parker, Harry Flint, Will Gleason, Leo Pfefferty, John Tunstall, Ralph Davidson, Mr. Whittaker, Harry Helm and Frank Clemenz of Jamestown.

Senate Bill No. 75,

A bill for an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 4, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cass,	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Carlin,	Kroeger,	Stevenson,
Colby,	Lenz,	Swenson,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,

Messrs—	Messrs—	Messrs—
Ebbighausen,	McGinnis,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,		

Those voting in the negative were:

Messrs—	Messers—	Messrs—
Guinan,	Syvertson,	Towle.
McPherson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Duncan,	Lindstrom,
Cole,	Erickson,	Olferdahl,
Cryan,	Hammond,	Power,
Currier,	Heskin,	Tanton,
Dougherty,	Korsmo,	Twichell.

So the bill passed and the title was agreed to.

Mr. Mitchell moved

That the vote by which Senate Bill No. 75 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes relating to proceedings to annul corporations,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 1, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Hammond,	Northrop,
Belden,	Hankinson,	Peoples,
Boyd, of Cavalier,	Hawk,	Porter,
Brotnov,	Heskin,	Ryan,
Colby,	Howard,	Sargent,
Currier,	Hurley,	Sharpe,
Dougherty,	Johnson,	Stevenson,

Messrs—	Messrs—	Messrs—
Dunton,	Joy,	Swenson,
Duncan,	Korsmo,	Towle,
Ebbighausen,	Kroeger,	Wallace,
Francis,	Lenz,	White,
Gaulke,	Lovelace,	Wirkus,
Gilbertson,	McConnachie,	Williams,
Goplerud,	Mitchell,	Mr. Speaker.
Guinan,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Richards,
Boyd, of Cass,	Lindstrom,	Syvertson,
Carlin,	McGinnis,	Tanton,
Cole,	McPherson,	Twichell,
Cryan,	Offerdahl,	Wood.
Earl,	Power,	

Mr. Butterwick voting in the negative.

So the bill passed and the title was agreed to.

Mr. Mitchell moved

That the vote by which Senate Bill No. 122 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Mitchell moved

That Senate Bill No. 1 be made a special order for Wednesday next at 3 o'clock p. m.,

Which motion was lost.

Mr. Porter moved

To amend Senate Bill No. 1 as follows:

By adding to section 1 the following clause:

"Provided that nothing in the act shall prohibit the use of convict labor by the state in carrying on any farming operations or in the manufacture of brick, or prohibits the state from disposing of the proceeds of such enterprise.s"

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

The roll being called there were ayes 41, nays 18, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Power,
Belden,	Hankinson,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Kroeger,	Syvertson,
Cryan,	Lenz,	Tanton,
Currier,	McGinnis,	Towle,
Dougherty,	McPherson,	Wallace,
Earl,	Mitchell,	White,
Ebbighausen,	Murphy,	Wirkus,
Erickson,	Northrop,	Wood,
Francis,	Peoples,	Mr. Speaker.
Gaulke,	Porter,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Lovelace,
Boyd of Cass,	Hammond,	McConnachie,
Boyd of Cavalier,	Hawk,	Sargent,
Brotnov,	Heskin,	Swenson,
Dunton,	Joy,	Twichell,
Gilbertson,	Korsmo,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Duncan,	Lindstrom,	Offerdahl.

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

Mr. Cole moved

That the vote by which Senate Bill No. 1 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Twichell moved to amend Senate Bill No. 184 as follows:

Strike out all of line 6 after the word "duty," all of line 7 and all of line 8 up to the word "and."

Which motion prevailed, and

The amendment was adopted.

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district, and county officers, members of boards and employes of public institutions,

Was read the third time.

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

The roll being called there ayes 53, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Butterwick,	Howard,	Richards,
Carlin,	Hurley,	Ryan,
Colby,	Johnson,	Sargent,
Cryan,	Joy,	Sharpe,
Currier,	Korsmo,	Stevenson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Guinan,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Goplerud,	Syvertson,
Cole,	Lindstrom,	Towle.
Ebbighausen,	Swenson,	

Mr. Brotnov voted in the negative.

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

Mr. Twitchell moved

That the vote by which Senate Bill No. 184 was passed be reconsidered, and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 204,

A bill for an act to amend Section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurer,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples.
Baker,	Hankinson,	Power,
Belden,	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Ryan.
Boyd of Cass,	Howard,	Sargent,
Brotnov.	Hurley,	Sharpe,
Butterwick,	Johnson,	Stevenson,
Carlin,	Joy.	Swenson,
Colby,	Korsmo,	Tanton,
Dougherty,	Kroeger,	Towle,
Duncan,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Francis,	McPherson,	White,
Ganlke,	Mitchell,	Wirkus,
Gilbertson,	Murphy,	Williams,
Goplerud,	Northrop,	Wood,
Guinan,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Ebbighausen,	McGinnis,
Cryan,	Erickson,	Porter,
Currier,	Lenz,	Syvertson.
Dunton,	Lindstrom,	

So the bill passed and the title was agreed to.

Senate Bill No. 118,

Being a Concurrent Resolution,

Was read the third time.

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

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Power,
Baker,	Hankinson,	Richards,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sargent.
Butterwick,	Howard,	Stevenson,
Carlin,	Hurley,	Swenson
Cryan,	Johnson,	Syvertson,
Currier,	Joy,	Tanton,
Dougherty,	Korsmo,	Towle,
Duncan,	Kroeger,	Twichell,
Dunton,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Erickson,	McPherson,	Wirkus
Francis,	Murphy,	Williams,
Gaulke,	Offerdahl,	Wood,
Guinan,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Gilbertson,	Mitchell,
Boyd of Cass,	Goplerud,	Northrop,
Colby,	Lenz,	Porter,
Cole,	Lindstrom,	Sharpe.
Earl,	McGinnis,	

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

Mr. Joy moved
That the rules be suspended and that
House Bill No. 136,
A bill for an act to amend section 481 of the Revised Codes of North Dakota relating to election precincts,
Be read the third time and placed upon its final passage,
Which motion prevailed.

House Bill No. 136,
A bill for an act to amend section 481 of the Revised Codes of 1895 of the state of North Dakota, relating to election precincts,
Was read the third time.

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

The roll being called there were ayes 51, nays 1, absent and voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Porter.
Baker,	Hawk,	Power,
Belden,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Brotnov,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cole,	Korsmo,	Swenson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Dunton,	Lovelace,	Twichell,
Ebbighausen,	McConnachie,	Wallace,
Erickson,	McGinnis,	White,
Francis,	Mitchell,	Wirkus,
Gilbertson,	Murphy,	Williams,
Goplerud,	Offerdahl,	Wood,
Guinan,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Gaulke,	McPherson,
Cryan,	Hankinson,	Northrop,
Duncan,	Lindstrom,	Syvertson,
Earl,		

Mr. Butterwick voting in the negative.

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

Mr. Hurley moved

That the rules be suspended and that all senate appropriation bills be read the first aud second times and referred to the proper committees,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 87,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty under false pretenses,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 91,

A bill for an act to appropriate moneys to the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year A. D. 1896, arising in the unorganized counties of Dunn, Wallace, Hettinger and Allred, attached to Stark county for judicial purposes,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 111,

A bill for an act to reimburse F. H. DeVaux for expenses by him incurred as superintendent of public health in the year 1894,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes,

Was read the first and second times, and

Referred to the committee on public lands.

Senate Bill No. 176,

A bill for an act to amend section 1811 of the Revised Codes of North Dakota, relating to expenses of commissioner of agriculture and labor,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 192,

A bill for an act to provide temporary for the erection and maintenance of the state reform school at Mandan,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 193,

A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 174,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 188.

A bill for an act to provide for the compensation of messengers of the House and Senate of the Fifth and future legislative assemblies,

Was read the first and second times, and

Referred to the committee on appropriations.

The rules were suspended and unanimous consent was given, and

Mr. Lenz introduced

House Bill No. 211,

A bill for an act to fix the maximum rates to be charged for conveying messages by telegraph and telephone companies,

Was read the first and second times, and
Referred to the committee on taxes and tax laws.

Mr. Hawk introduced
House Bill No. 210,
A bill for an act to repeal section 7636 of the Revised Codes of North Dakota, relating to male animals running at large,
Was read the first and second times, and
Referred to the committee on agriculture.

Mr. Goplerud introduced
House Bill No. 212,
A bill for an act to amend section 2591 of the Revised Codes of North Dakota, relating to meetings of boards of township supervisors,
Was read the first and second times, and
Referred to the committee on state affairs.

Mr. Joy moved
That the report of the conference committee on Senate Bill No. 8 be adopted,
Which motion prevailed.

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

The roll being called there were ayes 44, nays 3, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Ryan,
Baker,	Hurley,	Sargent,
Belden,	Johnson,	Sharpe,
Brotnov,	Joy,	Stevenson,
Butterwick,	Kroeger,	Swenson,
Colby,	Lenz,	Syvertson,
Cole,	Lovelace,	Tanton,
Duncan,	McConnachie,	Towle,
Dunton,	McGinnis,	Twichell,
Earl,	McPherson,	Wallace,
Gaulke,	Mitchell,	White,
Goplerud,	Northrop,	Williams,
Hammond,	Peoples,	Wood,
Hankinson,	Porter,	Mr. Speaker.
Hawk,	Power,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Francis,	Gilbertson,	Heskin.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Dougherty,	Lindstrom,
Boyd of Cavalier,	Ebbighausen,	Murphy,
Carlin,	Erickson,	Offerdahl,
Cryan,	Guinan,	Richards,
Currier,	Korsmo,	Wirkus.

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

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

Substitute for House Bill No. 82,

A bill for an act defining the duties of and regulating public warehousemen, grain elevators and mills receiving grain or other property for storage and prescribing penalties for violation thereof.

Also,

House Bill No. 55.

A bill for an act requiring all state and county officials now required by law to give bonds, except justices of the peace, constables and coroners, to have their official bonds issued and executed by a fidelity insurance company,

Also,

House Bill No. 36,

A bill for an act to provide for granting of the right of way by municipal corporations for telephone or telegraph lines on and over public grounds, streets, alleys and highways,

Also,

House Bill No. 136,

A bill for an act to amend section 481 of the Revised Codes, relating to election precincts.

Also,

House Bill No. 153,

A bill for an act amending section 403 of the Revised Codes, relating to the boundaries and terms of court of the first judicial district of the state of North Dakota.

Also,

House Bill No. 176,

A bill for an act to amend section 4731 of the Revised Codes of North Dakota relating to the form of mortgages of personal property and relating to the lien thereon.

Also,

House Bill No. 182,

A bill, being a concurrent resolution, relating to the qualifications of voters.

Also,

House Bill No. 173,

A bill for an act to prohibit the payment of mileage or traveling expenses to state and deputy officers unless a receipt is filed showing that the sum claimed was actually expended,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota, relating to admission of patients to the state hospital for the insane.

Also,

House Bill No. 165,

A bill for an act authorizing the district courts, also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial.

Also,

House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways.

Also,

House Bill No. 174,

Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota, relating to the investing of the moneys of the permanent school fund and other educational funds.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 10,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political code therein.

Also,

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond.

Also,

House Bill No. 195,

A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined,

Also,

House Bill No. 196,

A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota relating to the boundaries of the Fourth judicial district and fixing the times of holding of the terms of court in different counties thereof.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

The Speaker appointed the following steering committee:

Messrs. Wallace, Francis, Hankinson, White, Howard, Ebbighausen and one other to be named by the Grand Forks delegation.

Mr. Mitchell moved that when the House adjourn it adjourn to meet at 10:30 o'clock tomorrow,

Which motion prevailed.

Mr. Earl moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 2, 1897.

The House assembled at 10:30 o'clock a. m. pursuant to adjournment.

The Speaker in the chair.

Prayer by the chaplain.

Roll called.

All members present.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

CONCURRENT RESOLUTION.

WHEREAS, The lignite coal rates now in force on certain lines of railroads in this state are unjust and unreasonable and so high as to prohibit the use of said coal by the people living in a great portion of the state, especially by those living along the lines of said lines charging said unreasonable rates; and

WHEREAS, The rates so charged are higher than the rates prescribed by law and higher than the schedules adopted by the Commissioners of Railroads under the law prescribing their duties and defining their powers, which said rates have been adopted by the Northern Pacific and Soo lines of railroads, being accepted by them as just and reasonable; now, therefore, be it

Resolved by the House of Representatives, the Senate Concurring:

That the railroad commissioners of this state be and hereby are requested to take immediate steps for the enforcement of the rates adopted by them and accepted by the Northern Pacific and Soo lines, on other lines of railroads doing business in this state; and be it further

Resolved, That the attorney general be and hereby is requested to act in connection with said railroad commissioners in the enforcement of said rates.

Also,

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

That a copy of the concurrent resolution expressing sympathy for the people of Cuba in their struggle for independence, which was passed by the House and Senate and filed with the secretary of state on February 19, be transmitted by the secretary of state under the great seal of the state to Senor Quesada, the Cuban minister at Washington for transmission to the president of the Cuban republic.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House concurrent resolution, requesting the railroad commissioners to take steps to enforce lignite coal rates on certain lines of railroad.

Also,

House concurrent resolution, directing the transmittal to Senor Quesada of the concurrent resolution expressing sympathy for the people of Cuba in their struggle for independence,

There being no objection the concurrent resolutions were signed by the Speaker.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred

House Bill No. 134,

A bill for an act authorizing the governor to contract for the education and care of the blind and making an appropriation therefor,

Have had the same under consideration and report it back without recommendation.

Also,
House Bill No. 202,
A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake, in the county of Ramsey,
Have had the same under consideration and recommend that the same do pass.

Also,
House Bill No. 50,
A bill for an act to provide for the erection of necessary additional buildings for the hospital of the insane at Jamestown, North Dakota,
Have had the same under consideration, and recommend that the same do pass.

Also,
House Bill No. 147,
A bill for an act authorizing the board of university and school lands to lease to the trustees of the North Dakota penitentiary school land for a penitentiary farm, and to make appropriation for the rental thereof for the benefit of the school fund,
Have had the same under consideration and recommeud that the same do pass.

H. D. HURLEY,
Chairman.

The committee on public health made the following report:

MR. SPEAKER:
Your committee on public health to whom was referred
Senate Bill No. 111,
A bill for an act to reimburse F. H. DeVaux for expenses incurred by him as superintendent of public health in the year 1894,
Have had the same under consideration and recommend that the same do pass.

G. W. EARL,
Chairman.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

JOINT 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, praying for the passage of an act providing for the election of United States senators by the vote of the people.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the secretary of the Senate and the chief clerk of the House of Representa-

tives, be sent to Hon. William N. Roach and Hon. Henry C. Hansbrough of the United States Senate and Hon. Martin N. Johnson of the House of Representatives at Washington, D. C.

That said Hon. William N. Roach and Hon. Henry C. Hansbrough, representing the state of North Dakota in the Senate of the United States, and Hon. Martin N. Johnson, representing the state of North Dakota in the House of Representatives, be, and they are hereby respectfully requested to support, in their respective Houses, and to urge the passage of an act of congress for the election of United States senators by the vote of the people.

The question being upon the adoption of the joint memorial,

The joint memorial was adopted.

House Bill No. 183,

A bill for an act to amend section 7472 of the Revised Codes, relating to the punishment for the crime of embezzlement,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Baker,	Hankinson,	Porter,
Belden,	Hawk,	Richards,
Boyd of Cass,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lovelace,	Tanton,
Dunton,	McConnachie,	Towle,
Earl,	McGinnis,	Wallace,
Ebbighausen,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Williams,
Gilbertson,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Goplerud,	Offerdahl,
Brotnov,	Guinan,	Power,
Cole,	Johnson,	Twichell,
Currier,	Lenz,	Wood.
Erickson,	Lindstrom,	

So the bill passed and the title was agreed to.

House Bill No. 188,

A bill for an act to encourage the culture of sugar beets and the manufacture of sugar from the same and provide a bounty for the same.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 38, nays 20, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	McPherson,
Baker,	Goplerud,	Mitchell,
Belden,	Hankinson,	Murphy,
Boyd of Cass,	Hawk,	Northrop,
Butterwick,	Howard,	Offerdahl,
Colby,	Hurley,	Swenson,
Cryan,	Joy,	Syvertson,
Dunton.	Korsmo,	Twichell,
Erickson,	Kroeger,	White,
Francis,	Lovelace,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Hammond,	Tanton,
Dougherty,	Heskin,	Towle,
Duncan,	Stevenson,	Wirkus.
Ebbighausen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Lenz,	Richards,
Brotnov,	Lindstrom,	Ryan,
Cole,	McConnachie,	Sargent,
Currier,	McGinnis,	Sharpe,
Earl,	Peoples.	Wallace,
Gaulke,	Porter,	Williams,
Guinan,	Power,	Wood.
Johnson,		

So the bill was lost.

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 29, nays 15, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Belden,	Goplerud,	Northrop,
Boyd of Cass,	Heskin,	Offerdahl,
Butterwick,	Howard,	Peoples,
Colby,	Hurley,	Twichell.
Cryan,	Joy,	Wallace,
Duncan,	Korsmo,	White,
Earl,	Lovelace,	Williams.
Francis,	McConnachie,	Mr. Speaker.
Gaulke,	Mitchell,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dougherty,	Johnson,	Sargent,
Ebbighausen.	Kroeger,	Sharpe.
Guinan,	McPherson,	Tanton,
Hammond,	Power,	Towle.
Hawk,	Richards,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Dunton,	Porter,
Boyd of Cavalier,	Erickson,	Ryan,
Brotnov,	Hankinson,	Stevenson,
Carlin,	Lenz,	Swenson,
Cole,	Lindstrom,	Syvertson,
Currier,	McGinnis,	Wood.

So the bill was lost.

House Bill No. 148,

A bill for an act to encourage county agricultural fairs and exhibition associations, and to provide therefor.

Was read the third time.

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

The roll being called there were ayes 47, nays 3, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gilbertson,	Northrop,
Belden,	Goplerud,	Porter,
Boyd of Cass,	Hammond,	Ryan,
Boyd of Cavalier,	Hankinson,	Sargent,
Butterwick,	Hawk,	Sharpe,
Carlin,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cryan,	Joy,	Syvertson,
Dougherty,	Korsmo,	Towle,
Duncan,	Kroeger,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,	Murphy,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Johnson,	Tanton.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Peoples,
Brotnov,	Lenz,	Power,
Cole,	Lindstrom,	Richards,
Guinan,	Offerdahl,	Wood.

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

House Bill No. 196,

A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota, relating to the boundaries of the Fourth Judicial district and fixing the times of holding of the terms of court in different counties thereof,

Was read the third time.

The question being upon the passage of the bill.

The roll being called there were ayes 49, nays 1, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Mitchell,
Baker,	Goplerud,	Murphy,
Belden,	Guinan,	Northrop,
Boyd of Cass,	Hammond,	Offerdahl,
Boyd of Cavalier,	Hankinson,	Porter,
Brotnov,	Hawk,	Sargent,
Butterwick,	Heskin,	Sharpe,
Carlin,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cryan,	Johnson,	Syvertson,
Dougherty,	Joy,	Tanton,
Duncan,	Kroeger,	Twichell,
Earl,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Lenz,	Richards,
Currier,	Lindstrom,	Ryan,
Dunton,	Peoples,	Towle,
Korsmo,	Power,	Wood.

Mr. Williams voting in the negative.

So the bill passed and the title was agreed to.

Mr. Hankinson moved

That the vote by which House Bill No. 196 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 189,

Being a substitute for House Bill No. 82,

A bill for an act defining the duties of public warehousemen and prescribing penalties for violation thereof,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 51 nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Northrop,
Baker,	Gilbertson,	Offerdahl;
Belden,	Goplerud	Peoples,
Boyd of Cass,	Hammond,	Porter,
Boyd of Cavalier,	Hankinson,	Power,
Brotnov,	Hawk,	Sargent,
Butterwick,	Heskin,	Sharpe,
Carlin,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cryan,	Johnson,	Syvertson,
Dougherty,	Joy,	Towle,
Duncan,	Korsmo,	Twichell,
Dunton,	Kroeger,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Lindstrom,	Ryan,
Currier,	Lovelace,	Tanton,
Guinan,	Mitchell,	Wood.
Lenz,	Richards,	

So the bill passed and the title was agreed to.

House Bill No. 55.

A bill for an act requiring all state and county officials now required by law to give bonds, except justices of the peace, constables and coroners, to have their official bonds issued and executed by a fidelity insurance company,

Was read the third time.

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

The roll being called there were ayes 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Lovelace,
Baker,	Gaulke,	Mitchell,
Belden,	Gilbertson,	Northrop,
Boyd of Cavalier,	Goplerud,	Offerdahl,
Brotnov,	Guinan,	Peoples,
Butterwick,	Hammond,	Porter,
Carlin,	Hankinson,	Richards,
Colby,	Hawk,	Ryan,
Cryan,	Heskin,	Stevenson,
Currier,	Howard,	Swenson
Dougherty,	Hurley,	Syvertson,
Duncan,	Johnson,	Wallace,
Dunton,	Joy,	Wirkus
Ebbighausen,	Korsmo,	Williams,
Erickson,	Kroeger,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	McGinnis,	Tanton,
Cole,	McPherson,	Towle,
Earl,	Murphy,	Twichell,
Lenz,	Power,	White,
Lindstrom,	Sargent,	Wood.
McConnachie,	Sharpe,	

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

House Bill No. 36,
A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines on and over public grounds, streets, alleys and highways,
Was read the third time.

Mr. Hurley moved
That the further consideration of House Bill No. 36 be indefinitely postponed,
Which motion prevailed, and
The further consideration of House Bill No. 36 was indefinitely postponed.

House Bill No. 174,
Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota,
Was read the third time.

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

The roll being called there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Guinan,	Porter,
Boyd of Cass,	Hammond,	Power,
Boyd of Cavalier,	Hankinson,	Ryan,
Butterwick,	Hawk,	Sargent,
Colby,	Heskin,	Sharpe,
Cryan,	Howard,	Stevenson,
Currier,	Joy,	Swenson,
Dougherty,	Korsmo,	Syvertson,
Duncan,	Kroeger,	Tanton,
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Ebbighausen,	McPherson,	Wallace,
Erickson,	Mitchell,	Wirkus,
Francis,	Murphy,	Williams,
Gaulke,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Johnson,	Richards,
Carlin,	Lenz,	White,
Cole,	Lindstrom,	Wood.
Hurley,	McGinnis.	

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

House Bill No. 165,
A bill for an act authorizing the district courts and also the supreme court to direct judgment to be entered in certain cases instead of granting a new trial,
Was read the third time.

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

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	McGinnis,
Baker,	Gilbertson,	McPherson,
Belden,	Goplerud,	Mitchell,
Boyd of Cass,	Guinan,	Murphy,
Boyd of Cavalier,	Hammond,	Offerdahl,
Brotnov,	Hankinson,	Peoples,
Carlin,	Heskin,	Porter,
Colby,	Howard,	Power,
Cole,	Hurley,	Sargent,
Cryan,	Johnson,	Sharpe,
Dougherty,	Joy,	Stevenson,
Duncan,	Korsmo,	Swenson,
Dunton,	Kroeger,	Syvertson,
Earl,	Lindstrom,	Wallace,
Ebbighausen,	Lovelace,	Mr. Speaker.
Francis,	McConnachie,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Butterwick,	Northrop,	Twichell,
Currier,	Richards,	White,
Erickson,	Ryan,	Wirkus,
Hawk,	Tanton,	Williams,
Lenz,	Towle,	Wood.

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

Mr. Francis moved
That the vote by which House Bill No. 165 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill No. 195.

A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 40, nays 5, absent and not voting 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Mitchell,
Baker,	Hawk,	Murphy,
Belden,	Heskin,	Northrop,
Boyd of Cavalier,	Howard,	Offerdahl,
Butterwick,	Hurley,	Peoples,
Colby,	Johnson,	Richards,
Cryan,	Joy,	Ryan,
Duncan,	Korsmo,	Sargent,
Dunton,	Kroeger,	Stevenson,
Francis,	Lindstrom,	Swenson,
Gaulke,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	McPherson,	Mr. Speaker.
Guinan,		

Those voting in the negative were:

Messrs—	Messers—	Messrs—
Brotnov,	Ebbighausen,	Wirkus,
Earl,	Sharpe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Tanton,
Carlin,	Lenz,	Towle.
Cole,	McGinnis,	White,
Currier,	Porter,	Williams,
Dougherty,	Power,	Wood.
Erickson,	Syvertson,	

So the bill passed and the title was agreed to.

Mr. Joy moved

That the vote by which House Bill No. 195 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,

Was read the third time.

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

The roll being called there ayes 41, nays 3, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Northrop,
Belden,	Hammond,	Peoples,
Boyd of Cavalier,	Heskin,	Porter,
Butterwick,	Howard,	Sargent,
Colby,	Hurley,	Sharpe,
Cole,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Dougherty,	Kroeger,	Tanton,
Dunton,	Lindstrom,	Towle,
Ebbighausen,	Lovelace,	Twichell,
Francis,	McConnachie,	Wallace,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Mr. Speaker.
Goplerud,	Murphy,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Hawk,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Power,
Boyd of Cass,	Hankinson,	Richards,
Carlin,	Korsmo,	Ryan,
Currier,	Lenz,	Syvertson,
Duncan,	McGinnis,	White,
Earl,	Offerdahl,	Wood.

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

Mr. Hurley moved

That the vote by which House Bill No. 172 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 176,

A bill for an act to amend section 4731 of the Revised Codes of North Dakota, relating to the form of mortgages of personal property and relating to lien thereon,

Was read the third time.

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

The roll being called there were ayes 17, nays 36, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Dougherty,	Hankinson,	Power,
Earl,	Howard,	Ryan,
Ebbighausen,	Hurley,	Wallace,
Francis,	Joy,	Wirkus,
Gaulke,	Lindstrom,	Williams.
Guinan,	Lovelace,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Duncan,	Offerdahl,
Baker,	Gilbertson,	Porter,
Belden,	Goplerud,	Richards,
Boyd of Cass,	Hammond,	Sargent,
Boyd of Cavalier,	Hawk,	Sharpe,
Brotnov,	Heskin,	Stevenson,
Butterwick,	Korsmo,	Swenson,
Carlin,	Kroger,	Syvertson,
Colby,	McConnachie,	Towle,
Cole,	McGinnis,	Twichell,
Cryan,	McPherson,	White,
Currier,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunton,	Lenz,	Peoples,
Erickson,	Mitchell,	Tantoo,
Johnson,	Northrop,	Wood.

So the bill was lost.

Mr. McPherson moved
That the House take a recess untill 1:30 p. m.,
Which motion was lost.

House Bill No. 128,
A bill for an act to provide for a state temperance commissioner defining his duties and powers and fixing his compensation and bond,
Was read the third time.

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

The roll being called there were ayes 34, nays 18, absent and voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	McPherson,
Boyd of Cass,	Hawk,	Mitchell,
Boyd of Cavalier,	Heskin,	Murphy,
Butterwick,	Howard,	Northrop,
Colby,	Hurley,	Sargent,
Cryan,	Johnson,	Swenson,
Currier,	Joy,	Towle,
Duncan,	Korsmo,	Twichell,
Francis,	Lindstrom,	Wallace,
Gaulke,	Lovelace,	Williams,
Gilbertson,	McConnachie,	Mr. Speaker.
Goplerud,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Richards,
Belden,	Hankinson,	Ryan,
Brotnov,	Kroeger,	Suarpe,
Cole,	McGinnis,	Stevenson,
Dunton,	Peoples,	White,
Ebbighausen,	Porter,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Lenz,	Syvertson,
Dougherty,	Offerdahl,	Tanton,
Earl,	Power,	Wood.
Erickson,		

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

Mr. Colby moved

That the vote by which House Bill No. 128 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 153.

A bill for an act amending section 403 of the Revised Codes, relating to the boundaries and terms of court of the first judicial district of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Peoples,
Belden,	Hankinson,	Porter,
Boyd, of Cass,	Heskin,	Power,
Brotnov,	Howard,	Ryan,
Butterwick,	Hurley,	Sargent,
Colby,	Joy,	Sharpe,
Cole,	Korsmo,	Stevenson,
Cryan,	Kroeger,	Swenson,
Currier,	Lindstrom,	Syvertson,
Duncan,	Lovelace,	Towle,
Dunton,	McConnachie,	Twichell,
Ebbighausen,	McGinnis,	Wallace,
Francis,	Mitchell,	White,
Gilbertson,	Murphy,	Wirkus,
Goplerud,	Northrop,	Mr. Speaker.
Guinan,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	McPherson,
Boyd, of Cavalier,	Gaulke,	Richards,
Carlin,	Hawk,	Tanton,
Dougherty,	Johnson,	Williams,
Earl,	Lenz,	Wood.

So the bill passed and the title was agreed to.

House Bill No. 173,

A bill for an act to prohibit the payment of mileage or traveling expenses to the state or deputy officers, unless a receipt is filed showing that the sum claimed was actually expended.

Mr. Hurley moved

That further consideration of House Bill No. 173 be indefinitely postponed,

Which motion prevailed, and

The further consideration of House Bill No. 173 was indefinitely postponed.

Mr. Ryan moved

That House Bill No. 209 be made a special order for Thursday next at 3 o'clock p. m.

Which motion prevailed, and

It was so ordered.

The House took an informal recess.

HOUSE REASSEMBLED.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-sixth day and recommend that it be amended as follows:

On page 11, line 44, after the word "and" strike out the words "extra clerk hire" and insert in lieu thereof the words "attorney fees."

On page 12, line 1, after the word "that" insert the following, "the rules be suspended and that."

On page 12, line 8, strike out the word "reconsidered" and insert in lieu thereof the word "considered."

And when so amended recommend that the Journal of the fifty-sixth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the fifty-sixth day was approved.

The committee on ways and means made the following report:

MR. SPEAKER:

Your committee on ways and means to whom was referred House Bill No. 205,

A bill for an act to amend section 2068 of the Revised Codes of North Dakota providing for the salary of county judges.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. L. LINDSTROM,
Chairman.

Mr. Lindstrom moved

The adoption of the report,

Which motion prevailed, and

The further consideration of

House Bill No. 205,

A bill for an act to amend section 2068 of the Revised Codes of North Dakota, providing for the salary of county judges,

Was indefinitely postponed.

The House rescinded its action in reference to

House Bill No. 209,

A bill for an act to amend sections 7593, 9602, 9605, 7608 and 7616, of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

And House Bill No. 209 was made a special order for Wednesday at 3 o'clock p. m.

COMMITTEE OF THE WHOLE.

Mr. Mitchell moved

That the House resolve itself into a committee of the whole for the consideration of general orders.

Which motion prevailed, and

The House resolved itself into a committee of the whole for

The consideration of general orders.

The Speaker called Mr. Hurley to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

House Bill No. 193,

A bill for an act to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and to regulate the management thereof,

And recommend that the same do pass as amended.

Also,
House Bill No. 194,
A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties,
And recommend that the same do pass.

Also,
Substitute for House Bill No. 149,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota, by dividing the state into nine veterinarian districts,
And recommend that the same be amended as follows:

Strike in line 4, page 2, printed bill, the words, "and Williams in the second judicial district."

And when so amended recommend that the same do pass as amended by the committee on agriculture.

Also,
House Bill No. 200,
A concurrent resolution to amend section 217 of the constitution, relating to the prohibition of the manufacture and sale of intoxicating liquors,
And recommend that the same be made a special order for Wednesday, to be considered immediately after House Bill No. 209.

Also,
House Bill No. 191,
A bill for an act to define the boundaries of the first judicial district and consolidate therewith the seventh judicial district, and designate the terms of court to be held in the several counties thereof, and the judges having jurisdiction,
And recommend that the same be made a special order for Thursday at 4 o'clock p. m.

Also,
House Bill No. 192,
A bill for an act to promote the development of coal mines on the coal bearing university and school lands of this state, and to provide for the leasing of such lands for the purpose of mining coal,
And recommend that the further consideration of the same be indefinitely postponed.

Also,
House Bill No. 197,
A bill for an act relating to land sales upon crop payments,
And recommend that the same do pass.

Also,
House Bill No. 99,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota,
And recommend that the same do pass.

Also,
House Bill No. 102,
A bill for an act to regulate appeals from justice courts on questions of law,
And recommend that the same be made a special order for tomorrow at 3 o'clock p. m.

Also,
House Bill No. 208,
A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to the unlawful evasion of the law prohibiting the sale of intoxicating liquors,
And recommend that the same be amended as follows:

In line 3 of section 1, printed bill, insert after the word "penalty" "The giving away of intoxicating liquor or any shifts or device to evade the provisions of this chapter shall be deemed an unlawful selling within the provisions of this chapter."

And when so amended recommend that the same do pass as amended by the committee on temperance.

Also,
Senate Bill No. 52,
A bill for an act to require butchers and slaughterers of horned cattle to give bonds and to keep a record of the animals purchased and slaughtered by them, and providing penalties for the violation thereof,
And recommend that the further consideration of the same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Williams moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

The committee on state affairs made the following report:

MR. SPEAKER:
Your committee on state affairs to whom was referred
House Bill No. 212,
A bill for an act to amend section 2591 of the Revised Codes of North Dakota relating to meetings of boards of township supervisors,

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

By adding the following emergency clause to it:
Whereas, An emergency exists in that the meeting of the board of supervisors as a board of review occurs prior to July 1st next, therefore this bill shall be in full force and effect from and after its passage and approval.

E. F. PORTER,
Chairman.

Mr. Porter moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred
Senate Bill No. 139,
A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils.
Have had the same under consideration and report the same back without recommendation.

E. F. PORTER,
Chairman.

The committee on municipal corporations made the following report:

MR. SPEAKER:

Your committee on municipal corporations to whom was referred
Senate Bill No. 145,
A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota, relating to the number of aldermen and to the election and terms of office of aldermen and other officers in incorporated cities,
Have had the same under consideration and recommend that the same be amended as follows:

In engrossed copy of bill, line 5, insert the words "six hundred" where the words "one thousand" occur.

T. TWICHELL,
Chairman.

Mr. Twichell moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Mr. Lindstrom moved
That rule 57 be suspended for the balance of the session,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 2, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 139,

A bill for an act authorizing a verdict in a civil action by five-sixths of the jurors and prescribing the mode of rendering the same.

Also,

House Bill No. 158,

A bill for an act to amend section 5479 of the Revised Codes of North Dakota, relating to the entry of judgment by the clerk of court in certain cases of default.

Also,

Substitute for House Bill No. 75,

A bill for an act to provide for the enjoining of the foreclosure of mortgages by advertisement and the compelling of the same by action in cases where a defense to the foreclosure is claimed by the mortgagor or his successor,

Which the Senate has indefinitely postponed.

I have also the honor to transmit herewith

Senate Bill No. 178,

A bill for an act to amend sections 868, 869, 870, 871, 872, 873, of the Revised Codes of 1895, relating to the aid and encouragement of high schools.

Also,

Senate Bill No. 164,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give a bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety upon such bond as may be by the court allowed, not exceeding one per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding one per centum on the amount of liability on such bond or obligation,

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

Respectfully yours,
J. O. SMITH,
Secretary.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 185,

A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railway company, and its receivers on behalf of the state of North Dakota, and various counties and taxing subdivisions thereof which are interested,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 23,

A bill for an act entitled "an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor,"

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill 173,

A bill for an act to amend section 76 of the Revised Codes of North Dakota relating to accounts for printing and binding required by state officers, and making an annual appropriation therefor,

Was read the first and second times, and

Referred to the committee on public printing.

Senate Bill No. 180,

A concurrent resolution to amend the constitution of North Dakota in section 202 of article 15,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 186,

A concurrent resolution to amend section 162, of article 9, of the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 157,

A bill for an act providing that the means derived from the fund known as school for the feeble minded at Grafton shall be credited to such fund,

Was read the first and second times, and

Referred to the committee on state affairs.

Senate Bill No. 187,

A concurrent resolution to amend subdivision 8, of section 215, of article 19, of the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Senate Bill No. 170,

A bill for an act to regulate the printing of Executive Documents and limit the cost thereof,

Was read the first and second times, and

Referred to the committee on public printing.

Senate Bill No. 149,

A bill for an act to amend sections 130 and 131 of Article 7 of Chapter 3, entitled executive department of the Revised Codes of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on ways and means.

Senate Bill No. 178,

A bill for an act to amend sections 868, 869, 870, 871, 872, 873 of the Revised Codes of 1895, relating to the aid and encouragement of high schools,

Was read the first and second times, and

Referred to the committee on education.

Senate Bill No. 164,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give a bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety upon such bond as may be by the court allowed, not exceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding 1 per centum on the amount of liability on such bond or obligation,

Was read the first and second times, and

Referred to the committee on judiciary.

THIRD READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 126,

A bill for an act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violations,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 32, nays 14, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Porter,
Belden,	Howard,	Ryan,
Butterwick,	Hurley,	Sharp,
Cole,	Joy,	Stevenson,
Cryan,	Kroeger,	Syverson,
Dougherty,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Erickson,	McGinnis,	Wallace,
Francis,	Murphy,	White,
Gaulke,	Offerdahl,	Mr. Speaker.
Hammond,	Peoples,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Guinan,	Power,
Brotnov,	Heskin,	Tanton,
Duncan,	Lenz,	Wirkus,
Ebbighausen,	McConnachie,	Williams.
Goplerud,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Norhrop,
Boyd of Cavalier,	Hankinson,	Richards,
Carlin,	Johnson,	Sargent,
Colby,	Korsmo,	Swenson.
Currier,	McPherson,	Wood,
Earl,		

So the bill passed and the title was agreed to.

Mr. Murphy moved

That the vote by which Senate Bill No. 126 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hurley moved that

Senate Bill No. 170,

Senate Bill No. 173,

Senate Bill No. 178,

Be referred to committee on appropriations.

Senate Bill No. 128,

A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 18, nays 32, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Guinan,	Northrop,
Dougherty,	Hawk,	Porter,
Dunton,	Howard,	Swenson,
Erickson,	Hurley,	Wallace,
Francis,	Joy.	White,
Goplerud,	Lindstrom,	Williams.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Richards,
Baker,	Hammond,	Ryan,
Boyd of Cavalier,	Heskin,	Sargent,
Boyd of Cass,	Korsmo,	Syvertson.
Brotnov.	Lenz,	Tanton,
Butterwick,	Lovelace,	Towle,
Cryan,	McConnachie,	Twichell,
Currier,	McGinnis,	Wirkus,
Duncan,	McPherson,	Wood,
Ebbighausen,	Offerdahl,	Mr. Speaker.
Gaulke.	Power,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Hankinson,	Murphy,
Colby,	Johnson,	Peoples,
Cole,	Kroeger,	Sharpe,
Earl,	Mitchell,	Stevenson.

So the bill was lost.

Senate Bill No. 155,

A bill for an act to legalize and validate the tax levy for the year 1895 as made by the various counties,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays none, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Mitchell,
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Porter,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Brotnov,	Hurley,	Sharpe,
Butterwick,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Currier,	Korsmo,	Syvertson,
Dougherty,	Kroeger,	Towle,
Duncan,	Lenz,	Wallace,
Dunton,	Lindstrom,	White,
Earl,	Lovelace,	Wirkus,
Ebbighausen,	McConnachie,	Williams,
Francis,	McGinnis,	Wood,
Gaulke,	McPherson,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Hawk,	Power,
Colby,	Murphy,	Sargent,
Cole,	Northrop,	Tanton,
Erickson,	Peoples,	Twichell.
Hankinson,		

So the bill passed and the title was agreed to.

Senate Bill No. 123,

A bill for an act to amend section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays 28, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Peoples,
Belden,	Francis,	Porter,
Brotnov,	Hankinson,	Power,
Carlin,	Howard,	Richards,
Cryan,	Hurley,	Sargent,
Currier,	Johnson,	Sharpe,
Duncan,	Joy,	Syvertson,
Earl,	Lindstrom,	White,
Ebbighausen,	McPherson,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Ryan,
Boyd of Cass,	Heskin,	Stevenson,
Boyd of Cavalier,	Korsmo,	Tanton,
Butterwick,	Kroeger,	Towle,
Cole,	Lenz,	Twichell,
Dougherty,	Lovelace,	Wallace,
Gaulke,	McConnachie,	Wirkus,
Gilbertson,	McGinnis,	Williams,
Guinan,	Offerdahl,	Wood.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Mitchell,	Northrop,
Dunton,	Murphy,	Swenson.
Goplerud,		

So the bill was lost.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

CONCURRENT RESOLUTION.

WHEREAS, The lignite coal rates now in force on certain lines of railroads in this state are unjust and unreasonable and so high as to prohibit the use of said coal by the people living in a great portion of the state, especially by those living along the lines of said lines charging said unreasonable rates; and,

WHEREAS, The rates so charged are higher than the rates prescribed by law, and higher than the schedules adopted by the commissioners of railroads under the law prescribing their duties and defining their powers, which said rates have been adopted by the Northern Pacific and Soo Lines of railroad, being accepted by them as just and reasonable; now, therefore

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the railroad commissioners of this state be and hereby are requested to take immediate steps for the enforcement of the rates adopted by them and accepted by the Northern Pacific and Soo Lines, on other lines of railroads doing business in this state; and, be it further

Resolved, That the attorney general be and hereby is requested to act in connection with said railroad commissioners in the enforcement of said rates.

Also,

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That a copy of the concurrent resolution, expressing sympathy for the people of Cuba in their struggle for independence, which was passed by the House and Senate and filed with the secretary of state on February 19, be transmitted by the secretary of state, under the great seal of the state, to Senor Quesada, the Cuban minister at Washington, for transmission to the president of the Cuban republic.

Directing the transmittal to Senor Quesada of the Concurrent Resolution, expressing sympathy for the people of Cuba in their struggle for independence,

Having been severally signed by the Speaker of the House and President of the Senate, were delivered to the honorable the secretary of state this 2d day of March, 1897, at 2:50 p. m.

Also,

House Bill No. 185,

A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company and its receivers on behalf of the state of North Dakota and various counties, and taxing subdivisions thereof, which are interested,

Having been duly signed by the Speaker of the House and President of the Senate, was presented to his excellency, the governor, this 2d day of March, 1897, at 3:05 p. m.

R. J. MITCHELL,
Chairman.

Senate Bill No. 144,

A bill for an act to provide for the erection, operation and management of the Industrial school of the state of North Dakota

and to repeal sections 947 to 983 inclusive of the Revised Codes of North Dakota, relating to industrial school,

Was read the third time.

Mr. Dougherty moved

That the further consideration of

Senate Bill No. 144,

Be indefinitely postponed,

Which motion was lost.

Senate Bill No. 144,

A bill for an act to provide for the erection, operation, and management of the Industrial school of the state of North Dakota, and to repeal sections 947 to 983 inclusive of the Revised Codes of North Dakota relating to industrial school,

Was read the third time.

The question being upon the final passage of the bill,

The roll being called there were ayes 37, nays 20, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Murphy,
Baker,	Francis,	Northrop,
Belden,	Hammond,	Richards,
Boyd of Cavalier,	Hankinson,	Ryan,
Brotnov,	Hawk,	Sharpe,
Carlin,	Howard,	Stevenson,
Colby,	Joy,	Wallace,
Cole,	Kroeger,	White,
Cryan,	Lenz,	Wirkus,
Currier,	Lindstrom,	Williams,
Dunton,	McGinnis,	Wood,
Earl,	Mitchell,	Mr. Speaker.
Ebbighausen,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Heskin,	Peoples,
Butterwick,	Johnson,	Porter,
Dougherty,	Korsmo,	Sargent,
Duncan,	Lovelace,	Swenson,
Gilbertson,	McConnachie,	Towle,
Goplerud,	McPherson,	Twichell.
Guinan,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gaulke,	Power,	Tanton.
Hurley,	Syverson,	

So the bill passed and the title was agreed to.

Mr. Cryan moved

That the vote by which Senate Bill No. 144 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895,

Was read the third time.

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

The roll being called there were ayes 51, nays 1, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Mitchell,
Baker,	Gilbertson,	Murphy,
Belden,	Guinan,	Offerdahl,
Boyd of Cass,	Hammond,	Peoples,
Boyd of Cavalier,	Hankinson,	Porter,
Brotnov,	Hawk,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cryan,	Joy,	Swenson,
Dougherty,	Korsmo,	Syvertson,
Duncan,	Kroeger,	Towle,
Dunton,	Lenz,	Wallace,
Earl,	Lindstrom,	Wirkus,
Ebbighausen,	Lovelace,	Williams,
Erickson,	McConnachie,	Wood,
Francis,	McPherson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Northrop,	Tanton,
Currier,	Power,	Twichell,
Goplerud,	Sargent,	White.
McGinnis,		

Mr. Heskin voting in the negative.

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

The courtesies of the floor was extended to Hon. H. A. Ball of Grafton, Professor Merrifield of Grand Forks and J. J. Delaney of Aberdeen, S. D.

The Speaker appointed James Ryan as the remaining member of the steering committee.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 201,

A bill for an act making the use of abusive, violent, profane and indecent language or conduct by a passenger on a railroad train a misdemeanor, and providing penalty, and investing conductors with powers of sheriff while in charge of train.

Also,

House Bill No. 94,

A bill for an act creating the office of state librarian, authorizing his appointment, prescribing his duties and fixing his compensation, and repealing section 1036 of the Revised Codes of North Dakota,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 2, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 194,

A bill for an act to amend section 235 of the Revised Codes of 1895, making an appropriation for salary and expenses of commissioner and board of university and school lands.

Also,

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895.

Which the Senate has passed and your favorable consideration of the same is respectfully requested.

I have also the honor to inform you that the Senate has refused to concur in House amendments to

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district and county officers, members of boards and employes of public institutions,

And that the President of the Senate has appointed Messrs. Wishek, Rourke and White to act with a like committee from the House as a conference committee in regard to amendments to Senate Bill No. 184.

Very respectfully,
J. O. SMITH,
Secretary

Mr. Cole moved

That a conference committee be appointed on the part of the House on Senate Bill No. 184,

Which motion prevailed, and

The Speaker appointed Messrs. Stevenson, McGinnis and Cole as such committee.

Senate Bill No. 148,

A bill for an act to repeal sections 123, 128 and 129 of article 7 of chapter 3, entitled executive department, of the Revised Codes of the state of North Dakota,

Was read the third time.

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

The roll being called there were ayes 38, nays 1, absent and not voting 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Porter,
Boyd, of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Cole,	Johnson,	Stevenson,
Dougherty,	Joy,	Swenson,
Dunton,	Kroeger,	Syvertson,
Earl,	Lindstrom,	Wallace,
Ebbighausen,	Lovelace,	White,
Francis,	McConnachie,	Wirkus,
Gaulke,	McGinnis,	Wood,
Gilbertson,	Mitchell,	Mr. Speaker.
Hankinson,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Peoples,
Belden,	Goplerud,	Power,
Boyd, of Cass,	Guinan,	Ryan,
Carlin,	Hammond,	Tanton,
Colby,	Korsmo,	Towle,
Cryan,	McPherson,	Twichell,
Currier,	Northrop,	Williams.
Duncan,	Offerdahl,	

Mr. Lenz voting in the negative.

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

Mr. Porter moved

That the vote by which Senate Bill No. 148 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 153,

A bill for an act to prevent the adulteration of candy,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Peoples,
Boyd of Cavalier,	Hurley,	Porter,
Brotnov,	Johnson,	Richards,
Butterwick,	Joy,	Sargent,
Carlin,	Korsmo,	Sharpe,
Cryan,	Kroeger,	Stevenson,
Dougherty,	Lenz,	Swenson,
Duncan,	Lindstrom,	Syvertson,
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Wallace,
Ebbighausen,	McGinnis,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams,
Hankinson,	Murphy,	Wood,
Hawk,	Northrop,	Mr. Speaker.
Heskin,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs--
Baker,	Currier,	Hammond,
Belden,	Erickson,	Power,
Boyd of Cass,	Gilbertson,	Ryan,
Colby,	Goplerud,	Tanton,
Cole,	Guinan,	Twichell.

So the bill passed and the title was agreed to.

Senate Bill No. 143,

A bill for an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children by adoption or otherwise, and providing rules for the regulation of the same,

Was read the third time.

The question being upon the final passage of the bill.

The roll called being there were ayes 53; nays none; absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Peoples,
Boyd of Cavalier,	Hawk,	Power,
Brotnov,	Heskin,	Richards,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Cole,	Johnson,	Swenson,
Cryan,	Joy,	Syvertson,
Dougherty,	Korsmo,	Tanton,
Duncan,	Kroeger,	Towle,
Dunton,	Lenz,	Twichell,
Earl,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,

Messrs—	Messrs—	Messrs—
Gilbertson,	Murphy,	Mr. Speaker.
Guinan,	Northrop,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Currier,	Porter,
Boyd of Cass,	Goplerud,	Ryan,
Colby,	Lindstrom,	Stevenson.

So the bill passed and the title was agreed to.

Senate Bill No. 131,
A bill for an act to amend section 172 of article 3, chapter 4 of Revised Codes of 1895 of the state of North Dakota, relating to investment of school funds,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Power,
Baker,	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Cryan,	Korsmo,	Stevenson,
Duncan,	Kroeger,	Swenson,
Dunton,	Lenz.	Syvertson,
Earl,	Lovelace,	Tanton,
Ebbighausen,	McConnachie,	Towle,
Erickson,	McGinnis,	Twichell,
Francis,	McPherson,	Wallace,
Gaulke,	Mitchell,	White,
Gilbertson,	Murphy,	Wirkus,
Goplerud,	Northrop,	Williams,
Guinan,	Offerdahl,	Wood,
Hammond,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Cole,	Hawk,
Boyd of Cass,	Currier,	Lindstrom,
Carlin,	Dougherty,	Porter.
Colby,	Hankinson,	

So the bill passed and the title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Hurley moved
That the House resolve itself into a committee of the whole for the consideration of general orders,
Which motion prevailed, and

The House resolved itself into a committee of the whole for the consideration of general orders.

The Speaker called Mr. Mitchell to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

There being nothing for the committee to consider the committee arose.

ROBT. J. MITCHELL,
Chairman.

House Bill No. 182,

A bill, being a concurrent resolution, relating to the qualifications of voters,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 36, nays 18, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Goplerud,	Peoples,
Boyd of Cass,	Guinan,	Porter,
Boyd of Cavalier,	Hammond,	Power,
Brotnov,	Hankinson,	Ryan,
Co by,	Hawk,	Sargent,
Cole,	Kroeger,	Stevenson,
Currier,	McGinnis,	Tanton,
Dougherty,	McPherson,	Towle,
Dunton,	Mitchell,	Twichell,
Earl,	Murphy,	White,
Francis,	Northrop,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	McConnachie,
Butterwick,	Hurley,	Sharpe,
Carlin,	Joy,	Swenson,
Crvan,	Korsmo,	Wallace,
Gilbertson,	Lenz,	Wirkus,
Heskin,	Lovelace,	Williams.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Richards,
Duncan,	Johnson,	Ryan.
Ebbighausen,	Lindstrom,	

So the joint resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 50,

A bill for an act to provide for the erection of necessary additional buildings for the hospital of the insane at Jamestown, N. D.

Also,

Substitute for House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota by dividing the state into nine veterinarian districts.

Also,

House Bill No. 212,

A bill for an act to amend section 2591 of the Revised Codes of North Dakota, relating to meetings of boards of township supervisors,

Also,

House Bill No. 147,

A bill for an act authorizing the board of university and school lands to lease to the trustees of the North Dakota penitentiary school land for a penitentiary farm, and to make appropriation for the rental thereof for the benefit of the school fund,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Mr. Hurley asked unanimous consent to introduce two bills and that the rules be suspended, and that they be read the first and second times and referred to the proper committee,

Which was granted.

The committee on appropriation introduced

House Bill No. 213.

A bill for an act to amend paragraph 17 of section 108 of the Revised Codes of 1895, relating to semi-annual report of state treasurer,

Was read the first and second times, and

Referred to the committee on appropriations.

The committee on appropriations introduced

House Bill No. 214,

A bill for an act to amend section 992 of the Revised Codes of North Dakota, relating to the compensation of resident officers of the hospital for the insane,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes,

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

Was read the third time.

The roll being called there ayes 38, nays 5, absent and not voting 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Sargent,
Belden,	Gilbertson,	Sharpe,
Boyd of Cass,	Hammond,	Stevenson,
Boyd of Cavalier,	Hawk,	Swenson,
Brotnov,	Kroeger,	Syvertson,
Butterwick,	Lindstrom,	Towle,
Cole.	Lovelace,	Twichell,
Currier,	McPherson,	Wallace,
Duncan,	Mitchell,	White.
Dunton,	Murphy,	Wirkus,
Earl,	Offerdahl,	Williams,
Erickson,	Peoples,	Mr. Speaker.
Francis,	Power,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Dougherty,	Guinan.
Cryan,	Gopierud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Johnson,	Northrop,
Colby,	Joy,	Porter,
Ebbighausen,	Korsmo,	Richards,
Hankinson,	Lenz,	Ryan,
Heskin,	McConnachie,	Tanton,
Howard,	McGinnis,	Wood.
Hurley,		

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

REPORT OF SPECIAL COMMITTEE.

The special committee, consisting of Messrs. Hurley, Murphy, Colby, Towle and Aas, appointed by resolution of the House on February 9, made the following report:

MR. SPEAKER: The resolution under which your committee proceeded to act assumed as a fact that there were violations of the prohibitory liquor law in various places within this state. Consequently the work of the committee has been directed only to the investigation of the causes and reasons for such violations.

We submit herewith, in writing, the testimony taken by us, touching various places throughout the state, from which testimony it will be found that the prohibition law is fairly well enforced in several localities in the state where the local sentiment is in favor of doing away with the liquor traffic. That in such places the number of saloons is much less than under the license system in operation before the prohibitory law was enacted. That the traffic in intoxicating liquors is materially lessened, and the results are beneficial and conducive to sobriety.

That in other places there are numerous violations of the law, in some so flagrant and open that it is impossible that they should not have come to the notice of the authorities, who in such instances are deserving of the severest censure for manifest neglect of duty.

From the evidence herewith submitted it will be found that such violations of the law exist the more numerously in localities where the majority of the people are not in active sympathy with the temperance cause, and not in sympathy with any law tending to abolish the liquor traffic. That in such instances the polls are freely used to secure the election of local officers who are more or less hostile to the enforcement of the law. In some such instances the officers have connived at violations of the law; have been aware of its violation and have taken no steps towards its enforcement; under the guise of regulating the traffic and at the same time deriving a revenue for their respective municipalities have practically endeavored to evade and nullify the present law, and to return to the former system of license. That under city ordinances, giving a color of right, licenses are issued to various parties to sell "soft drinks" and "liquid drinks" or run a shooting gallery," and that such licenses are in effect licenses to sell intoxicating liquors and escape prosecution by the city authorities, and are so understood by all citizens of the towns or cities where they are issued. That the issuing of such licenses has been made an issue in local elections, and that city officials have been elected for the express purpose of issuing such licenses, and in consequence nullifying the law.

That violations of the law are less frequent where no such licenses are granted.

Private citizens who are in favor of the enforcement of the law find themselves in the minority in localities where such licenses are granted, and are very reluctant to take upon themselves the responsibility of laying complaints against violators of the law, sometimes for the reason that they are discouraged by a sense of the uselessness of any attempt to convict, based upon their observations of former acquittals, sometimes from a feeling that their business interests, persons and property may be imperiled by any endeavor on their part to enforce the law.

The evidence shows that the mayor of at least one city in this state is interested in the violation of the law against gambling, to the extent of having derived a revenue of $1,000 for the rental of four rooms used for gambling purposes for a period of two months during the year 1895, and a rental of $1,000 for five rooms for two months during 1897, three of which rooms are use for gambling and one contains a bar, over which intoxicants have been sold within the past two months.

That the policemen under the authority of said mayor have been seen in those gambling rooms, and that they are aware of the purpose for which those rooms are being used. That the said mayor is himself aware of the purpose for which the rooms are used, and were used two years ago, but that he has never made any complaint against the use of the rooms, other than to occasionally complain of the fact that the players made too much noise.

In the light of the evidence laid before this committee, and in the opinion of the committee based on such evidence, we would respectfully recommend that the burden of the responsibility of seeing that the prohibitory law is enforced be removed from private citizens, at least in communities where those in favor of enforcing the law are in the minority, that private citizens be relieved from the necessity of assuming the duties of law officers, and that the work of enforcement be made the special duty of a state official, who may deal with all classes in all localities without fear or favor.

We recommend prohibiting cities or other municipal corporations from issuing licenses to sell drinks, or resort to any shift, device or tacit understanding by which the selling of intoxicants may be fostered or encouraged or leniently dealt with, or by which the selling of drinks of any kind may be made a source of revenue to the corporation.

When the prohibition law was enacted the state was taken as the unit. In the enforcement of it, therefore, we recommend that the state be also made the unit, and that its enforcement be co-extensive with the state irrespective of local antagonism.

H. L. HURLEY,
Chairman.

Senate Bill No. 68,
A bill for an act relating to the duty of sheep inspectors,
Was read the third time.

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

The roll being called there were ayes 44, nays 3, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Belden,	Hurley,	Richards,
Boyd of Cass,	Joy.	Ryan,
Boyd of Cavalier,	Korsmo,	Sargent,
Butterwick,	Kroeger,	Stevenson,
Carlin,	Lenz.	Swenson,
Colby,	Lovelace,	Syvertson,
Cole,	McConnachie,	Towle
Earl.	McGinnis,	Twichell,
Erickson,	McPherson,	Wallace,
Francis,	Mitchell,	White,
Goplerud,	Murphy,	Wirkus,
Hammond,	Northrop,	Williams,
Hankinson,	Peoples.	Wood.
Hawk,	Porter,	Mr. Speaker.
Howard,	Power,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Cryan,	Sharpe.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Dunton,	Heskin.
Baker,	Ebbighausen,	Johnson.
Currier,	Gaulke,	Lindstrom.
Dougherty,	Gilbertson,	Olferdahl,
Duncan,	Guinan,	Tanton.

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

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined
House Bill No. 208,
A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to unlawful evasion of the law prohibiting the sale of intoxicating liquors,

Also,
House Bill No. 99,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota relating to issuance of druggists' permits fixing bonds, and prescribing the condition under which intoxicating

liquors for medicinal, mechanical and scientific purposes may be sold,

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Senate Bill No. 62,

A bill for an act to amend sections 1940, 1941 and 1944 of article 8 of chapter 26 of the Revised Codes of North Dakota for 1895,

Was read the third time.

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

The roll being called there were ayes 6, nays 41, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Francis,	Goplerud,	Porter,
Gilbertson,	Hawk,	Sargent.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Johnson,	Power,
Baker,	Joy,	Richards,
Belden,	Korsmo,	Ryan,
Boyd of Cavalier,	Kroeger,	Sharpe,
Brotnov,	Lenz,	Stevenson,
Butterwick,	Lindstrom,	Swenson,
Carlin,	Lovelace,	Syvertson,
Cryan,	McConnachie,	Towle,
Currier,	McGinnis,	Twichell,
Earl,	McPherson,	Wallace,
Erickson,	Mitchell,	White,
Gninan,	Murphy,	Wirkus,
Hammond,	Northrop,	Mr. Speaker.
Hurley,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Dunton,	Howard,
Co by,	Ebbighausen,	Peoples,
Cole,	Gaulke,	Tanton,
Dougherty,	Hankinson,	Williams,
Duncan,	Heskin,	Wood.

So the bill as amended was lost.

Senate Bill No. 63,

A bill for an act to amend sections 237 and 238 of article 4 of chapter 4 of the Revised Codes of 1895.

Mr. Lindstrom moved

That the further consideration of Senate Bill No. 63 be indefinitely postponed,

Which motion prevailed, and

The further consideration of Senate Bill No. 63 was indefinitely postponed.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties.

Also,

House Bill No. 202,

A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake in the county of Ramsey.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

Senate Bill No. 67, (Reprinted,)

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians,

Was read the third time.

Mr. McPherson moved

That further consideration of Senate Bill No. 67 be indefinitely postponed,

Which motion was lost.

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

The roll being called there were ayes 46, nays 2, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Ryan,
Brotnov,	Hurley,	Sargent,
Butterwick,	Joy,	Stevenson,
Colby,	Korsmo,	Swenson,
Cryan,	Kroeger,	Syvertson,
Dunton,	Lenz,	Twichell,
Earl,	Lindstrom,	Wallace,
Erickson,	Lovelace,	White,
Francis,	McConnachie,	Wirkus,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood.
Goplerud,	Northrop,	Mr. Speaker.
Hammond,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Duncan,	McGinnis,
Carlin,	Ebbighausen,	Power,

Messrs—	Messrs—	Messrs—
Cole,	Guinan,	Sharpe,
Currier,	Johnson,	Tanton.
Dougherty,		

Messrs. McPherson and Towle voting in the negative.

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

Mr. Murphy moved

That the vote by which Senate Bill No. 67 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Power moved

That the vote by which House Bill No. 190 was lost be reconsidered,

Which motion prevailed, and

The vote was reconsidered.

Mr. Sargent gave notice that he would on the next legislative day move to reconsider the vote by which

Senate Bill No. 128,

A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledges,

Was lost, and moved that the chief clerk be instructed to request the Senate to return Senate Bill No. 12,

Which motion prevailed.

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 49, nays 1, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Porter,
Belden,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood,
Gopl-rud	Northrop,	Mr. Speaker.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Dougherty,	Offerdahl,
Boyd of Cass,	Ebbighausen,	Peoples,
Carlin,	Guinan,	Ryan,
Cole,	McGinnis,	Towle.

Mr. Hammond voting in the negative.

So the bill passed and the title was agreed to.

Mr. Korsmo moved

That the vote by which House Bill No. 190 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Towle moved

That the vote by which House Bill No 188 was lost be reconsidered,

Which motion prevailed, and

The vote was reconsidered.

The question being upon the final passage of House Bill No. 188.

The roll being called there were ayes 43, nays 3, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Belden,	Hankinson,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Boyd of Cavalier,	Howard,	Power,
Brotnov,	Joy,	Richards,
Butterwick,	Kroeger,	Sargent,
Colby,	Lenz,	Sharpe,
Cole,	Lindstrom,	Stevenson,
Cryan,	Lovelace,	Swenson,
Currier,	McConnachie,	Syvertson,
Dunn'on,	McGinnis,	Twichell,
Earl,	McPherson,	White,
Francis,	Mitchell,	Williams,
Gaulke,	Northrop,	Mr. Speaker
Gilbertson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Hammond,	Hurley,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Tanton.
Dougherty,	Johnson,	Towle,
Duncan,	Korsmo,	Wallace,
Ebbighausen,	Murphy,	Wirkns,
Erickson,	Ryan,	Wood.
Guinan,		

So the bill passed and the title was agreed to.

Mr. Williams moved

That the vote by which House Bill No. 131 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 127,

A bill for an act to amend section 964 of article 5 of chapter 10 of the Revised Codes of 1895, entitled Deaf and Dumb asylum.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays 2, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Be'den,	Guinan,	Offerdahl,
Boyd of Cass,	Hammond,	Peoples,
Brotnov,	Hankinson,	Porter,
Butterwick,	Hawk,	Sharpe,
Carlin,	Heskin,	Stevenson,
Colby,	Howard,	Swenson,
Cryan,	Hurley,	Syvertson,
Currier,	Joy,	Tanton,
Dougherty,	Kroeger,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Erickson,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,		

Absent and not voting:

Messrs--	Messrs—	Messrs—
Boyd of Cavalier,	Lenz,	Ryan,
Cole,	McGinnis,	Sargent,
Ebbighausen,	Power,	Wood.
Johnson,	Richards	

Messrs. Baker and Korsmo voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 167,

A bill for an act to amend section 395 of the Revised Codes of North Dakota, relating to salary of supreme court reporter,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Offerdahl,
Baker,	Hawk,	Peoples,

Messrs—	Messrs—	Messrs—
Belden,	Heskin,	Porter,
Boyd of Cavalier,	Howard,	Richards,
Butterwick,	Hurley,	Sargent,
Carlin,	Johnson,	Sharpe,
Colby,	Joy,	Stevenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	McConnachie,	Wallace,
Erickson,	McGinnis,	White,
Francis,	McPherson,	Wirkus,
Gaulke,	Mitchell,	Williams.
Gilbertson,	Murphy,	Wood.
Goplerud,	Northrop,	Mr. Speaker.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Ebbighausen,	Ryan,
Brotnov,	Guinan,	Swenson.
Cole,	Power,	

Messrs. Earl and Lovelace voting in the negative.

So the bill passed and the title was agreed to.

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commissioner of university and school lands,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Belden,	Hankinson,	Porter,
Boyd of Cavalier,	Hawk,	Ryan,
Brotnov,	Heskin,	Sharpe,
Butterwick,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cryan,	Johnson,	Syvertson,
Currier,	Joy,	Tanton,
Dougherty,	Kroeger,	Towle,
Duncan,	Lenz,	Twichell,
Dunton,	Lindstrom,	Wallace,
Earl,	Lovelace,	White,
Francis,	McConnachie,	Wirkus,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Mr. Speaker.
Goplerud,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Power,
Carlin,	Korsmo,	Richards,
Cole,	McGinnis,	Sargent,
Ebbighausen,	Peoples,	Wood.

So the bill passed and the title was agreed to.

Senate Bill No. 136,

A bill for an act to amend section 5630 of the Revised Codes, relating to trials in the district court,

Was read the third time.

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

The roll being called there were ayes 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Porter,
Belden,	Hankinson,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Johnson,	Ryan,
Carlin,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Cryan,	Kroeger,	Swenson,
Currier,	Lenz,	Syvertson,
Dunton,	Lindstrom,	Tanton,
Earl,	Lovelace,	Towle,
Francis,	McConnachie,	Wallace,
Gaulke,	Mitchell,	White,
Gilbertson,	Murphy,	Wirkus,
Goplerud,	Northrop,	Williams,
Guinan,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Ebbighausen,	McPherson,
Boyd of Cass,	Erickson,	Peoples,
Butterwick,	Hawk,	Sargent,
Cole,	Howard,	Twichell,
Dougherty,	Hurley,	Wood.
Duncan,	McGinnis,	

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

Senate Bill No. 137,

A bill for an act to amend section four hundred and seven (407) of the Revised Codes of North Dakota, providing for the boundary and terms of court for the Fifth Judicial district in the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 46, nays none, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Baker,	Howard,	Offerdahl,
Belden,	Hurley,	Richards,
Boyd, of Cavalier,	Johnson,	Ryan,
Brotnov,	Joy,	Sharpe,
Butterwick,	Korsmo,	Stevenson,
Carlin,	Kroeger,	Swenson,
Duncan,	Lenz,	Syvertson,
Dunton,	Lindstrom,	Tanton,
Francis,	Lovelace,	Towle,
Gaulke,	McConnachie,	Wallace,
Gilbertson,	McGinnis,	White,
Goplerud,	McPherson,	Williams,
Guinan,	Mitchell,	Wirkus,
Hammond,	Murphy,	Mr. Speaker.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd, of Cass,	Earl,	Porter,
Colby,	Ebbighausen,	Power,
Cole,	Erickson,	Sargent,
Cryan,	Hawk,	Twichell,
Currier,	Peoples,	Wood.
Dougherty,		

So the bill passed and the title was agreed to.

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays 3, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Northrop,
Boyd of Cavalier,	Heskin,	Offerdahl,
Brotnov,	Howard,	Peoples,
Butterwick,	Hurley,	Porter,
Carlin,	Johnson,	Ryan,
Colby,	Joy,	Sargent,
Cole,	Korsmo,	Sharpe,
Currier,	Kroeger,	Stevenson,
Dougherty,	Lenz,	Swenson
Dunton,	Lindstrom,	Tanton,
Earl,	Lovelace,	Towle,
Francis,	McConnachie,	Wallace,
Gaulke,	McGinnis,	White,
Gilbertson,	McPherson,	Wirkus,
Goplerud,	Mitchell,	Wood,
Guinan,	Murphy,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Cryan,	Syvertson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Richards,
Boyd, of Cass,	Hawk,	Twichell,
Duncan,	Power,	Williams.
Ebbighausen,		

So the bill passed and the title was agreed to.

Mr. Mitchell moved

That when the House adjourn, it adjourn to meet at 10:30 o'clock a. m. tomorrow,

Which motion prevailed.

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Peoples,
Baker,	Hankinson,	Porter,
Belden,	Heskin,	Richards,
Boyd of Cavalier,	Johnson,	Ryan,
Bronnov,	Joy,	Sargent,
Butterwick,	Korsmo,	Sharpe,
Carlin,	Kroeger,	Stevenson,
Colby,	Lenz,	Swenson,
Cole,	Lindstrom,	Syvertson,
Cryan,	Lovelace,	Tanton,
Dougherty,	McConnachie,	Twichell.
Dunton,	McGinnis,	Wallace,
Earl,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Erickson,	Hurley,
Currier,	Hammond,	Power,
Duncan,	Hawk,	Towle.
Ebbighausen,	Howard,	Williams.

So the bill passed and the title was agreed to.

Mr. Cole moved

That the vote by which Senate Bill 154 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 116,

A bill for an act to amend section 1128, of article 7, of chapter 17, of the Revised Codes of 1895, entitled "Highways, bridges and ferries."

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 41, nays 7, absent and not voting 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Ryan,
Belden,	Hurley,	Sargent,
Boyd of Cavalier,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Colby,	Kroeger.	Syvertson,
Currier,	Lindstrom,	Towle,
Dougherty,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Francis,	Mitchell,	White,
Gaulke,	Murphy,	Wirkus,
Gilbertson,	Northrop,	Williams,
Guinan,	Offerdahl,	Wood,
Hankinson,	Peoples,	Mr. Speaker.
Heskin,	Power,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Goplerud,	McGinnis,
Carlin,	Hammond,	McPherson.
Cryan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Ebbighausen,	Porter,
Boyd of Cass,	Erickson,	Richards,
Cole,	Hawk,	Swenson,
Duncan,	Korsmo,	Tanton.
Dunton,	Lenz,	

So the bill passed and the title was agreed to.

The Speaker announced that he was about to sign

House Bill No. 185,

A bill for an act creating a commission with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company and its receivers on behalf of the state of North Dakota and various counties, and taxing subdivisions thereof, which are interested.

Also,

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence.

Also,
Senate Bill No. 8,
A bill for an act entitled an act relating to the organization of corporations forthe purpose of erecting, procuring and maintaining a military training school for companies of national guard, and to manage the financial affairs of companies of the national guard in this state.

Also,
Senate Bill No. 74,
A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota.

Also,
Senate Bill No. 75,
A bill for an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota.

Also,
Senate Bill No. 1,
A bill for an act in relation to the labor of convicts in the state pirson of North Dakota.

Also,
Substitute for Senate Bill No. 40,
A bill for an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities.

There being no objection the bills were signed by the Speaker.

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

H. E. LAVAYEA,
Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 3, 1897.

The House assembled at 10:30 o'clock a. m. pursuant to adjournment.

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-seventh day and recommend that it be amended as follows:

On page 5, line 1, strike out the figures 38 and insert in lieu thereof the figures 30.

On same page and line, strike out the figures 20 and insert in lieu thereof the figures 10.

On page 5, line 2, strike out the figure 4, and insert in lieu thereof the figures 22.

On page 36, after line 61, insert the following: "Mr. Hurley moved the acceptance and adoption of the report, and that it be printed in the Journal, which motion prevailed, and the report was adopted,"

And when so amended recommend that the Journal of the fifty-seventh day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved

That the report of the committee be adopted,

Which motion prevailed, and

The report of the committee was adopted, and

The Journal of the fifty-seventh day was approved.

The House took an informal recess.

House reassembled.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 178,

A bill for an act to allow any receiver, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not ex-

ceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding 1 per cent per annum on the amount of liability on such bond or obligation.

Also,

House Bill No. 179,

A bill for an an act making it lawful and proper for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary of whom bond or other obligation is required to agree with his sureties for the deposit for safe keeping of all money, assets and other property for which he is responsible with a bank, savings bank, safe deposit or trust company, authorized by law to do business as such,

Which the Senate has indefinitely postponed.

I have also the honor to transmit herewith

Senate Bill No. 162,

A bill for an act to create a commission to provide for the display of North Dakota's resources at the Trans-Mississippi and International exposition to be held at Omaha, Nebraska, in the year 1898; to define its duties and to appropriate money therefor.

Which the Senate has passed and your favorable consideration of the same is respectfully requested.

I have also the honor to return herewith

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota, relating to the incorporation and government of cities,

Which the Senate has passed unchanged.

I also have the honor to transmit herewith

Senate Bill No. 108,

A bill for an act to appropriate the sum of thirteen thousand ($13,000) dollars, or so much thereof as may be necessary to pay the principal and interest due on certificates issued in aid of the construction of the soldiers' home at Lisbon, North Dakota,

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

I also have the honor to return herewith at the request of the House Senate Bills No. 123 and No. 128.

I also have the honor to transmit herewith

Senate Bill No. 195,

A bill for an act fixing the compensation of employes of the Fifth and subsequent legislative assemblies,

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

I also have the honor to return herewith at the request of the House

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district and county officers, members of boards and employes of public institutions.

I also have also the honor to transmit herewith

Senate Bill No. 193,

A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties.

Which the Senate has passed and your favorable consideration of the same is respectfully requested.

Respectfully yours,
J. O. SMITH,
Secretary.

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 1312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on enrollment.

FIRST AND SECOND READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 162,

A bill for an act to create a commission to provide for the display of North Dakota resources at the Trans-Mississippi and International Exposition to be held at Omaha, Neb., in the year 1898, to define its duties and to appropriate money therefor,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 174,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion, and the public grounds and parks connected therewith, and making an annual appropriation therefor,

Was read the first and second times, and

Referred to the committee on appropriations.

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775,

777, 780, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895,

Was read the first and second times, and

Referred to the committee on education.

REPORTS OF STANDING COMMITTEES.

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 197,

A bill for an act relating to the taking and filing of chattel mortgages upon crop grown on lands sold under crop contract for the purchase price of such lands and providing for the priority of the lien thereof.

Also,

House Bill No. 193,

A bill for an act to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies and to regulate the management thereof.

And find the same correctly engrossed.

W. J. HAWK,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Hawk moved

That the House resolve itself into a committee of the whole for the consideration of general orders,

Which motion prevailed, and

The House resolved itself into a committee of the whole for

The consideration of general orders.

The Speaker called Mr. Hankinson to the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

When the committee arose the following report was submitted:

MR. SPEAKER:

Your committee has had under consideration

Senate Bill No. 58,

A bill for an act to amend the probate code of the state of North Dakota,

And recommend that the same do pass as amended by the committee on judiciary.

Also,

Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils,

And recommend that the same do pass.

Also,

House Bill No. 134,

A bill for an act authorizing the governor to contract for the

education and care of the blind and making an appropriation therefor,

And recommend that the same be recommitted to the committee on appropriations.

R. H. HANKINSON,
Chairman.

Mr. Sharpe moved
That the report of the committee of the whole be adopted,
Which motion prevailed, and
The report of the committee of the whole was adopted.

Unanimous consent was given and the bills reported back were placed upon their third reading and final passage.

Senate Bill No. 58,
A bill for an act to amend the probate code of the state of North Dakota,
Was read the third time.

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

The roll being called there were ayes 44, nays none, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Brotnov,	Johnson,	Sharpe,
Butterwick,	Joy,	Stevenson,
Carlin,	Korsmo,	Swenson,
Colby,	Kroeger,	Towle,
Dunton,	Lenz,	White,
Earl,	Lovelace,	Wirkus,
Ebbighausen,	McConnachie,	Williams,
Erickson,	McGinnis,	Wood,
Francis,	McPherson,	Mr. Speaker.
Gilbertson,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hawk,	Porter,
Cryan,	Heskin,	Sargent,
Currier,	Howard,	Syvertson,
Dougherty,	Lindstrom,	Tanton,
Duncan,	Murphy,	Twichell,
Gaulke,	Offerdahl,	Wallace.

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

Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes, relating to the inspection of illuminating oils,

Was read the third time.

Mr. Twichell moved

That Senate Bill No. 139 be made a special order for Thursday.

Mr. Williams moved

To lay the motion on the table,

Which motion prevailed.

House Bill No. 193,

A bill to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and the management thereof,

Was read the third time.

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

The roll being called there were ayes 46, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hammond,	Peoples,
Belden,	Hankinson,	Porter,
Boyd of Cavalier,	Hawk,	Power,
Brotnov,	Heskin,	Richards,
Butterwick,	Johnson,	Sargent,
Carlin,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Currier,	Kroeger,	Swenson,
Dougherty,	Leuz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	White,
Ebbighausen,	McConnachie,	Wirkus,
Francis,	McGinnis,	Williams,
Gilbertson,	McPherson,	Mr. Speaker.
Goplerud,	Mitchell,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Gaulke,	Ryan,
Cole,	Howard,	Syvertson,
Cryan,	Hurley,	Tauton,
Duncan,	Murphy,	Wallace,
Erickson,	Northrop,	Wood.

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

Mr. Mitchell moved

That the vote by which House Bill No. 193 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

The House took an informal recess.

The House reassembled.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways,

Was read the third time.

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

The roll being called there were ayes 43, nays none, absent and not voting 19.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Lindstrom,
Baker,	Gaulke,	Lovelace,
Belden,	Gilbertson,	McConnachie,
Boyd, of Cass,	Goplerud,	McGinnis,
Boyd, of Cavalier,	Guinan,	McPherson,
Butterwick,	Hankinson,	Mitchell,
Carlin,	Heskin,	Peoples,
Colby,	Howard,	Sharpe,
Cole,	Hurley,	Towle,
Cryan,	Johnson,	Twichell,
Currier,	Joy,	White,
Dougherty,	Korsmo,	Wirkus,
Duncan,	Kroeger,	Williams,
Dunton,	Lenz,	Mr. Speaker.
Earl,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Offerdahl,	Stevenson,
Ebbighausen,	Porter,	Swenson,
Erickson,	Power,	Syvertson,
Hammond,	Richards,	Tanton,
Hawk,	Ryan,	Wallace,
Murphy,	Sargent,	Wood.
Northrop.		

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

Mr. Lenz moved

That the vote by which House Bill No. 123 was lost be reconsidered,

Which motion prevailed, and

House Bill No. 123 was placed on its final passage.

The question being upon the final passage of the bill.

The roll being called there were ayes 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Lovelace,
Baker,	Gaulke,	McConnachie,

Messrs—	Messrs—	Messrs—
Belden,	Gilbertson,	McGinnis,
Boyd of Cass,	Goplerud,	McPherson,
Boyd of Cavalier,	Guinan,	Mitchell,
Butterwick,	Hankinson,	Peoples,
Carlin,	Heskin,	Ryan,
Colby,	Howard,	Sharpe,
Cole,	Hurley,	Towle,
Cryan,	Johnson,	Twichell.
Currier,	Joy,	Wallace,
Dougherty,	Korsmo,	White,
Duncan,	Kroeger,	Wirkus,
Dunton,	Lenz,	Williams;
Earl,	Lindstrom,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Northrop,	Stevenson,
Ebbighausen,	Offerdahl,	Swenson,
Erickson,	Porter,	Syvertson,
Hammond,	Power,	Tanton,
Hawk,	Richards,	Wood.
Murphy,	Sargent,	

So the bill passed and the title was agreed to.

Mr. Twichell moved

That Senate Bill No. 184 be recalled from the Senate for the purpose of correction,

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Francis presented the following petition:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned wheelmen of the city of Fargo, respectfully request your honorable body to speedily enact into a law the bill now pending in the state Senate known as "The Gordon Bicycle Baggage Bill," Senate Bill No. 94, and we especially request the senators and members of the House from this district to use every honorable means to secure the passage of this measure.

B. F. SPAULDING,
(And 55 others.)

Referred to the committee on railroads.

Mr. Francis presented the following petition:

To the Legislative Assembly of the State of North Dakota:

We, the undersigned wheelmen of the city of Fargo, respectfully request your honorable body to speedily enact into a law the bill now pending in the state Senate known as "The Gordon Bicycle Baggage Bill," Senate Bill No. 94, and we especially request the senators and members of the House from this district to use every honorable means to secure the passage of this measure.

CHAUNCEY E. MUELER,
(And 32 others.)

Referred to the committee on railroads.

REPORTS OF STANDING COMMITTEES.

The committee on public health made the following report:

MR. SPEAKER:

Your committee on public health to whom was referred
Senate Bill No. 135,

A bill for an act to amend section 1615, article 8, of chapter 22, Revised Codes,

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. W. EARL,
Chairman.

Mr. Earl moved
That the report be adopted,
Which motion prevailed, and
The further consideration of Senate Bill No. 135 was indefinitely postponed.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred
Senate Bill No. 164,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give a bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety upon such bond as may be by the court allowed, not exceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding 1 per centum on the amount of liability on such bond or obligation,

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

ORIN W. FRANCIS,
Chairman.

Unanimous consent being given
Senate Bill No. 164,

A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give bond or other objigation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety on such bond as may be by the court allowed, not exceeding one per centum per annum on the amount

of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein not exceeding one per cent per annum on the amount of libility on such bond or obligation,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 45, nays none, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Mitchell,
Baker,	Hammond,	Northrop,
Belden,	Hankinson,	Porter.
Boyd of Cass,	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Cole,	Johnson,	Tanton,
Currier,	Joy,	Towle,
Dougherty,	Kroeger,	Wallace,
Dunton,	Lenz.	White,
Earl,	Lindstrom,	Wirkus,
Francis,	Lovelace,	Williams,
Gilbertson,	McGinnis,	Wood,
Goplerud,	McPherson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Gaulke,	Power,
Colby,	Korsmo.	Sargent,
Cryan,	McConnachie,	Swenson,
Duncan,	Murphy,	Syvertson,
Ebbighausen,	Offerdahl,	Twichell.
Erickson,	Peoples,	

So the bill passed and the title was agreed to.

The committee on ways and means made the following report:

MR. SPEAKER:

Your committee on ways and means to whom was referred Senate Bill No. 149,

A bill for an act to amend sections 130 and 131 of article 7, of chapter 3, entitled "Executive department of the Revised Codes of the state of North Dakota,

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

That in line 15, section 131, the figures $500 be stricken out and $1500 be inserted instead,

And when so amended recommend that the same do pass.

C. L. LINDSTROM,
Chairman.

Mr. Lindstrom moved
The adoption of the report,
Which motion prevailed, and
The report was adopted, and

Senate Bill No. 149,

A bill for an act to amend sections 130 and 131 of article 7, of chapter 3, entitled "Executive department of the Revised Codes of the state of North Dakota,

Was read the third time.

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

The roll being called there ayes 47, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop,
Baker,	Guinan.	Peoples,
Belden,	Hammond,	Power,
Butterwick,	Hankinson,	Richards,
Carlin,	Hawk,	Ryan,
Colby,	Howard.	Sargent,
Cryan,	Hurley.	Sharpe,
Dougherty,	Johnson,	Stevenson,
Duncan,	Korsmo,	Tanton,
Dunton,	Lenz,	Towne,
Earl,	Lindstrom,	Wallace,
Ebbighausen,	Lovelace,	White,
Erickson,	McConnachie,	Williams,
Francis,	McPherson,	Wood,
Gaulke,	Mitchell,	Mr. Speaker.
Gilbertson,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Heskin,	Porter,
Boyd of Cavalier,	Joy,	Swenson,
Brotnov,	Kroeger,	Syvertson,
Cole,	McGinnis,	Twichell,
Currier,	Offerdahl,	Wirkus.

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

Mr. Lindstrom moved

That the vote by which Senate No. Bill 154 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred House Bill No. 213,

A bill for an act to amend paragraph 17, section 103, of the Re-

vised Codes of 1895, relating to semi-annual reports of the state treasurer,

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

By amending the title of the bill so as to read as follows:

"A bill for an act to amend section 108 of the Revised Codes of the state of North Dakota, prescribing the duties of the state treasurer."

By striking out all after the enacting clause, and to read as follows:

SECTION 1. That section 108 of the Revised Codes of the state of North Dakota be amended to read as follows:

SECTION 108. DUTIES OF.] It is the duty of the state treasurer:

1. To receive and keep all moneys belonging to the state and not required to be received and kept by some other person.

2. To register the orders or certificates of the state auditor, delivered to him when moneys are paid or to be paid into the treasury

3. To deliver to each person paying money into the treasury and to the state auditor a duplicate receipt showing the amount, the source from which the money accrued and the funds into which it is paid, which receipts must be numbered in order, beginning with number one at the commencement of each fiscal year.

4. To pay warrants drawn by to state auditor out of the funds which they are drawn and in the order in which they are presented.

5. Upon the payment of any warrant to take upon the back thereof the receipt of the person to whom it is paid, and file and preserve the same.

6. To keep an account of all moneys received and disburse t.

7. To keep separate accounts of the different funds. He shall receive in payment for public dues the warrants drawn by the state auditor in conformity with law, or redeem the same, if there is money in the treasury appropriated for that purpose and on redeeming such warrant or receiving the same in payment, he shall cause the person presenting such warrant to endorse the same, and the treasurer shall write on the face thereof "Redeemed," and shall enter in his book in separate columns the number of such warrant, its date, amount, and the name of the person to whom payable, the date of payment and the amount of interest, if any, paid thereon.

8. To report to the state auditor on the last day of each month the amount disbursed for the redemption of bonds, and any payment of warrants during the month, which report must show the date and number of such bonds and warrants, the funds out of which they were paid and the balance in cash on hand in the treasury to the credit of such fund.

9. At the request of either house of the legislative assembly or of any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.

10. To report to the governor on or before the 15th day of November next preceding each regular session of the Legislative assembly the exact balance in the treasury to the credit of the state with a summary of the receipts and payments of the treasurer during the two preceding fiscal years; and to make a semi-annual report to the governor of all moneys received from all sources, and all moneys disbursed and for services performed by him, which report must be made under oath.

11. To authenticate with his official seal all writings and papers issued from his office.

12. To discharge the duties of a member of the board of state canvassers and of the board of public printing, and to perform such other duties as are or may be prescribed by law.

13. To keep a book in which he must enter all warrants paid, giving the names of the owners, and the number and amounts of the warrants.

14. To keep all moneys belonging to the state in his own possession until disbursed according to law, but nothing in this subdivision prohibits him from making special deposits for the safe keeping of public moneys.

15. To post at the door upon the outside of his office a list of all warrants that he may have funds in the treasury to redeem or pay, the payment of which has not been demanded during the preceding six months.

16. To keep his books open at all times for the inspection of the governor, the state auditor, the public examiner and any committee appointed to examine them by either house of the legislative assembly.

17. To report semi-annually to the governor in writing and under oath a summary of the receipts and disbursements of the treasurer for the period named; the amount of moneys in his hands to the credit of each fund, and the place where the same is deposited.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

H. D. HURLEY,
Chairman.

Mr. Hurley moved
That the report be adopted,
Which motion prevailed, and
The report was adopted, and
The bill was referred to the committee on engrossment.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
A Concurrent Resolution,
Recommending the appointment of Col. Clement A. Lounsberry as a special agent of the general land office:

CONCURRENT RESOLUTION.

WHEREAS, There are now residing in the state of North Dakota a large number of people whose homes were saved to them or cleared from clouds upon their title through the intelligent and painstaking action of Colonel Clement A. Lounsberry, when acting in the capacity of special agent of the general land office; and,

WHEREAS, He was dropped from the rolls by the present administration from a lack of appropriations to carry on the work and the duties theretofore performed by him assigned to a detailed clerk from the general land office; and,

WHEREAS, The said Lounsberry is eligible to reappointment under the civil service rules, and has an honorable record as a soldier and is a pensioner for wounds; and,

WHEREAS, There is a large amount of work to be done in connection with the Indian reservations in this state and the public lands in other states with which the said Lounsberry is entirely familiar; therefore,

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the senators and representatives of this state are hereby requested

to use their earnest endeavors to secure the reappointment of Clement A. Lounsberry as a special agent of the general land office and his assignment to duty in this and adjoining states.

Resolved, further, That the secretary of state be and hereby is requested to forward to the Hon H. C. Hansbrough, Hon. W. N. Roach and Hon. M. N. Johnson, and to President-elect McKinley, duly certified copies of this resolution.

Which the Senate has adopted and your concurrence therein is requested.

Very respectfully,
J. O. SMITH,
Secretary.

Mr. Lindstrom moved

That the House concur in the Senate concurrent resolution in reference to the appointment of Col. C. A. Lounsberry as special agent of the general land office,

Which motion prevailed.

Mr. Sargent moved that the vote by which Senate Bill No. 128 was lost be reconsidered,

Which motion prevailed, and

Senate Bill No. 128 was again placed on its final passage.

Senate Bill No. 128,

A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledges,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays 4, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Porter,
Belden,	Hankinson,	Power,
Boyd of Cass,	Hawk,	Richards,
Boyd of Cavalier,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Currier,	Hurley,	Sharpe,
Dougherty,	Joy,	Stevenson
Dunton,	Kroeger,	Swenson,
Earl,	Lenz,	Towle,
Ebbighausen,	Lindstrom,	Twichell,
Erickson,	Lovelace,	Wallace,
Francis,	McConnachie,	White,
Gaulke,	McGinnis,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Northrop,	Wood,
Guinan,	Peoples,	Mr. Speaker.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Johnson,	McPherson.
Cryan.		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Duncan,	Offerdahl,
Brotnov,	Korsmo,	Syvertson,
Colby,	Murphy,	Tanton.
Cole,		

So the bill passed and the title was agreed to.

The committee on ways and means made the following report:

MR. SPEAKER:

Your committee on ways and means to whom was referred Senate Bill No. 23,

A bill for an act entitled "an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor,"

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

By striking out all of lines 22 and 23 of section 1.

Also the figures "$2,100" in line 28 of section 1 after the words "secretary of state's office" and inserting the figures "$2,500" instead.

Also the figures "$500" after the words "agriculture and labor's office," line 4, second written page of engrossed bill, and inserting the figures "$1,000" instead.

Also the figures "$100" in line 6 after the words "railroad commissioners" and inserting the figures "$1,000" instead.

Also by inserting after the words "per annum" in line 29, section 1, the words "auditor's office, two thousand five hundred dollars per annum."

Also by striking out the figures "$1,800" in line 30, section 1, and inserting in lieu thereof the figures "$2,100."

And when so amended recommend that the same do pass.

C. L. LINDSTROM,
Chairman.

Mr. Hurley moved

That the bill be recommitted to the committee on ways and means,

Which motion prevailed.

The committee on agriculture made the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred House Bill No. 210,

A bill for an act to repeal section 7636 of the Revised Codes of North Dakota, relating to male animals running at large.

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

H. M. WILLIAMS.
Chairman.

The committee on judiciary made the following report:

MR. SPEAKER:

Your committee on judiciary to whom was referred

Senate Bill No. 187,

A bill for an act 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.

O. W. FRANCIS,
Chairman.

Mr. Francis moved that

Senate Bill No. 187,

A concurrent resolution to amend subdivision 8, of section 215, of article 19, of the constitution of the state of North Dakota,

Be placed upon its third reading and final passage,

Which motion prevailed.

Mr. Hankinson moved

That further consideration of Senate Bill No. 187 be indefinitely postponed,

Which motion prevailed.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

Substitute for House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota, by dividing the state into nine veterinarian districts,

Was placed on its third reading and final passage.

Mr. Hurley moved

That the further consideration of House Bill No. 149 be indefinitely postponed,

Which motion was lost.

Substitute for House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota by dividing the state into nine veterinarian districts.

Was read the third time.

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

The roll being called there were ayes 46, nays 5, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gaulke,	Offerdahl,
Baker,	Goplerud,	Peoples,
Belden,	Guinan,	Richards,

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hankinson,	Ryan,
Boyd of Cavalier,	Joy,	Sargent,
Brotnov,	Korsmo,	Stevenson,
Butterwick,	Kroeger,	Swenson,
Carlin,	Lenz,	Syvertson,
Colby,	Lindstrom,	Towle,
Currier,	Lovelace,	Twichell,
Duncan,	McConnachie,	Wallace,
Dunton,	McGinnis,	White,
Earl,	Mitchell,	Wirkus,
Ebbighausen,	Murphy,	Williams,
Erickson,	Northrop,	Wood.
Francis,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Hurley,	McPherson,	Sharpe.
Johnson,	Porter,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hammond,	Power,
Cryan,	Hawk,	Tanton,
Dougherty,	Heskin,	Mr. Speaker.
Gilbertson,	Howard,	

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

Mr. White moved

That the vote by which Substitute for House Bill No. 149 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Ho Bill No. 147,

A bill for an act regulating the foreclosure of land contracts.

Was read the third time.

Mr. Power moved

To amend by striking out the word "twenty" in line 3 of printed bill and insert the word "five."

Which motion prevailed.

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

The roll being called there were ayes 51, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Baker,	Hankinson,	Offerdahl,
Belden,	Heskin,	Peoples,
Boyd of Cavalier,	Howard,	Porter,

Messrs—
Butterwick,
Carlin,
Colby,
Currier,
Dougherty,
Duncan,
Dunton,
Earl,
Erickson,
Francis,
Gilbertson,
Goplerud,
Guinan,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lenz,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
McPherson,
Mitchell,
Murphy,
Power,
Richards,
Ryan,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Tanton,
Towle,
Twichell,
Wallace,
White,
Mr. Speaker.

Those voting in the negative were:

Messrs—
Gaulke,
Hawk,
Sargent.

Absent and not voting:

Messrs—
Boyd of Cass,
Brotnov,
Cole,
Cryan,
Ebbighausen,
Wirkus,
Williams,
Wood.

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

House Bill No. 50,

A bill for an act to provide for the erection of necessary additional buildings for the hospital of the insane at Jamestown, N. D.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 34, nays 17, absent and not voting 11.

Those voting in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd of Cavalier,
Butterwick,
Carlin,
Cole,
Cryan,
Currier,
Dunton,
Earl,
Hawk,
Joy,
Kroeger,
Lenz,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Murphy,
Northrop,
Porter,
Power,
Richards,
Ryan,
Stevenson,
Tanton,
Twichell,
Wallace,
White,
Wirkus,
Wood.
Mr. Speaker.

Those voting in the negative were:

Messrs—
Boyd of Cass.
Brotnov,
Colby,
Dougherty,
Duncan,
Gaulke,
Gilbertson,
Goplerud,
Guinan,
Hammond,
Heskin,
Johnson,
McPherson,
Offerdahl,
Swenson,
Syvertson,
Towle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Howard,	Sargent,
Erickson,	Hurley,	Sharpe,
Francis,	Korsmo,	Williams.
Hankinson,	Peoples,	

So the bill passed and the title was agreed to.

Mr. Porter moved

That the vote by which House Bill No. 50 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 208,

A bill for an act to amend section 7609 of the Revised Codes of North Dakota, relating to unlawful evasion of the law prohibiting the sale of intoxicating liquors,

Was read the third time.

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

The roll being called there were ayes 34, nays 16, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Mitchell,
Boyd of Cass,	Hawk,	Northrop,
Boyd of Cavalier,	Heskin,	Offerdahl,
Butterwick,	Howard,	Sargent,
Colby,	Hurley,	Swenson,
Cryan,	Johnson,	Syvertson,
Currier,	Joy,	Towle,
Duncan,	Korsmo,	Wallace,
Francis,	Lindstrom,	Williams,
Gaulke,	Lovelace,	Wood,
Gilbertson,	McConnachie,	Mr. Speaker.
Goplerud,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Kroeger,	Sharpe,
Carlin,	Leuz,	Stevenson,
Cole,	McGinnis,	Twichell,
Earl,	Porter,	White,
Ebbighausen,	Richards,	Wirkus.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Erickson,	Peoples,
Brotnov,	Guinan,	Power,
Dougherty,	McPherson,	Ryan,
Dunton.	Murphy,	Tanton.

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

Mr. Korsmo moved
That the vote by which House Bill No. 208 was passed be reconsidered, and the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Sargent moved that
Senate Bill No. 139,
A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils,
Be taken from the table and placed upon its third reading and final passage.

Mr. Ryan moved
A call of the House.

All members present.

Mr. Hankinson moved
That further proceedings under the call of the House be dispensed with,
Which motion prevailed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, N. D., March 3, 1897.

To the House of Representatives:

GENTLEMEN: I have the honor to inform you that I have this day approved
House Bill No. 1,
Entitled an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof.

Also,
House Bill No. 185.
Entitled an act creating a committee with authority to adjust, settle and compromise certain taxes with the Northern Pacific Railroad company, and its receivers on behalf of the state of North Dakota and various counties and taxing subdivisions thereof which are interested.
I have the honor to be,

Yours very respectfully,
F. A. BRIGGS,
Governor.

The hour having arrived for the consideration of the special orders,
House Bill No. 209,
A bill for an act to amend section 7593, 9602, 9605, 7608 and

7616 of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Was read the third time.

Mr. Mitchell offered the following amendments:

Insert the word "or" between the words sale and gift in line 4 of section 7593 of the printed bill.

Insert the words "or combining" between the words associating and with in line 2 of paragraph 7608 of the printed bill.

Which motion prevailed, and

The amendments were adopted.

House Bill No. 209,

A bill for an act to amend sections 7593, 9602, 9605, 7608 and 7616, of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 31, nays 29, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Mitchell,
Belden,	Gaulke,	Peoples,
Brotnov,	Guinan,	Porter,
Carlin,	Hammond,	Richards,
Cole,	Hankinson,	Ryan,
Cryan,	Hawk,	Stevenson,
Currier,	Kroeger,	White,
Dougherty,	Lenz,	Wirkus,
Dunton,	Lindstrom,	Wood,
Earl,	McGinnis,	Mr. Speaker.
Ebbighausen,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Sargent,
Boyd of Cass,	Hurley,	Sharpe,
Boyd of Cavalier,	Johnson,	Swenson,
Butterwick,	Joy,	Syvertson,
Colby,	Korsmo,	Tanton,
Duncan,	Lovelace,	Towle,
Francis,	McConnachie,	Twichell,
Gilbertson,	McPherson,	Wallace,
Goplerud,	Northrop,	Williams.
Heskin,	Power,	

Messrs. Murphy and Offerdahl being absent and not voting.

So the bill was lost.

Mr. Joy moved

That the vote by which House Bill No. 209 was lost be reconsidered and the motion to reconsider be laid on the table,

The Speaker decided that the motion prevailed.

Mr. Ryan appealed from the decision of the chair.

Roll call demanded.

The question being shall the decision of the chair be sustained.

The roll was called and there were ayes 37, nays 20, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	McPherson,
Belden,	Guinan,	Mitchell,
Boyd of Cass,	Hawk,	Northrop,
Boyd of Cavalier,	Heskin,	Power,
Butterwick,	Howard,	Sargent,
Colby,	Hurley,	Sharpe,
Currier,	Johnson,	Swenson,
Dougherty,	Joy,	Syvertson,
Duncan,	Korsmo,	Towle,
Earl,	Lindstrom,	Twichell,
Erickson,	Lovelace,	Wallace,
Francis,	McConnachie,	Williams.
Gilbertson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Lenz,	Ryan,
Cole,	McGinnis,	Stevenson,
Crean,	Murphy,	Tanton,
Ebbighausen,	Offerdahl,	White,
Gaulke,	Peoples,	Wirkus,
Hankinson,	Porter,	Wood
Kroeger,	Richards,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Dunton.	Hammond.
Carlin,		

So the decision of the chair was sustained.

House Bill No. 200 was read the third time.

Mr. Hurley moved

That the further consideration of House Bill No. 200 be indefinitely postponed.

Roll call demanded.

Mr. Hurley demanded a call of the House.

The proceedings under the call was dispensed with.

The question being upon the motion to indefinitely postpone House Bill No. 200.

The roll being called there were ayes 36, nays 24, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Mitchell,
Boyd, of Cass,	Guinan,	Northrop,
Boyd of Cavalier,	Hammond,	Offerdahl,
Butterwick,	Hawk,	Sargent,
Colby,	Heskin,	Swenson,
Currier,	Howard,	Syvertson,
Dougherty,	Hurley,	Tanton,
Duncan,	Joy,	Towle,
Dunton,	Korsmo,	Twichell,
Francis,	Lindstrom,	Wallace,
Gaulke,	Lovelace,	Williams,
Gilbertson,	McConnachie,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Porter,
Belden,	Johnson,	Richards,
Brotnov,	Kroeger,	Ryan,
Carlin,	Lenz,	Sharpe,
Cole,	McGinnis,	Stevenson,
Earl,	McPherson,	White,
Ebbighausen,	Murphy,	Wirkus,
Erickson,	Peoples,	Wood.

Messrs. Cryan and Power being excused.

So the motion to indefinitely postpone prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 85,
A bill for an act amending section 2106, article 19, of the political code of North Dakota,
Which the Senate has passed and your favorable consideration thereof is respectfully requested.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Murphy moved
That Senate Bill No. 102 be made a special order for tomorrow at 3 o'clock,
Which motion prevailed, and
It was so ordered.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

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

A bill for an act prescribing the mode of making assessments of property, the equalization of and levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1137 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act,

Which the Senate has amended as per amendments hereto attached.

Respectfully,
J. O. SMITH,
Secretary.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred
House Bill No. 214,

A bill for an act to amend section 992 of the Revised Codes of the state of North Dakota, providing for the salaries of the resident officers of the hospital for the insane,

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

By striking out the words "two thousand" in line 15 of page 2, and inserting in lieu thereof the words "two thousand two hundred and fifty."

By striking out the words "nine hundred" in lines 15 and 16, page 2, and inserting in lieu thereof the words "ten hundred and eighty."

By striking out the words "nine hundred" in line 16, page 2, and inserting in lieu thereof the words "ten hundred and eighty."

By striking out the words "four hundred" in line 17, page 2, and inserting in lieu thereof the words "four hundred and fifty."

By striking out the word "eight" in line 19 of page 2, and inserting in lieu thereof the word "nine."

H. D. HURLEY,
Chairman.

And when so amended recommend that the same do pass.

Mr. Hurley moved
That the report be adopted,

Which motion prevailed.

Mr. Power moved

That the House do not concur in the Senate amendments to House Bill No. 3 and that a conference committee be appointed to consider the same and that the House has appointed as such committee on the part of the House Messrs. Power, Mitchell and Dougherty.

Mr. Twichell moved

That the House recede from its amendments to Senate Bill No. 184.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

I have the honor to inform you that in compliance with your request for a a joint conference committee to confer in regard to the Senate amendments to House Bill No. 3, the President has appointed the following: Messrs. Little, Rourke and Brown.

I have the honor to transmit herewith

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies sleeping car companies, freight and freight line companies, and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam, and bridge corporations and ferry companies, the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts, and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith.

Which the Senate has amended with amendments attached hereto.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Twichell moved

That the House concur in the Senate amendments to

Substitute for House Bill No. 121,
Which motion prevailed.

THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 99,
A bill for an act to amend section 7594 of the Revised Codes of North Dakota,
Was read the third time.

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

The roll being called there were ayes 33, nays 17, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Peoples,
Boyd of Cass,	Hammond,	Porter,
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe.
Carlin,	Kroeger,	Stevenson,
Cryan,	Lindstrom,	Twichell,
Dunton,	McGinnis,	Wallace,
Earl,	Mitchell,	White,
Ebbighausen,	Northrop,	Wirkus,
Erickson,	Offerdahl,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Hurley,	Swenson,
Currier,	Korsmo,	Tanton,
Duncan,	Lovelace,	Towle,
Gilbertson,	McConnachie,	Williams,
Heskin.	McPherson,	Mr. Speaker.
Howard,	Power,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Francis,	Lenz.
Colby,	Gaulke,	Murphy,
Cole,	Goplerud,	Ryan,
Dougherty,	Hankinson,	Syvertson.

So the bill as amended passed and the title was agreed to, and the emergency clause is lost.

Mr. Hawk moved
That the vote by which House Bill No. 99 was passed be reconsidered and the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill No. 212,
A bill for an act to amend section 2591 of the Revised Codes of North Dakota, relating to meetings of boards of township supervisors,
Was read the third time.

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

The roll being called there were ayes 49 nays none, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Northrop,
Boyd of Cass,	Guinan,	Offerdahl,
Boyd of Cavalier,	Hammond,	Peoples,
Brotnov,	Hawk,	Porter,
Butterwick,	Heskin,	Power.
Colby,	Howard,	Sargent,
Cryan,	Hurley,	Stevenson,
Currier,	Johnson,	Swenson,
Dougherty,	Joy,	Syvertson,
Duncan,	Kroeger,	Tanton,
Dunton,	Lenz,	Towle,
Earl,	Lindstrom,	Wallace,
Ebbighausen,	Lovelace,	White,
Erickson,	McPherson,	Wood,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	McConnachie,	Sharpe,
Carlin,	McGinnis,	Twichell,
Cole,	Richards,	Wirkus,
Hankinson,	Ryan,	Williams.
Korsmo,		

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

Mr. Francis moved

That the vote by which House Bill No. 212 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving, delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam, and bridge corporations and ferry companies, the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts, and com-

missioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 62; nays none; absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hankinson,	Power,
Boyd of Cavalier,	Hawk,	Richards,
Brotuov,	Heskin,	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,	Northrop,	

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

House Bill No. 202,

A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake, in the county of Ramsey.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 10, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cavalier,	Hurley,	Power,
Butterwick,	Joy,	Richards,
Carlin,	Korsmo,	Sharpe,
Colby,	Kroeger,	Stevenson,
Currier,	Lindstrom,	Swenson,
Duncan,	Lovelace,	Syvertson,
Dunton,	McConnachie,	Tanton,
Earl,	McGinnis,	Wallace

Messrs—	Messrs—	Messrs—
Erickson,	McPherson,	White,
Francis,	Mitchell,	Williams,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,	Northrop,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Hawk,	Towle,
Dougherty,	Johnson,	Twichell,
Guinan,	Ryan,	Wirkus.
Hankinson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Ebbighausen,	Sargent,
Cole,	Gaulke,	Wood.
Cryan,	Lenz.	

So the bill passed and the title was agreed to.

Mr. Currier moved

That the vote by which House Bill 202 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The courtesies of the floor was extended to T. E. Tufts of Northwood, N. D., Theo. Killmar of Burleigh county, E. C. Lucas and T. J. Harris, Tip Propper of Richland county, Hon. C. M. Johnson of Richland county.

The Speaker announced that he was about to sign

Senate Bill No. 117,

A bill for a joint 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 praying for the passage of an act reducing to $5 an acre the minimum price at which lands granted to the state under the enabling act may be sold.

Also,

Senate Bill No. 118,

Being a Concurrent Resolution.

Also,

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes.

Also,

Senate Bill No. 131,

A bill for an act to amend section 172, of article 3, of chapter 4, of the Revised Codes of 1895 of the state of North Dakota, relating to investments of school fund.

Also,

Senate Bill No. 155,

A bill for an act to define the liabilities of railroad companies in relation to damages sustained by their employes.

Also,

Senate Bill No. 153,

A bill for an act to prevent the adulteration of candy.

Also,

Senate Bill No. 148,

A bill for an act to repeal sections 123, 128 and 129 of article 7 of chapter 3 entitled executive department of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895.

Also,

Senate Bill No. 144,

A bill for an act to provide for the erection, operation, and management of the Industrial school of the state of North Dakota, and to repeal sections 947 to 983 inclusive of the Revised Codes of North Dakota relating to industrial school.

Also,

Senate Bill No. 167,

A bill for an act to amend section 395 of the Revised Codes of North Dakota, relating to salary of supreme court reporter.

Also,

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commissioner of university and school lands.

There being no objection the bills were signed by the Speaker.

House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays 2, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Murphy,
Baker,	Hawk,	Northrop,
Belden,	Heskin,	Offerdahl,
Boyd, of Cass,	Howard,	Porter,
Boyd, of Cavalier,	Hurley,	Power,
Brotnov,	Johnson,	Sargent,
Butterwick,	Joy,	Sharpe,
Currier,	Korsmo,	Stevenson,
Dunton,	Kroeger,	Swenson,

Messrs—	Messrs—	Messrs—
Earl,	Lenz,	Syvertson,
Erickson,	Lindstrom,	Tanton,
Francis,	Lovelace,	Towle,
Gaulke,	McConnachie,	Wallace,
Gilbertson,	McGinnis,	White,
Goplerud,	McPherson,	Williams,
Guinan,	Mitchell,	Mr. Speaker.
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Ebbighausen,	Twichell,
Colby,	Peoples,	Wirkus,
Cole,	Richards,	Wood.
Dougherty,	Ryan,	

Messrs. Cryan and Duncan being excused.

So the bill passed and the title was agreed to.

Mr. Hawk 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.

Mr. Sharpe moved

That when the House adjourn, it adjourn to meet at 10 o'clock a. m. tomorrow,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 3, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 196,

A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton.

Also,

Senate Bill No. 24,

A bill for an act entitled an act prescribing certain absolute emptions of wages to all heads of families as prescribed by the statutes of the state of North Dakota, whether residents or otherwise, and providing certain proceedings to prevent the garnishment thereof, and providing penalties for an evasion of its provisions.

Which the Senate has passed and your favorable consideration of the same is respectfully requested.

I have also the honor to inform you that the Senate has refused to concur in House amendments to Senate Bills No. 149 and 58

and that the President has appointed Messrs. Wishek, Rourke, White, McCarten and Marshall to act with a similar committee from the House as a conference committee in regards to amendments to Senate Bill No. 149.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Twichell moved

That the Speaker appoint a committee of five to act with a like committee from the Senate on the amendments to Senate Bill No. 149, and the Speaker appointed Messrs. Wallace, Lindstrom, Twichell, Carlin and Sharpe as such committee.

House Bill No. 201,

A bill for an act making the use of abusive, violent, profane and indecent language or conduct by a passenger on a railroad train a misdemeanor, and providing penalty, and investing conductors with powers of sheriff while in charge of train,

Was read the third time.

Mr. Power moved

To amend House Bill No. 201, at the end of section 2 as follows:

Provided, however, that this will not apply to passengers that are obliged to travel on any of the branch lines of railroads in this state, and that it will not prohibit any lady passenger on such trains from delegating a gentleman friend to swear for her when the occasion demands.

Which motion prevailed.

Mr. Hankinson moved

To reconsider the vote last taken,

Which motion prevailed.

The question recurring on the adoption of the amendment.

The amendment was adopted.

Mr. Hurley moved

That the further consideration of House Bill No. 201 be indefinitely postponed,

Which motion prevailed, and

The further consideration of House Bill No. 201 was indefinitely postponed.

House Bill No. 213,

A bill for an act to amend paragraph 17, section 108 of the Revised Codes of 1895, relating to semi-annual reports of the state treasurer,

Was read the third time.

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

The roll being called there were ayes, 49, nays 1, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Offerdahl,
Baker,	Howard,	Peoples,
Belden,	Hurley,	Porter,
Boyd of Cass,	Johnson,	Power,
Boyd of Cavalier,	Joy,	Richards,
Butterwick,	Korsmo,	Ryan,
Carlin,	Kroeger,	Sargent,
Colby,	Lenz,	Sharpe,
Currier,	Lindstrom,	Stevenson,
Duncan,	Lovelace,	Tanton,
Dunton,	McConnachie,	Towle,
Earl,	McGinnis,	Twichell,
Francis,	McPherson,	Wallace,
Gaulke,	Mitchell,	White,
Gilbertson,	Murphy,	Williams,
Hammond,	Northrop,	Mr. Speaker.
Hawk,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Erickson,	Swenson,
Cole,	Goplerud	Syvertson,
Dougherty,	Guinan,	Wirkus,
Ebbighausen,	Hankinson,	Wood,

Mr. Cryan voting in the negative.

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

House Bill 214,

A bill for an act to amend section 992 of the Revised Codes of the state of North Dakota providing for the salaries of the resident officers of the hospital for the insane,

Was read the third time.

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

The roll being called there were ayes 49, nays 1, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Northrop,
Belden,	Hawk,	Offerdahl,
Baker,	Heskin,	Peoples,
Boyd of Cavalier,	Howard,	Porter,
Butterwick,	Hurley,	Power,
Colby,	Johnson,	Richards,
Cole,	Joy,	Sargent,
Cryan,	Korsmo,	Sharpe,
Currier,	Kroeger,	Stevenson,
Duncan,	Lenz,	Syvertson,
Dunton,	Lovelace,	Tanton,
Earl,	McConnachie,	Towle,
Francis,	McGinnis,	Twichell,
Gaulke,	McPherson,	White,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Murphy,	Mr. Speaker
Hammond,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Ebbighausen,	Swenson,
Brotnov,	Erickson,	Wallace,
Carlin,	Guinan,	Wirkus,
Dougherty,	Lindstrom,	Wood.

Mr. Ryan voting in the negative.

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

House Bill No. 197,
A bill for an act relating to land sales upon crop payments,
Was read the third time.

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

The roll being called there were ayes 27, nays 18, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	McConnachie,
Belden,	Hawk,	Northrop,
Butterwick,	Howard,	Porter,
Colby,	Hurley,	Sargent,
Currier,	Johnson,	Sharpe,
Dunton,	Joy,	Stevenson,
Earl,	Kroeger,	Tanton,
Francis,	Lenz,	Wallace,
Hammond,	Lovelace,	White.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Offerdahl,
Boyd of Cavalier,	Goplerud,	Peoples,
Carlin,	Heskin,	Ryan,
Cryan,	Korsmo,	Syvertson,
Duncan,	McGinnis,	Towle,
Gaulke,	McPherson,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Guinan,	Swenson,
Brotnov,	Lindstrom,	Wirkus,
Cole,	Mitchell,	Williams,
Dougherty,	Murphy,	Wood,
Ebbighausen,	Power,	Mr. Speaker.
Erickson,	Richards,	

So the bill as amended was lost.

Mr. Twichell gave notice that he will move to reconsider tomorrow.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

Senate Bill No. 195,
A bill for an act fixing the compensation of the employes of the

fifth and subsequent legislative assemblies,
Was read the first and second times, and
Referred to the committee on appropriations.

Senate Bill No. 85,
A bill for an act amending section 2106, article 19, of the political code of North Dakota,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 108,
A bill for an act to appropriate the sum of thirteen thousand ($13,000) dollars, or so much thereof as may be necessary to pay the principal and interest due on certificate issued in aid of the construction of the soldiers' home at Lisbon, North Dakota,
Was read the first and second times, and
Referred to the committee on appropriations.

Senate Bill No. 24,
A bill for an act prescribing certain absolute exemptions of wages to all heads of families as prescribed by the statutes of the state of North Dakota, whether resident or otherwise, and providing certain proceedings to prevent the garnishment thereof, and providing penalties for an evasion of its provisions,
Was read the first and second times, and
Referred to the committee on judiciary.

Senate Bill No. 196,
A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton,
Was read the first and second times, and
Referred to the committee on counties and county boundaries.

Senate Bill No. 193,
A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties,
Was read the first and second times, and
Referred to the committee on banks and banking.

REPORT OF CONFERENCE COMMITTEE.

MR. SPEAKER:
The conference committee on House amendments to Senate Bill No. 184 recommend that the House recede from its amendments to this bill and that the bill be amended as follows:

By inserting after the word "law" in line 13 of the engrossed bill the following: "Provided, however, that the land commissioner, attorney general and state examiner or their deputies, shall be entitled to expenses for railroad

fare, sleeping car fare, hack or livery line, board or hotel expenses when traveling in the performance of their official duties."

And when so amended that the bill do pass.

FRANK WHITE,
P. H. ROURKE,
J. H. WISHEK,
Conference Committee for Senate.

J. MCGINNIS,
D. STEVENSON,
E. E. COLE,
Conference Committee for House.

Mr. Hankinson moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, county and district officers, members of boards and employes of public institutions,

Was read the third time.

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

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Porter,
Baker,	Hammond,	Richards,
Belden,	Hankinson,	Sargent,
Boyd of Cass,	Hawk,	Sharpe,
Boyd of Cavalier,	Hurley,	Stevenson,
Butterwick,	Johnson,	Swenson,
Carlin,	Joy,	Syverson,
Colby,	Korsmo,	Tanton,
Cole,	Kroeger,	Towle,
Cryan,	Lenz,	Twichell,
Currier,	Lindstrom,	Wallace,
Duncan,	Lovelace,	White,
Dunton,	McPherson,	Williams,
Earl,	Northrop,	Wood,
Francis,	Offerdahl,	Mr. Speaker.
Gaulke,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Guinan,	Mitchell,
Dougherty,	Heskin,	Murphy,
Ebbighausen,	Howard,	Power,
Erickson,	McConnachie,	Ryan,
Gilbertson,	McGinnis,	Wirkus.

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

Mr. Lenz moved

That House Bill No. 211 be recalled from committee on taxation and tax laws and referred to committee on state affairs,

Which motion prevailed.

House Bill No. 210,

A bill for an act to repeal section 7636 of the Revised Codes of North Dakota, relating to male animals running at large,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 37, nays 7, absent and not voting 18.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Mitchell,
Belden,	Howard,	Murphy,
Boyd of Cass,	Hurley,	Northrop,
Boyd of Cavalier,	Johnson,	Offerdahl,
Butterwick,	Joy,	Porter,
Colby,	Korsmo,	Sargent,
Currier,	Kroeger,	Sharpe,
Duncan,	Lenz,	Stevenson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Hammond,	McPherson,	Mr. Speaker.
Hankinson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Earl,	Syvertson,
Cole,	Richards,	Tantou.
Cryan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Ryan,
Brotnov,	Guinan,	Swenson.
Dougherty,	Heskin,	White,
Ebbighausen,	McGinnis,	Wirkus,
Erickson,	Peoples,	Williams,
Gaulke,	Power,	Wood.

So the bill passed and the title was agreed to.

Mr. McGinnis moved

That the House do now adjourn,

Which motion prevailed, and

The House adjourned.

H. E. LAVAYEA,
Chief Clerk

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 4, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

Mr. Twichell moved

That the House recall from the Senate Senate Bill No. 184 for the purpose of receding from amendments adopted yesterday.

Which motion prevailed.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-eighth day and recommend that it be amended as follows:

On page 4, line 13, strike out the fignres "1312" and insert in lieu thereof the figures "2312."

On page 7, line 16, strike out "44" and insert in lieu thereof the figures "47."

On page 12, line 12, after the word "there" insert the word "were."

On same page, line 41, strike out the word "no" after the word "Senate" and insert it after the word "bill."

On page 17, line 15, strike out the name "Hankinson" and insert in lieu thereof the name "McGinnis."

On page 27, after the second line insert the following:

The committee on engrossed bills made the following report:

MR. SPEAKER:

Your committee on engrossed bills have examined

House Bill No. 213,

A bill for an act to amend paragraph 17, section 108, of the Re-

vised Codes of 1895, relating to semi-annual reports of the state treasurer,

Also,

House Bill No. 210,

A bill for an act to repeal section 7636 of the Revised Codes of North Dakota, relating to male animals running at large.

And when so amended recommend that the Journal of the fifty-eighth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-eighth day was approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I am requested to ask for the return to the Senate of Senate Bill No. 162 for correction.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Murphy moved
That the committee on appropriation be requested to return Senate Bill No. 162,
Which motion prevailed, and
The report was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on ways and means made the following report:

MR. SPEAKER:

Your committee on ways and means to whom was referred Senate Bill No. 23,

A bill for an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor,

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

By s riking out all of lines 22 and 23 of section 11.

Strike out the figures $2,100 in line 28 of section 1 after the words "secretary of state's office" and insert the figures "$2,500" instead.

Strike out the figures $500 after the words "agricul ural and labor's

office" in line 4, second page of engrossed bill, and insert in lieu thereof the figures "$1,000."

Strike out the figures "$100" on line 6, second page, after the words "railroad commissioners" and insert in lieu thereof the figures "$1,000."

Insert after the words "per annum" in line 29, section 1, the words "auditor's office, two thousand five hundred dollars per annum."

Strike out the figures "$1,800" in line 30, section 1, and insert in lieu thereof the figures "$2,100."

And when so amended recommend that the same do pass.

C. L. LINDSTROM,
Chairman.

There being no objections the speaker stated that all bills that have passed both Houses would be referred to the committee on enrollment.

Mr. Lindstrom moved

That the report of the committee be adopted and that

Senate Bill No. 23 as amended be placed on its third reading and final passage,

Which motion prevailed.

The Speaker announced that he was about to sign

Senate Bill No. 136,

A bill for an act to amend section 5630 of the Revised Codes relating to trials in the district court.

Also,

Senate Bill No. 127,

A bill for an act to amend section 964 of article 5 of chapter 10 of the Revised Codes of 1895, entitled Deaf and Dumb asylum.

Also,

Senate Bill No. 123,

A bill for an act to amend section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Also,

Senate Bill No. 116,

A bill for an act to amend section 1128, of article 7, of chapter 17, of the Revised Codes of 1895, entitled "Highways, bridges and ferries."

Also,

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors.

There being no objection, the titles were read and the Speaker affixed his signature.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to return herewith

Substitute for House Bill No. 38 and House Bill No. 109.

A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota, relating to elections,

Which the Senate has amended as follows:

Insert after the word "group" in line 2, page 6, of the original bill the words "enclosed in brackets with a single square at the right of such group and a mark within such square shall be counted a vote for all the electors and such group shall be."

Strike out the word "and" in said line 2, page 6.

Amend the title by inserting after the word "Dakota" the words "of 1895," and further change the word "election" to "elections"

Amend line 30, page 5, of original bill by striking out the word "name" and inserting in lieu thereof the word "names."

Amend line 27, page 2, by changing the word "ballet" to ballot."

And passed the same as amended.

Respectfully yours,
J. O. SMITH,
Secretary.

Senate Bill No. 23,

A bill for an act entitled "an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor,"

Was read the third time.

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

The roll being called there were ayes 41, nays 15, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Mitchell,
Belden,	Hammond,	Murphy,
Boyd of Cass,	Hankinson,	Northrop,
Brotnov,	Hawk,	Power,
Carlin,	Howard,	Richards,
Colby,	Hurley,	Sargent,
Cole,	Johnson,	Stevenson,
Dougherty,	Joy,	Wallace,
Earl,	Korsmo,	White,
Ebbighausen,	Kroeger,	Wirkus,
Erickson,	Lindstrom,	Williams,
Francis,	Lovelace,	Wood,
Gaulke,	McConnachie,	Mr. Speaker.
Gilbertson,	McPherson,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Lenz,	Sharpe,
Butterwick,	McGinnis,	Swenson,
Cryan,	Offerdahl,	Syvertson,
Duncan,	Porter,	Tanton,
Guinan,	Ryan,	Towle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Dunton,	Peoples,
Currier,	Heskin,	Twichell.

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

Mr. Lindstrom moved

That the vote by which Senate Bill No. 23 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

REPORT OF CONFERENCE COMMITTEE.

The conference committee on Senate amendments to House Bill No. 3 made the following report:

MR. SPEAKER:

Your conference committee to whom was referred the differences between the Senate and House in relation to Senate amendments to

House Bill No. 3,

A bill for an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336, to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act,

Have met the Senate committee and conferred with them in relation to all of said amendments, as reported to the House yesterday, and have agreed with the Senate committee in making the following recommendations:

First. That the Senate recede from the proposed amendments hereinafter specified:

1. The amendment proposed to the fourth subdivision of section 16.
2. The amendment proposed to section 82 by inserting and adding im-

mediately after the word "sale" in line 9 the words "were wholly or in part illegal."

3. The amendment proposed to section 100.

4. The added paragraph at the end of section 78.

Second. That the House concur in all the remaining amendments made by the Senate as reported to the House March 3, 1897.

J. B. POWER,
R. J. MITCHELL,
J. J. DOUGHERTY,
Committee on Part of the House.

C. B. LITTLE,
P. H. ROURKE,
C. G. BROWN,
Committee on Part of the Senate.

Mr. Power moved

That the report of the conference committee on House Bill No. 3 be adopted,

Which motion prevailed, and

The report was adopted.

House Bill No. 3,

A bill for an act prescribing the mode of making assessments of property, the equalization of and levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1137 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act,

Was read the third time.

The question being upon the final passage of the bill as amended by the conference committee.

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Baker,	Hankinson,	Offerdahl,
Belden,	Hawk,	Peoples,
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards
Brotnov,	Hurley,	Ryan,
Butterwick,	Johnson,	Sargent,
Carlin,	Joy,	Sharpe,
Colby,	Korsmo,	Stevenson,
Cryan,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Tanton,
Dunton,	Lindstrom,	Towle,

Messrs—	Messrs—	Messrs—
Earl,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gilbertson,	McPherson,	Williams,
Goplerud,	Mitchell,	Wood,
Guinan,	Murphy,	Mr. Speaker.

Absent and not voting:

Messrs--	Messrs—	Messrs—
Cole.	Ebbighausen,	Swenson.
Currier,	Gaulke,	Twichell.
Duncan,	Porter,	

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

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 1312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota, relating to the incorporation and government of cities,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred

House Bill No. 122,

A bill for an act providing for the taxation of sleeping car companies,

Have had the same under consideration and recommend that the same be indefinitely postponed for reason that the subject matter is covered by House Bill No. 159.

R. H. HANKINSON,
Chairman.

Mr. Hankinson moved

The adoption of the report,

Which motion prevailed, and

The further consideration of House Bill No. 122 was indefinitely postponed,

The committee on counties and county boundaries made the following report:

MR. SPEAKER:

Your committee on counties and county boundaries to whom was referred

Senate Bill No. 196,

A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton,

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

DONALD STEVENSON,
Chairman.

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor,

Have had the same under consideration and recommend that the same be returned to the House without recommendation.

R. H. HANKINSON,
Chairman.

The committee on state affairs made the following report:

MR. SPEAKER:

Your committee on state affairs to whom was referred

Senate Bill No. 157,

A bill for an act providing that the means derived from the fund known as school for the feeble minded at Grafton shall be credited to such fund,

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

E. F. PORTER,
Chairman.

Mr. Power moved

That the rules be suspended, and that Senate Bill No. 157 be placed on its third reading and final passage,

Which motion prevailed.

Senate Bill No. 157,

A bill for an act providing that the means derived from the fund known as the school for the feeble minded at Grafton shall be credited to such fund,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 58 nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Northrop,
Baker,	Hammond,	Offerdahl,
Belden,	Hankinson,	Peoples,
Boyd of Cass,	Hawk,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Bronnov,	Howard,	Richards,
Butterwick,	Hurley,	Ryan,
Carlin,	Johnson,	Sargent,
Colby,	Joy,	Sharpe,
Cole,	Korsmo,	Stevenson,
Cryan,	Kroeger,	Swenson,
Currier,	Lenz,	Syverson,
Dougherty,	Lindstrom,	Towle,
Duncan,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Ebbighausen,	McGinnis,	White,
Erickson,	McPherson,	Wirkus,
Francis,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunton,	Tanton,	Williams.
Gaulke,		

So the bill passed and the title was agreed to.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 207,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds,

Which the Senate has indefinitely postponed.

Also,

House Bill No. 133,

A bill for an act to prevent taking a greater rate of interest after a note or other evidence of indebtedness becomes due than is provided for in such instrument before the maturity thereof, and providing a penalty therefor,

Which the Senate has refused to pass.

Also,
House Bill No. 101,
A bill for an act to amend section 6776 of the Revised Codes, relating to appeals from justices of the peace.

Also,
House Bill No. 102,
A bill for an act to regulate appeals from justices courts on questions of law.

Also,
Substitute for House Bill No. 149,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota by dividing the state into nine veterinarian districts.

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

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Sharpe was excused until 3 o'clock.

The committee on education made the following report:

MR. SPEAKER:
Your committee on education to whom was referred
Senate Bill No. 140,
A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895,
Have had the same under consideration and recommend that the same do pass.

J. S. MURPHY,
Chairman.

Mr. Murphy moved
That Senate Bill No. 140 be placed upon its third reading and final passage,
Which motion was lost.

The committee on appropriations made the following report:

MR. SPEAKER:
Your committee on appropriations to whom was referred
Senate Bill No. 48,
A bill for an act providing for an appropriation for the maintenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school,
Have had the same under consideration and recommend that the same do pass.

Also,

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current and contingent expenses of the State Normal school at Valley City, N. D.,

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

Also,

Senate Bill No. 61,

A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D..

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

H. D. HURLEY,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Earl moved

That the vote by which the chair was sustained on the appeal from his decision, that the demand for a roll call on the motion to reconsider and lay on the table ,the vote by which House Bill No. 209 was lost be reconsidered.

Call of the House demanded.

All members present except Messrs. Tanton and Hawk.

Mr. Hawk being excused until 2 o'clock p. m. today.

The sergeant-at-arms having returned with Mr. Tanton further prodeedings under the call were dispensed with.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred

Senate Bill No. 69,

A bill for an act making appropriation for maintenance of the state university and for needed permanent improvements of the state university,

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

Also,

Senate Bill No. 163,

A bill for an act making appropriation for a deficit in the mis-

cellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota agricultural college and experiment station,

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

H. D. HURLEY,
Chairman.

The committee on taxes and tax laws made the following report:

MR. SPEAKER:

Your committee on taxes and tax laws to whom was referred House Bill No. 156,

A pill for an act to repeal article 24, of chapter 18, entitled revenue and taxation, of the Revised Codef of the state of North Dakota, being sections 1349 to 1354 inclusive,

Have had the same under consideration and recommend that the same do not pass.

J. B. POWER.
Chairman.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 192,

A bill for an act to provide temporarily for the erection and maintenance of the state reform school at Mandan,

Have had the same under consideration, and recommend that the same be reported back to the House without recommendation.

Also,

Senate Bill No. 193,

A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties,

Have had the same under consideration and recommend that the same be indefinitely postponed as the same subject matter is covered in Senate Bill No. 184.

Also,

Senate Bill No. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes,

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

Also,

Senate Bill No. 132,

A bill for an act to appropriate money to pay the annual ex-

penses of advertising the common school lands for lease, and of leasing the same.

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

Also,

Senate Bill No. 194,

A bill for an act to amend section 235 of the Revised Codes of 1895, making an appropriation for salary and expense of commissioner and board of university and school lands,

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

Also,

Senate Bill No. 51,

A bill for an act to appropriate money to pay the necessary expenses of the board of university and school lands,

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

Also,

Senate Bill No. 170,

A bill for an act to regulate the printing of Executive Documents and limit the cost thereof,

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

Also,

Senate Bill No. 173,

A bill for an act te amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor.

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

Also,

Senate Bill No. 91,

A bill for an act to appropriate moneys to the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year A. D. 1896, arising in the unorganized counties of Dunn, Wallace, Hettinger and Allred, attached to Stark county for judicial purposes,

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

Also,

Senate Bill No. 65,

A bill for an act to provide an appropriation for the current and

contingent expenses, and for making needed permanent improvements for the Hospital for the Insane at Jamestown,

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

Also,

Senate Bill No. 72,

A bill for an act to appropriate money to compensate the state of South Dakota for keeping, boarding and schooling North Dakota refractory boys at the South Dakota reform school,

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

Also,

Senate Bill No. 176,

A bill for an act to amend section 1811 of the Revised Codes of North Dakota, relating to expenses of commissioner of agriculture and labor,

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

Also,

Senate Bill No. 183,

A bill for an act to appropriate money to pay J. D. Wallace for services and mileage as trustee of the agricultural college of North Dakota during the year 1890,

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

Also,

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor,

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

Also,

Senate Bill No. 177,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the university of North Dakota,

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

H. D. HURLEY,
Chairman.

Mr. Hankinson moved

That the motion made by Mr. Joy be laid on the table.

Roll call demanded.

Mr. Hurley arose to the point of order that Mr. Joy was not en-

titled to move to reconsider the vote by which the bill was lost—as per rule 36 of House rules.

No action taken by the Speaker.

The question being upon the motion to lay on the table.

The roll being called there were ayes 29, nays 31, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Swenson,
Colby,	Joy,	Syvertson,
Duncan,	Korsmo,	Towle,
Dunton,	Lindstrom,	Twichell,
Francis,	Lovelace,	Wallace
Gilbertson,	McConnachie,	Williams.
Goplerud,	Mitchell,	

Those who voted in the negative were

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Offerdahl,
Belden,	Guinan,	Peoples,
Brotnov,	Hammond,	Porter,
Carlin,	Hankinson,	Richards,
Cole,	Hawk,	Ryan,
Cryan,	Kroeger,	Stevenson,
Currier,	Lenz.	Tanton,
Dougherty,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Murphy,	Wood.
Erickson,		

Mr. Sharpe being excused.

Mr. Speaker not voting.

So the motion to lay on the table was lost.

Mr. Joy moved

That further consideration of the motion made by Mr. Earl be indefinitely postponed.

Roll call demanded.

The question being upon the motion to indefinitely postpone House Bill No. 200.

The roll being called there were ayes 30, nays 31, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd, of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent.

Messrs—	Messrs—	Messrs—
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Offerdahl,
Belden,	Guinan,	Peoples,
Brotnov,	Hammond,	Porter,
Carlin,	Hankinson,	Richards,
Cole,	Hawk,	Ryan,
Cryan,	Kroeger,	Stevenson,
Currier,	Lenz,	Tanton,
Dougherty,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Murphy,	Wood.
Erickson,		

Mr. Speaker being absent and not voting.

So the motion to indefinitely postpone was lost.

The question being upon the motion made by Mr. Earl.

The roll being called there were ayes 31, nays 30, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Offerdahl,
Belden,	Guinan,	Peoples,
Brotnov,	Hammond,	Porter,
Carlin,	Hankinson,	Richards,
Cole,	Hawk,	Ryan,
Cryan,	Kroeger,	Stevenson
Currier,	Lenz,	Tanton,
Dougherty,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Murphy,	Wood,
Erickson,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams,

Mr. Speaker being absent and not voting.

So the motion prevailed.

The question being shall the decision of the chair be sustained.

The roll being called there were ayes 30, nays 31, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Heskin.	Northrop,
Boyd, of Cass,	Howard,	Power,
Boyd, of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Offerdahl,
Belden,	Guinan,	Peoples,
Brotnov,	Hammond,	Porter,
Carlin,	Hankinson,	Richards,
Cole,	Hawk,	Ryan,
Cryan,	Kroeger,	Stevenson,
Currier,	Lenz,	Tanton,
Dougherty,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Murphy,	Wood.
Erickson,		

So the decision of the chair was overruled.

Mr. Joy desired to enter his protest against any further action being taken in the matter now under consideration, as final action had already been taken on House Bill No. 209, and that no further action can be taken upon the matter at this time.

The question being upon the motion to reconsider and lay on the table.

The roll being called there were ayes 30, nays 32, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Heskin,	Northrop,
Boyd of Cass.	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Peoples,
Belden,	Guinan,	Porter,
Brotnov,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Cole,	Hawk,	Stevenson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	White,
Dougherty,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Erickson,	Offerdahl,	

Mr. Joy voted under protest.

So the motion was lost.

Mr. McPherson moved

That the vote by which House Bill No. 209 was lost be reconsidered.

Roll call demanded.

The question being upon the motion to reconsider the vote by which House Bill No. 209 was lost.

The roll being called there ayes 32, nays 30, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Peoples,
Belden,	Guinan.	Porter,
Brotnov,	Hammond,	Richards,
Colby,	Hankinson,	Ryan,
Cole,	Hawk,	Stevenson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	White,
Dougherty,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Erickson,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Carlin,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

So the motion to reconsider was carried.

Mr. Francis moved
That the House take an informal recess.

Roll call demanded.

The question being upon the motion to take a recess.

The roll being called there were ayes 30, nays 32, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Howard,	Power,
Boyd of Cass.	Hurley,	Sargent.
Boyd of Cavalier,	Johnson,	Sharpe,
Butterwick,	Joy,	Swenson,
Colby,	Korsmo,	Syvertson,
Duncan,	Lindstrom,	Towle,
Dunton,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams,
Heskin,	Northrop,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Francis,	Offerdahl,
Belden,	Gaulke,	Peoples,
Brotnov,	Guinan,	Porter,
Carlin,	Hammond,	Richards,
Cole,	Hankinson,	Ryan,
Cryan,	Hawk,	Stevenson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	White,
Earl,	McGinnis,	Wirkus,
Ebbighausen,	McPherson,	Wood.
Erickson,	Murphy,	

So the motion to take a recess was lost.

Mr. Francis moved that the further consideration of House Bill No. 209 be indefinitely postponed.

Roll call demanded.

The question being upon the motion to indefinitely postpone.

The roll being called there were ayes 30, nays 32, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Peoples,
Belden,	Guinan,	Porter,
Brotnov,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Cole,	Hawk,	Stevenson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	White,
Dougherty,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Erickson,	Offerdahl,	

So the motion to indefinitely postpone was lost.

Mr. Hankinson moved that House Bill No. 209 be placed upon its final passage, and moved the previous question.

Roll call demanded.

Mr. Joy raised the point of order that the rules be suspended, as the bill was not engrossed.

The question being upon the previous question.

The roll being called there were ayes 32, nays 30, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Peoples,
Belden,	Guinan,	Porter,
Brotnov,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Cole,	Hawk,	Stevenson,
Cryan,	Kroeger,	Tanton,
Currier,	Lenz,	White,
Dougherty,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Erickson,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Power,
Boyd of Cavalier,	Hurley,	Sargent,
Butterwick,	Johnson,	Sharpe,
Colby,	Joy,	Swenson,
Duncan,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.

So the previous question was ordered.

The Speaker announced that he was about to sign
House Bill No. 149,
A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota dividing the state into nine veterinarian districts.

There being no objection its title was read and the Speaker affixed his signature.

The Speaker announced that the he was about to sign
Senate Bill No. 164,
A bill for an act to allow any receiver, assignee, guardian, trustee, committee, executor, administrator, curator or other fiduciary required by law to give a bond or other obligation as such, to include in the lawful expense of executing his trust a reasonable sum paid a company authorized under the laws of this state so to do for becoming his surety upon such bond as may be by the court allowed, not exceeding 1 per centum per annum on the amount of the bond, and to allow a party entitled to recover disbursements in an action or proceeding to recover such sum paid such a company for executing any bond or other obligation therein, not exceeding 1 per centum on the amount of liability on such bond or obligation.

Also,
Senate Bill No. 143,
A bill for an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children by adoption or otherwise, and providing rules for the regulation of the same.

Also,
Senate Bill No. 128,
A bill for an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge.

Also,
Senate Bill No. 126,
A bill for an act prescribing the obligations of drovers and herders of domestic animals and the remedies for their violations.

Also,
Senate Bill No. 137,
A bill for an act to amend section four hundred and seven (407) of the Revised Codes of North Dakota, providing for the boundary and terms of court for the Fifth Judicial district in the state of North Dakota.

Also,
Concurrent Resolution,
Recommending Hon. C. A. Lounsberry as special agent of the general land office.

There being no objection their titles were read and the Speaker affixed his signature.

The question being upon the final passage of House Bill No 209 as amended.

The roll being called there were ayes 33, nays 29, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	Offerdahl,
Belden,	Gaulke,	Peoples,
Brotnov,	Guinan,	Porter,
Carlin,	Hammond,	Richards,
Cole,	Hankinson,	Ryan,
Cryan,	Hawk,	Stevenson,
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	White,
Dunton,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Power,
Boyd of Cass,	Hurley,	Sargent,
Boyd of Cavalier,	Johnson,	Sharpe,
Butterwick,	Joy,	Swenson,
Colby,	Korsmo,	Syvertson,
Duncan,	Lindstrom,	Towle,
Francis,	Lovelace,	Twichell,
Gilbertson,	McConnachie,	Wallace,
Goplerud,	Mitchell,	Williams.
Heskin,	Northrop,	

Before the vote was announced Mr. Hurley stated that he desired to enter his protest against the rulings of the Speaker, as the same were in conflict with Joint Rules No. 10 and House Rule No. 55.

Mr. Ryan moved

That the vote by which House Bill No. 209 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

Substitute for House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes of North Dakota, by dividing the state into nine veterinarian districts,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

Mr. Cole moved an informal recess.

Roll call demanded.

The roll being called there were ayes 30, nays 23, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Ebbighausen,	Offerdahl,
Belden,	Erickson,	Peoples,
Brotnov,	Gaulke,	Porter,
Carlin,	Hammond,	Richards,
Cole,	Hankinson,	Ryan,
Cryan,	Hawk,	Stevenson,
Currier,	Lenz,	Tanton,
Dougherty,	McGinnis,	White,
Duncan,	McPherson,	Wirkus,
Dunton,	Murphy,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Northrop,
Boyd of Cass,	Howard,	Sargent,
Boyd of Cavalier,	Johnson,	Sharpe,
Butterwick,	Joy,	Swenson,
Colby,	Korsmo,	Twichell,
Francis,	Lindstrom,	Wallace,
Gilbertson,	Lovelace,	Williams.
Goplerud,	McConnachie,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Earl,	Kroeger,	Syvertson,
Gainan,	Mitchell,	Towle,
Hurley,	Power,	Mr. Speaker.

So the House took an informal recess.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district and county officers, members of boards and employes of public institutions,

Which the Senate has returned as requested.

Very respectfully,
J. O. SMITH,
Secretary.

The Speaker announced that the President was about to sign Senate Bill No. 67, (Reprinted,)

A bill for an act to amend sections 1598 and 1599 of the Revised Codes of the state of North Dakota, relating to the duties of district veterinarians.

There being no objection its title was read and the Speaker affixed his signature.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256, and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking,

Which the Senate has amended as hereto attached and passed.

Respectfully yours,
J. O. SMITH,
Secretary.

MR. PRESIDENT:

Your committee on banks and banking to whom was referred House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the Revised Codes of 1895, relating to banking.

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

That the title be amended by adding and inserting in line 2, immediately after the figures '3231" the following figures, viz: "3242," and by striking out the words "civil code" therein and inserting in lieu thereof the word "codes."

That there be added to the bill on last page, immediately before the emergency clause, a separate and distinct paragraph reading as follows:

That section 3242 of said Revised Codes be amended to read as follows:

Every association shall make at least five reports each year to the state examiner, in such form as he shall prescribe, exhibiting in detail, under appropriate heads, the resources and liabilities of the association at the close of business on a past day by him specified, which shall, if practicable, be the same day for which similar reports are required from national banking associations within this state, by the comptroller of currency of the United States Each report must be verified by the oath of the president or the cashier, and attested as correct by at least two of the directors, and must be transmitted to the examiner within seven days after the receipt of his request for the same, and in the same form shall be published, at the expense of the association, in some newspaper of the city or county in which it is located. The state examiner shall also call for a special report from any asso-

ciation whenever in his judgment the same is necessary in order to obtain full and complete knowledge of its condition. Every association which fails to make and transmit any report required in pursuance of this section, shall forfeit and pay to the state a penalty of two hundred dollars for each delinquency.

F. VIETS,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home.

Also,

House Bill No. 137,

A bill for an act to amend section 103 of the Revised Codes of North Dakota, relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,

Which the Senate has passed unchanged.

I have also the honor to inform you that the Senate has refused to concur in the House amendments to Seuate Bill No. 23, and that the President has appointed Messrs. LaMoure, Rourke and White to aid with a like committee from the House as a conference committee in regard to amendments to Senate Bill No. 23.

I have also the honor to return herewith

House Bill No. 61,

A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,

House Bill No. 193,

A bill to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and the management thereof,

Which the Senate has passed unchanged.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Hurley renewed his request that the chair decide on the point of order raised by him before the vote on the passage of House Bill No. 209 was announced and the chair sustained the point of order.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

Also,

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage.

Also,

House Bill No. 32,

A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes of North Dakota, relating to the service of summons on domestic corporations in civil actions.

Also,

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state,

Which the Senate has passed unchanged.

Respectfully,
J. O. SMITH,
Secretary.

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

Be it Resolved by the House of Representatives, the Senate Concurring:

That joint rule No. 10 is hereby set aside.

Roll call demanded.

The question being upon the adoption of the resolution.

The roll being called there were ayes 32, nays 28, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gaulke,	Peoples,
Belden,	Guinan,	Porter,
Brotnov,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Cole,	Hawk,	Stevenson,
Cryan,	Kroeger,	Tanton,

Messrs—	Messrs—	Messrs—
Currier,	Lenz,	White,
Dougherty,	McGinnis,	Wirkus,
Earl,	McPherson,	Wood,
Ebbighausen,	Murphy,	Mr. Speaker.
Erickson,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Power,
Boyd of Cass,	Howard,	Sargent,
Boyd of Cavalier,	Hurley,	Sharpe,
Butterwick,	Johnson,	Swenson,
Colby,	Korsmo,	Syvertson,
Duncan,	Lovelace,	Towle,
Dunton,	McConnachie,	Twichell,
Francis,	Mitchell,	Wallace,
Gilbertson,	Northrop,	Williams.
Goplerud,		

Mr. Hurley stated that he cast his vote under protest.

Mr. Joy refusing to vote.

Mr. Lindstrom being absent.

So the resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

Substitute for House Bill No. 30,

A bill for an act to amend sections 2148, 2176, 2287, 2288, 2292, 2293, 2294, 2302, 2311, 2312, 2314, 2321, 2454 and 2496, and to repeal sections 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2286, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2303, 2304, 2305, 2306, 2307, 2455, 2456, 2457 and 2458 of the Revised Codes of North Dakota, relating to the incorporation and government of cities,

Having been duly signed by the Speaker of the House and the President of the Senate, was presented to his excellency, the governor, this 4th day of March, 1897, at 2:50 o'clock p. m.

R. J. MITCHELL,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

Substitute for House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised

Codes of North Dakota by dividing the state into nine veterinarian districts,

Having been duly signed by the Speaker of the House and President of the Senate, was presented to his excellency, the governor, this 4th day of March, 1897, at 2:50 p. m.

ROBT. J. MITCHELL,
Chairman.

Mr. Power asked unanimous consent to make a motion to reconsider the vote by which

House Bill No. 201,

A bill for an act making the use of abusive, violent, profane and indecent language or conduct by a passenger on a railroad train a misdemeanor, and providing penalty, and investing conductors with powers of sheriff while in charge of train,

Was lost,

Which motion was lost.

Mr. Howard moved

That the House concur in the Senate amendments to

House Bill No. 14,

A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised civil code of 1895, relating to banking,

Which motion prevailed.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 45, nays 2, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hurley,	Porter,
Baker,	Johnson,	Power,
Boyd of Cavalier,	Korsmo,	Richards,
Butterwick,	Kroeger,	Sargent,
Carlin,	Lenz,	Sharpe,
Cole,	Lindstrom,	Stevenson,
Cryan,	Lovelace,	Swenson,
Dougherty,	McConnachie,	Syvertson,
Francis,	McGinnis,	Tauton,
Gaulke,	McPherson,	Towle,
Gilbertson,	Mitchell,	Twichell,
Goplerud,	Murphy,	Wallace,
Hammond,	Northrop,	White,
Hankinson,	Offerdahl,	Wood.
Howard,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Duncan,	Heskin,
Boyd of Cass,	Dunton,	Joy,

Messrs—
Brotnov,
Colby.
Currier,

Messrs—
Earl,
Ebbighausen,
Erickson,

Messrs—
Ryan,
Wirkus,
Williams.

Messrs. Guinan and Hawk voting in the negative.

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

Mr. Howard moved

That the vote by which House Bill No. 14 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hawk moved

That the House concur in the Senate amendments to substitute for House Bills No. 38 and 109,

Which motion prevailed.

Substitute for House Bills No. 38 and 109,

A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to elections,

Was read the third time.

The question being upon the final passage of the bill as amended by the SENATE.

The roll being called there were ayes 42, nays 13, absent and not voting 7.

Those voting in the affirmative were:

Messrs—
Baker,
Belden,
Boyd of Cass,
Carlin,
Currier,
Dunton,
Earl,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,
Hammond,
Hankinson,

Messrs—
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Northrop,

Messrs—
Offerdahl,
Porter,
Power,
Richards,
Ryan,
Sargent,
Sharpe,
Stevenson,
Swenson,
Twichell,
Wallace,
White,
Williams,
Wood.

Those voting in the negative were:

Messrs—
Aas,
Boyd of Cavalier,
Brotnov,
Cole,
Cryan,

Messrs—
Dougherty,
Duncan,
Ebbighausen,
Guinan,

Messrs—
Lenz,
Tanton,
Towle,
Wirkus.

Absent and not voting:

Messrs—
Butterwick,
Colby,
McPherson,

Messrs—
Murphy,
Peoples,

Messrs—
Syvertson,
Mr. Speaker.

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

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 101,

A bill for an act to amend section 6776 of the Revised Codes, relating to appeals from justices of the peace,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 101,

A bill for an act to amend section 6776 of the Revised Codes, relating to appeals from justices of the peace.

There being no objection its title was read and the Speaker affixed his signature.

Mr. McGinnis moved that

Senate Bill No. 156,

A bill for an act to repeal article 24 of chapter 18 entitled revenue and taxation, of the Revised Codes of the state of North Dakota, being sections 1347 to 1354 inclusive,

Be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 163,

A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota Agricultural college and experiment station,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 47, nays 3, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Goplerud,	Offerdahl,
Belden,	Guinan,	Peoples,
Boyd, of Cass.	Hammond,	Power,
Boyd, of Cavalier,	Hawk.	Richards,
Brotnov.	Heskin.	Ryan,
Butterwick,	Howard,	Stevenson,
Colby,	Hurley,	Swenson,
Cole.	Johnson,	Tanton,
Currier,	Joy,	Towle,
Dougherty,	Korsmo,	Wallace,
Dunton,	Lenz,	White.
Earl.	Love'ace,	Wirkus,
Erickson,	McConnachie,	Williams,
Francis,	McGinnis,	Wood.
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,	Northrop,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Porter,	Sharpe.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Mitchell,
Cryan,	Kroeger,	Sargent,
Duncan,	Lindstrom,	Syvertson,
Ebbighausen,	McPherson,	Twichell.

So the bill passed and the title was agreed to.

Mr. Cole 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. 48.

A bill for an act providing for an appropriation for the maintenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 49, nays 4, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Offerdahl,
Belden,	Heskin,	Peoples,
Boyd of Cass	Howard,	Richards,
Boyd of Cavalier,	Hurley,	Ryan,
Butterwick,	Johnson,	Sargent,
Colby,	Joy,	Stevenson,
Cole,	Korsmo,	Swenson,
Currier,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Dunton,	Lindstrom,	Towle,
Earl,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Murphy,	Wood,
Guinan,	Northrop,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Ebbighausen,	Sharpe,	Twichell.
Porter,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	Haukinson,
Brownov,	Dougherty,	McPherson,
Carlin,	Gaulke,	Power.

So the bill passed and the title was agreed to.

Mr. Hurley moved

That the vote by which Senate Bill No. 48 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

House Bill No. 101,

A bill for an act to amend section 6776 of the Revised Codes of North Dakota, relating to undertakings on appeals from judgments rendered in justice's court in civil actions,

Having been signed by the Speaker of the House and the President of the Senate, was presented to his excellency, the governor, this 4th day of March, 1897, at 4:45 p. m.

ROBT. J. MITCHELL,
Chairman.

Senate Bill No. 169,

A bill for an act to amend section 180 of the Revised Codes of North Dakota, relating to salary of commissioner of university and school lands,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays 5, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Belden,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Cole,	Hurley,	Sargent,
Currier,	Joy,	Stevenson,
Dougherty,	Korsmo,	Swenson,
Duncan,	Kroeger,	Syvertson,
Dunton,	Lenz,	Tanton,
Earl,	Lovelace,	Towle,
Erickson,	McConnachie,	Wallace,
Francis,	McGinnis,	White,
Gaulke,	McPherson,	Wirkus,
Gilbertson,	Mitchell,	Williams,
Goplerud,	Murphy,	Wood,
Guinan,	Offerdahl,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Porter,	Twichell.
Ebbighausen,	Sharpe,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Colby,	Johnson,
Brotnov,	Cryan,	Lindstrom,
Carlin,	Hankinson;	Northrop,

So the bill passed and the title was agreed to.

Mr. Ryan moved

That the vote by which Senate Bill No. 69 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 making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 14, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Mitchell,
Baker,	Hammond,	Murphy,
Belden,	Hawk,	Northrop,
Boyd of Cass,	Heskin,	Offerdahl,
Boyd of Cavalier,	Howard,	Power,
Butterwick,	Hurley,	Richards,
Colby,	Joy,	Ryan,
Cole,	Korsmo,	Sargent,
Currier,	Kroeger,	Stevenson,
Duncan,	Lenz,	Tantoo,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Erickson,	McGinnis,	Wood,
Francis,	McPherson,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs--	Messrs—	Messrs—
Brotnov,	Guinan,	Syvertson,
Carlin,	Johnson,	Towle,
Cryan,	Porter,	Twichell,
Dougherty,	Sharpe,	Wirkus.
Ebbighausen,	Swenson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gilbertson,	Lindstrom,	Williams.
Hankinson,	Peoples,	

So the bill passed and the title was agreed to.

Mr. Ryan 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. 61.

A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays 7, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Belden,	Hawk,	Peoples,
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Colby,	Hurley,	Ryan,
Cole,	Joy,	Sargent,
Currier,	Korsmo,	Stevenson,
Dougherty,	Kroeger,	Syvertson,
Duncan,	Lenz,	Tanton,
Dunn on,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Erickson,	McGinnis,	Wallace,
Francis,	McPherson,	White,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood,
Goplerud,	Northrop,	Mr. Speaker

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Guinan,	Sharpe,
Cryan,	Porter,	Workus,
Ebbighausen,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Lindstrom,
Brotnov,	Johnson,	Swenson,
Butterwick,		

So the bill passed and the title was agreed to.

Mr. Francis moved

That the vote by which Senate Bill No. 61 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current

and contingent expenses of the State Normal school at Valley City, N. D.,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes, 44, nays 9, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Peoples,
Belden,	Hurley,	Power,
Boyd of Cass,	Joy,	Richards,
Boyd of Cavalier,	Korsmo,	Sargent,
Colby,	Kroeger,	Stevenson,
Cole,	Lenz,	Swenson,
Currier,	Lindstrom,	Tanton,
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Erickson,	McGinnis,	Wallace,
Francis,	McPherson,	White,
Gaulke,	Mitchell,	Williams,
Gilbertson,	Murphy,	Wood,
Hammond,	Northrop,	Mr. Speaker.
Hawk,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Ebbighausen,	Porter,
Cryan,	Gunn,	Sharpe,
Dougherty,	Johnson,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Duncan,	Heskin,
Butterwick,	Goplerud	Ryan,
Carlin,	Hankinson,	Syvertson.

So the bill passed and the title was agreed to.

Mr. Earl moved

That the vote by which Senate Bill No. 42 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 192,

A bill for an act to provide temporarily for the erection and maintenance of the state reform school at Mandan,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 32, nays 14, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Murphy,
Belden,	Howard,	Northrop,
Cole,	Hurley,	Peoples,
Currier,	Joy,	Richards,
Duncan,	Kroeger,	Stevenson,
Dunton,	Lenz,	Twichell,
Earl,	Lindstrom,	Wallace,
Erickson,	Lovelace,	White,
Francis,	McGinnis,	Williams,
Gaulke,	McPherson,	Mr. Speaker.
Hammond,	Mitchell,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Sargent,
Boyd of Cass,	Johnson,	Sharpe,
Brotnov,	McConnachie,	Swenson,
Dougherty,	Offerdahl,	Towle.
Goplerud,	Porter,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Gilbertson,	Ryan,
Butterwick,	Hankinson,	Syvertson,
Carlin,	Heskin,	Tanton,
Colby,	Korsmo,	Wirkus,
Cryan,	Power,	Wood.
Ebbighausen,		

So the bill passed and the title was agreed to.

Mr. Kroeger moved

That the vote by which Senate Bill No. 192 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Twichell moved

That Senate Bill No. 193 be laid on the table,

Which motion prevailed.

Senate Bill No. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Porter,
Belden,	Hankinson,	Power,
Boyd of Cass,	Howard,	Richards,

Messrs—	Messrs—	Messrs—
Brotnov,	Hurley,	Sharpe,
Carlin,	Korsmo,	Stevenson,
Cole,	Kroeger,	Swenson,
Cryan,	Lenz,	Syverison,
Currier,	Lindstrom,	Tanton,
Dunton,	Lovelace,	Towle,
Earl,	McConnachie,	Twichell,
Erickson,	McGinnis,	Wallace,
Francis,	McPherson,	White,
Gaulke,	Mitchell,	Wirkus,
Gilbertson,	Northrop,	Williams,
Goplerud,	Offerdahl,	Wood,
Guinan,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Duncan,	Joy,
Boyd of Cavalier,	Ebbighausen,	Murphy,
Butterwick,	Hawk,	Ryan,
Colby,	Heskin,	Sargent.
Dougherty,	Johnson,	

So the bill passed and the title was agreed to.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills to whom was referred

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

Also,

House Bill No. 102,

A bill for an act to regulate appeals from justice courts on questions of law.

Also,

House Bill No. 137,

A bill for an act to amend section 103 of the Revised Codes of North Dakota relating to the duty of the state auditor to transmit lists of taxable lands to county auditors,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

Also,

House Bill No. 102,

A bill for an act to regulate appeals from justice's court on questions of law,

Also,
House Bill No. 137,
A bill for an act to amend section 103 of the Revised Codes of North Dakota, relating to the duty of the state auditor to transmit lists of taxable property to county auditors.

Also,
Senate Bill No. 157,
A bill for an act providing that the means derived from the fund known as the school for the feeble-minded at Grafton shall be credited to such fund.

There being no objection their titles were read and the Speaker affixed his signature.

Senate Bill No. 65,
A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 51, nays none, absent and not voting 11.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Brotnov,	Howard,	Richards,
Carlin,	Hurley,	Ryan,
Colby,	Korsmo,	Sargent,
Cole,	Kroeger,	Sharpe,
Cryan,	Lenz,	Stevenson,
Duncan,	Lindstrom,	Swenson,
Dunton,	Lovelace,	Syvertson,
Earl,	McConnachie,	Towle,
Ebbighausen,	McGinnis,	Wallace,
Erickson,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Hankinson,	Tanton,
Butterwick,	Heskin,	Twichell,
Currier,	Johnson,	Williams.
Dougher y,	Joy,	

So the bill passed and the title was agreed to.

Mr. Lenz moved
That the vote by which Senate Bill No. 65 was passed be reconsidered and the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 91,
A bill for an act to appropriate moneys to the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year A. D. 1896, arising in the unorganized counties of Dunn, Wallace, Hettinger and Allred, attached to Stark county for judicial purposes,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 42, nays 2, absent and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Northrop,
Belden,	Hammond,	Peoples,
Butterwick,	Hankinson,	Power,
Colby,	Heskin,	Richards,
Cole,	Howard,	Ryan,
Cryan,	Hurley,	Sharpe,
Currier,	Joy,	Stevenson,
Duncan,	Kroeger,	Twichell,
Earl,	Lenz,	Wallace,
Ebbighausen,	Lovelace,	White,
Erickson,	McConnachie,	Wirkus,
Francis,	McGinnis,	Wood,
Gaulke,	McPherson,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hawk,	Sargent,
Boyd of Cavalier,	Korsmo,	Swenson,
Brotnov,	Lindstrom,	Syvertson,
Carlin,	Mitchell,	Tanton,
Dougherty,	Offerdahl,	Towle,
Dunton,	Porter,	Williams.

Messrs. Guinan and Johnson voting in the negative.

So the bill passed and the title was agreed to.

Mr. Cryan moved
That the vote by which Senate Bill No. 91 was passed be reconsidered and the motion to reconsider be laid on the table,
Which motion prevailed.

Senate Bill No. 9,
A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb of the state of North Dakota, at

Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 46, nays none, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Baker,	Heskin,	Peoples,
Belden.	Howard,	Porter,
Boyd of Cavalier,	Hurley,	Ryan,
Butterwick,	Johnson.	Sargent,
Colby,	Joy,	Sharpe,
Cole,	Korsmo,	Stevenson,
Currier,	Kroeger,	Swenson,
Earl,	Lenz,	Syvertson,
Ebbighausen,	Lindstrom,	Tanton,
Erickson,	Lovelace,	Wallace,
Francis,	McConnachie,	White,
Gaulke,	McGinnis,	Wirkus,
Gilbertson,	McPherson,	Wood,
Goplerud,	Murphy,	Mr. Speaker.
Guinan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Dunton,	Power,
Brotnov,	Hankinson,	Richards,
Carlin,	Hawk,	Towle,
Dougherty,	Mitchell,	Twichell,
Duncan,	Offerdahl,	Williams.

Mr. Cryan voting in the negative.

So the bill passed and the title was agreed to.

Mr. Currier moved

That the vote by which Senate Bill No. 9 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill 173,

A bill for an act to amend section 76 of the Revised Codes of North Dakota relating to accounts for printing and binding required by state officers, and making an annual appropriation therefor,

Was read the third time.

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

The roll being called there were ayes 39, nays 2, absent an not voting 21.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Peoples,
Baker,	Howard,	Porter,
Belden.	Hurley,	Power,
Butterwick,	Joy,	Sharpe,
Carlin,	Korsmo,	Stevenson,
Cole,	Kroeger,	Swenson,
Cryan,	Lenz,	Syvertson,
Currier,	Lovelace,	Twichell,
Earl,	McConnachie,	Wallace,
Erickson,	McGinnis,	White,
Gilbertson,	McPherson,	Wirkus,
Hankinson,	Murphy,	Wood,
Hawk,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Francis,	Offerdahl,
Boyd of Cavalier,	Gaulke,	Richards,
Brotnov,	Goplerud,	Ryan,
Colby,	Hammond,	Sargent,
Dougherty,	Johnson,	Tanton,
Duncan,	Lindstrom,	Towle,
Dunton,	Mitchell,	Williams.

Messrs. Ebbighausen and Guinan voting in the negative.

Mr. Duncan being excused.

So the bill passed and the title was agreed to.

Mr. Currier 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.

Mr. Twichell moved

That Senate Bill No. 194 be laid on the table,

Which motion prevailed.

Senate Bill No. 51,

A bill for an act to appropriate money to pay the necessary expenses of the board of university and school lands,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 46, nays none, absen and not voting 16.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Peoples,
Baker,	Hawk,	Porter,
Belden,	Heskin,	Power,
Butterwick,	Howard,	Richards,
Cole,	Hurley,	Ryan,
Cryan,	Joy,	Sharpe,

Messrs—	Messrs—	Messrs—
Currier,	Korsmo,	Stevenson,
Dunton,	Kroeger,	Swenson,
Earl,	Lindstrom,	Tanton,
Ebbighausen,	Lovelace,	Towle,
Erickson,	McConnachie,	Twichell,
Francis,	McPherson,	Wallace,
Gaulke,	Murphy,	White,
Gilbertson,	Northrop,	Wirkus,
Goplerud,	Offerdahl,	Mr. Speaker.
Guinan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Duncan,	Mitchell,
Boyd of Cavalier,	Johnson,	Sargent,
Bronnov,	Hankinson,	Syverson,
Carlin,	Lenz,	Williams,
Colby,	McGinnis,	Wood.
Dougherty,		

Mr. Duncan being excused.

So the bill passed and the title was agreed to.

Mr. Richards moved

That a voucher be issued to W. B. Livermore for the sum of $55 to pay for the use of committee rooms, said rooms having been secured by Messrs. Richards and Stevenson, as instructed by the House,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 106,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan and an appropriation of money therefor,

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

Strike out the figures "2,500" in line 28 of section 6 of the engrossed bill and insert in lieu thereof the figures "1,250."

And when so amended recommend that the same do pass.

H. D. HURLEY,
Chairman.

Mr. Colby moved

That the House adjourn.

Roll call demanded.

The question being upon the motion to adjourn.

The roll being called there were ayes 25, nays 31, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Offerdahl,
Boyd of Cass,	Hurley,	Sargent,
Butterwick,	Joy,	Swenson,
Colby,	Korsmo,	Syvertson,
Dunton,	Lindstrom,	Towle,
Francis,	McConnachie,	Twichell,
Gilbertson,	Mitchell,	Wallace,
Goplerud,	Northrop,	Williams.
Heskin,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Porter,
Belden,	Hammond,	Richards,
Carlin,	Hankinson,	Ryan,
Cole,	Hawk,	Sharpe,
Cryan,	Kroeger,	Stevenson,
Currier,	Lenz,	Tanton,
Dougherty,	McGinnis,	White,
Earl,	McPherson,	Wirkus,
Ebbighausen,	Murphy,	Wood,
Erickson,	Peoples,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Duncan,	Lovelace,
Brotnov,	Johnson,	Power.

Mr. Duncan being excused.

So the motion to adjourn was lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4, 1897.

MR. SPEAKER:
I have the honor to transmit herewith
Concurrent resolution in regard to joint rule 10,
Which the Senate has passed without amendment.

Respectfully yours,
J. O. SMITH,
Secretary.

Senate Bill No. 140,
A bill for an act to amend sections 625, 628, 636, 641, 642, 646

649, 651, 652, 667, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 44, nays 3, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Porter,
Baker,	Heskin,	Richards
Be'den,	Howard,	Sargent,
Butterwick,	Hurley,	Sharpe,
Dougherty,	Joy,	Stevenson,
Dunton,	Korsmo,	Swenson,
Earl,	Kroeger,	Syvertson,
Ebbighausen,	Lenz,	Tanton,
Erickson,	Lindstrom,	Towle,
Francis,	McConnachie,	Wallace,
Gaulke,	McPherson,	White,
Gilbertson,	Murphy,	Wirkus,
Goplerud,	Northrop,	Wood,
Guinan,	Offerdahl,	Mr. Speaker.
Hammond,	Peoples,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Currier,	Johnson,	McGinnis.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Cole,	Mitchell,
Boyd of Cavalier,	Cryan,	Power,
Brotnov,	Duncan,	Ryan,
Carlin,	Hawk,	Twichell,
Colby,	Lovelace,	Williams.

So the bill passed and the title was agreed to.

Mr. Hurley gave notice that he would on the next legislative day move to reconsider the vote by which Senate Bill No. 140 was passed.

Mr. Murphy moved

That the vote by which Senate Bill No. 140 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hurley moved

That when the House adjourn, it adjourn to meet at 10 o'clock a. m. tomorrow,

Which motion was lost.

Mr. Hurley moved
That the further consideration of Senate Bill No. 106 be indefinitely postponed,
Which motion was lost.

Mr. Lindstrom moved
That the House do now adjourn until 10 o'clock tomorrow,
Which motion prevailed, and
The House adjourned.

H. E. LAVAYEA,
Chief Clerk

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,
BISMARCK, NORTH DAKOTA,
March 5, 1897.

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

The Speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal

respectfully report that they have carefully examined the Journal of the fifty-ninth day and recommend that it be amended as follows:

On page 7, line 20, strike out the figures "1312," and insert in lieu thereof the figures "2312."

On page 10, line 20, strike out the figure "3" and insert in lieu thereof the figure "2."

On page 11, lines 25 and 26, strike out the name "Hawk" and insert in lieu thereof the name "Sharpe."

On page 14, line 43, strike out the name "Hankinson" and insert in lieu thereof the name "Joy."

Same page, line 44, strike out the name "Joy" and insert in lieu thereof the name "Earl."

On page 14 strike out all of line 46.

On page 15, strike out all of lines 1, 2 and 3.

On page 15, line 40, strike out the figures "200" and insert in lieu thereof the figures "209."

On page 18, after the word "considered" in lines 17 and 18, insert the following:

"Mr. Hurley arose to the point of order that Mr. McPherson was not entitled to move to reconsider the vote by which the bill was lost, as per rule 36 of House rules.

The chair ruled on Mr. Hurley's point of order as follows:

Under all parliamentary law, where there was no roll call, any member can move to reconsider."

On same page, line 22, after the word "there" insert the word "were."

On page 25, line 27, strike out the word "aid" and insert in lieu thereof the word "act."

On page 39, line 16, strike out the figures "16" and insert in lieu thereof the figures "18."

On page 40, line 6, strike out the word "none," and insert in lieu thereof the word "one."

On page 12, line 12, strike out the word "pill" and insert in lieu thereof the word "bill."

On page 44, after line 5, insert the following:

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports,

Which the Senate has amended as follows:

By striking out all after the word "be" in line 21, to and including the

word "posted" in line 24 of the printed bill, and add in place of the words stricken out, the following: "Published any itemized statement of the receipts and expenditures of the preceding year; provided that the publisher of the newspaper in which the same is published shall mail a marked copy of said paper to each taxpayer of the district, free of charge, said list to be furnished him by the treasurer of said district."

And your concurrence therein is respectfully requested.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Which the Senate has passed unchanged.

I have also the honor to inform you that the report of the conference committee on amendments to

House Bill No. 3,

A bill for an act prescribing the mode of making assessments of property, the equalization of and levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1137 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act,

Has been adopted by the Senate,

I have also the honor to transmit herewith

CONCURRENT RESOLUTION:

WHEREAS, W. W. Barrett, of the department of irrigation, forestry and fish, assisted by the school children, and many leading and influential men and women of our state, has created the State Sylvaton museum of North Dakota, representing all the grains, native wild fruits, forest seeds, acorns, nuts, woods, fish, botanical, geological and archeological specimens of this state, and specimens from elsewhere, together with a large collection of historical engravings and photographs of an high order of excellence, including also the North Dakota forestry exhibit at the World's Columbian fair;

WHEREAS, It is the desire of the friends of the North Dakota State Sylvaton museum to have the same displayed in the capitol at Bismarck, and

WHEREAS, W. W. Barrett proposes and agrees to make the said exhibit at his own private expense; now, therefore,

Be It Resolved by the Senate of the Fifth Legislative Assembly, of North Dakota, the House Concurring:

That the governor of this state is hereby empowered and instructed to furnish suitable room to Mr. Barrett in the state house for a proper display of the North Dakota State Sylvaton museum.

Which the Senate has passed.

Respectfully,
J. O. SMITH,
Secretary.

And when so amended recommend the adoption of the Journal of the fifty-ninth day.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-ninth day was approved.

The courtesies of the floor were extended to Messrs. R. R. Hedtke of LaMoure, J. B. Smith of Jamestown, Dr. H. R. Porter and Dr. G. A. Rawlings of Burleigh county.

CONSIDERATION OF MESSAGES FROM THE SENATE.

Mr. Currier moved
That the House concur in the Senate concurrent resolution allowing Hon. W. W. Barrett to make a sylvaton display in the capitol building,
Which motion prevailed, and
The concurrent resolution was adopted.

Mr. Sargent moved
That the House concur in the Senate amendments to House Bill No. 107,
A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurer's reports.

There being no objection the Speaker stated that all House bills that pass the House and Senate would be referred to committee on enrollment.

Mr. Dougherty moved
As a substitute motion, that the House do not concur in the Senate amendments to House Bill No. 107.

Mr. Dougherty withdrew his motion, and
A roll call was demanded on the motion made by Mr. Sargent.

The question being upon the motion to concur in Senate amendment to House Bill No. 107.

The roll being called there were ayes 31, nays 11, absent and not voting 20.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Peoples,
Belden,	Johnson,	Porter,
Boyd of Cass,	Joy,	Power,
Colby,	Kroeger,	Sargent,
Currier,	Lovelace,	Sharpe,
Dunton,	McConnachie,	Stevenson,

Messrs—
Earl,
Ebbighausen,
Gaulke,
Gilbertson,
Hawk,
McPherson,
Mitchell,
Northrop,
Offerdahl,
Twichell,
Williams,
Wood,
Mr. Speaker.

Those voting in the negative were:

Messrs—
Brotnov,
Carlin,
Cryan,
Dougher'y,
Guinan,
Lenz,
Richards,
Swenson,
Syvertson,
Towle,
Wirkus.

Absent and not voting:

Messrs—
Aas,
Boyd of Cavalier,
Butterwick,
Cole,
Duncan,
Erickson,
Francis,
Goplerud,
Hammond,
Hankinson,
Heskin,
Hurley,
Korsmo,
Lindstrom,
McGinnis,
Murphy,
Ryan,
Tanton,
Wallace,
White.

So the amendments were concurred in.

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 44, nays none, absent and not voting 18.

Those voting in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd of Cass,
Boyd of Cavalier,
Butterwick,
Colby,
Dunton,
Earl,
Francis,
Goplerud,
Hammond,
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Kroeger,
Lenz,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Murphy,
Northrop,
Offerdahl,
Peoples,
Porter,
Power,
Richards,
Ryan,
Sargent,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Tanton,
Towle,
Wallace,
White,
Williams,
Wood,
Mr. Speaker.

Absent and not voting:

Messrs—
Brotnov,
Carlin,
Duncan,
Ebbighausen,
Hankinson,
Korsmo,

Messrs—	Messrs—	Messrs—
Cole,	Erickson,	Lindstrom,
Cryan,	Gaulke,	McPherson,
Currier,	Gilbertson,	Twichell,
Dougherty,	Guinan,	Wirkus.

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

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving, delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies, and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam, and bridge corporations and ferry companies, the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts, and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The chief clerk announced that the Speaker was about to sign

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies sleeping car companies, freight and freight line companies, and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam, and bridge corporations and ferry companies, the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such

regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts, and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith.

There being no objection its title was read and the Speaker affixed his signature.

Mr. Twichell moved that the Speaker appoint a conference committee of three to confer with the Senate committee on Senate Bill No. 23,

Which motion prevailed, and

The Speaker appointed as such committee Messrs. Lindstrom, Twichell and Francis.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed improvements for the soldiers' home at Lisbon,

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

Strike out the figures "2,000" in line 20 of the printed bill and insert the figures "1,200."

Strike out the figures "2,400" in line 22 of page 1 of said bill and insert the figures "1,800."

Strike out the figures "800" in line 24 of page 1 of said bill and insert the figures "600" in lieu thereof."

H. D. HURLEY,
Chairman.

Mr. Hurley moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

Mr. Hurley moved

That the rules be suspended and that

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed and permanent improvements for the soldiers' home at Lisbon,

Be placed on its third reading and final passage,

Which motion prevailed.

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

The roll being called there were ayes 43, nays 4, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Richards,
Belden,	Hawk,	Sargent,
Boyd of Cavalier,	Hurley,	Sharpe,
Brotnov,	Joy,	Stevenson,
Butterwick,	Kroeger,	Swenson,
Colby,	Lenz,	Tanton,
Currier,	Lovelace,	Towle,
Dunton,	McConnachie,	Twichell,
Earl,	McGinnis,	Wallace,
Erickson,	McPherson,	White,
Francis,	Murphy,	Wirkus,
Gaulke,	Northrop,	Williams,
Gilbertson,	Offerdahl,	Wood,
Goplerud,	Peoples,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Syvertson.
Carlin,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Ebbighausen,	Lindstrom,
Cole,	Heskin,	Mitchell,
Cryan,	Howard,	Porter,
Dougherty,	Johnson,	Power,
Duncan,	Korsmo,	Ryan.

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

Mr. Hankinson moved

That the vote by which Senate Bill No. 76 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to inform you that the Senate has requested the House to return to the Senate

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258, of chapter 20, of the Revised Codes of 1895, relating to banking,

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Murphy moved

That the request be complied with and that the chief clerk be instructed to return House Bill No. 14 to the Senate,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

The Senate has passed the following resolution:

Resolved, It is the sense of the Senate that no business be done in the Senate except the signing and engrossing of bills after 8 o'clock this evening and that the House be notified of the action of the Senate.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Twichell moved

That the vote by which Senate Bill No. 184 was passed be reconsidered,

Which motion prevailed, and

The vote was reconsidered.

Mr. Twitchell moved

That the words "and board of railroad commissioners and their secretary" be inserted after the word "deputies" in the report of conference committee on Senate Bill No. 184.

Which amendment was adopted.

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

The roll being called there were ayes 44, nays 2, absent and not voting 16.

Those who voted in the affirmative were:

Messrs—
Aas,
Baker,
Boyd of Cass,
Boyd of Cavalier,
Brotnov,
Butterwick,
Carlin,
Currier,
Dunton,
Earl,
Ebbighausen,
Erickson,
Francis,
Gaulke,
Gilbertson,

Messrs—
Guinan,
Hammond,
Hawk,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Lenz,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Murphy,

Messrs—
Northrop,
Offerdahl,
Porter,
Richards,
Sargent,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Twichell,
White,
Wirkus,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Goplerud,	Power,
Colby,	Hankinson,	Ryan,
Cole,	Korsmo,	Tanton,
Cryan,	Kroeger,	Wallace,
Dougherty,	Lindstrom,	Wood,
Duncan,	Peoples,	

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor,

Which the Senate has amended as follows:

By amending the title by striking out all after the word "forestry."

And passed the same as amended.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Hammond moved

That the House concur in the Senate amendments to House Bill No. 12,

Which motion prevailed, and

The amendment was adopted.

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor,

Was read the third time.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 61, nays 1, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hankinson,	Porter,
Boyd of Cavalier,	Hawk,	Power,

Messrs—
Brotnov,
Butterwick,
Carlin,
Colby,
Cole,
Cryan,
Currier,
Dougherty,
Duncan,
Dunton,
Earl,
Ebbighausen,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,

Messrs—
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lenz,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
McPherson,
Mitchell,
Murphy,
Northrop,

Messrs—
Richards,
Ryan,
Sargent,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Tanton,
Towle,
Twichell,
Wallace,
White,
Wirkus,
Williams,
Wood,
Mr. Speaker.

Mr. Aas voting in the negative.

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

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving, delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam and bridge corporations and ferry companies the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith.

Having been signed by the Speaker of the House and President of the Senate was presented to his excellency, the governor, this 5th day of March, 1897, at 11:25 a. m.

ROBT. J. MITCHELL,
Chairman.

Mr. Lindstrom was excused.

Mr. Hurley moved
A call of the House,
Which was ordered.

Mr. Hankinson moved
That further proceedings under the call of the House be dispensed with,
Which motion prevailed, and
Further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:
I have the honor to return herewith
House Bill No. 128,
A bill for an act to provide for a state temperance commissioner defining his duties and powers and fixing his compensation and bond,
Which the Senate has passed unchanged.

Respectfully yours,
J. O. SMITH,
Secretary.

The committee on appropriations made the following report:

MR. SPEAKER:
Your committee on appropriations to whom was referred
Senate Bill No. 34,
A bill for an act entitled an act making an appropriation for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvements thereat,
Have had the same under consideration and recommend that the same be amended as follows:

Strike out the figures '3,000" in line 21 of the engrossed bill and insert "$2.700."
Strike out the figures "$2,000" in line 22 of said bill and insert "$1,800."
Strike out the figures "$2,250" in line 6 of page 2 of engrossed bill.
Strike out the figures "$2,000" in line 8 of page 2 of engrossed bill and insert the figures "$1,500."

And when so amended recommend that the same do pass.

H. D. HURLEY,
Chairman.

Mr. Hurley moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

The question being upon the final passage of Senate Bill No. 34 as amended by the House.

The roll being called there were ayes 40, nays 15, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hammond,	Peoples,
Belden,	Hankinson,	Power,
Boyd of Cass,	Heskin,	Richards,
Boyd of Cavalier,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Colby,	Kroeger,	Swenson,
Cole,	Lenz,	Tanton,
Currier,	Lovelace,	Twichell,
Dunton,	McGinnis,	Wallace,
Earl,	McPherson,	White,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood.
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Ebbighausen,	Offerdahl,
Brotnov,	Hawk,	Porter,
Carlin,	Johnson,	Syvertson,
Cryan,	Joy,	Towle,
Duncan,	McConnachie,	Wirkus.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Ryan,
Erickson,	Lindstrom,	Sargent,
Guinan,		

Mr. Lindstrom being excused.

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

Mr. Hurley moved

That the vote by which Senate Bill No. 34 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 183,

A bill for an act to appropriate money to pay J. D. Wallace for services and mileage as trustee of the agricultural college of North Dakota during the year 1890,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays 1, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Murphy,
Baker,	Goplerud,	Northrop,
Belden,	Guinan,	Offerdahl,

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hammond,	Porter,
Boyd of Cavalier,	Hankinson,	Power,
Brotnov,	Hawk,	Richards,
Butterwick,	Howard,	Sharpe,
Carlin,	Hurley,	Stevenson,
Cryan,	Johnson,	Swenson,
Currier,	Joy,	Syvertson,
Dougherty,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lovelace,	White,
Earl,	McConnachie,	Wirkus,
Ebbighausen,	McGinnis,	Williams,
Erickson,	McPherson,	Wood,
Francis,	Mitchell,	Mr. Speaker.
Gaulke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Lindstrom,	Sargent,
Cole,	Peoples,	Twichell,
Korsmo,	Ryan,	Wallace.

Mr. Heskin voting in the negative.

Mr. Lindstrom being excused.

So the bill passed and the title was agreed to.

The chief clerk announced that the Speaker was about to sign

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota.

Also,

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current and contingent expenses of the state normal school of Valley City, N. D.

Also,

Senate Bill No. 69,

A bill for an act making appropriation for maintenance of the state university and for needed permanent improvements of the state university.

Also,

Senate Bill No. 173,

A bill for an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor.

Also,

Senate Bill No. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes.

Also,
Senate Bill No. 157,
A bill for an act providing that the means derived from the fund known as the school for the feeble minded at Grafton shall be credited to such fund.

Also,
Senate Bill No. 61,
A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.

Also,
Senate Bill No. 9,
A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor.

Also,
Senate Bill No. 48,
A bill for an appropriation for the maintenance and improvement of the state normal school at Mayville, and for the liquidation of certain indebtedness of said normal school.

Also,
Senate Bill No. 163,
A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical labratory for the North Dakota Agricultural College and Experiment Station.

Also,
Senate Bill No. 91,
A bill for an act to appropriate moneys to the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year A. D. 1896, arising in the unorganized counties of Dunn, Wallace, Hettinger and Allreds attached to Stark county, for judicial purposes.

Also,
Senate Bill No. 192,
A bill for an act to provide temporarily for the erection and maintenance of the state reform school at Mandan.

Also,
Senate Bill No. 65,
A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate Bill No. 177,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate Bill No. 162,

A bill for an act to create a commission to provide for the display of North Dakota resources at the Trans-Mississippi and International Exposition to be held at Omaha, Neb., in the year 1898, to define its duties and to appropriate money therefor,

There being no objection, the titles of the above bills were read and the Speaker affixed his signature to each bill.

Senate Bill No. 145,

A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota,

Was read the third time.

The question being upon the final passage of the bill as amended by the House.

The roll being called there were ayes 46, nays 9, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Richards,
Belden,	Hurley,	Ryan,
Boyd of Cass,	Johnson,	Sargent,
Boyd of Cavalier,	Kroeger,	Sharpe,
Brotnov,	Lenz,	Stevenson,
Butterwick,	Lovelace,	Swenson,
Carlin,	McConnachie,	Tanton,
Currier,	McGinnis,	Towle,
Dougherty,	McPherson,	Twichell,
Dunton,	Mitchell,	Wallace,
Earl,	Murphy,	White,
Ebbighausen,	Northrop,	Wirkus,
Gaulke,	Offerdahl,	Williams,
Goplerud,	Peoples,	Wood,
Guinan,	Porter,	Mr. Speaker.
Hammond,		

Those voting in the negative were:

Messrs--	Messrs—	Messrs—
Aas,	Francis,	Joy,
Colby,	Gilbertson,	Power,
Duncan,	Howard,	Syvertson.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Hawk,	Korsmo,
Cryan,	Heskin,	Lindstrom.
Erickson.		

Mr. Lindstrom voting in the negative.

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

Senate Bill No. 176,

A bill for an act to amend section 1811 of the Revised Codes of North Dakota relating to expenses of commissioner of agriculture and labor,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 52, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Baker,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Brotnov,	Hurley,	Sharpe,
Butterwick,	Johnson,	Stevenson,
Carlin,	Joy,	Swenson,
Cryan,	Kroeger,	Syvertson,
Currier,	Lenz,	Tanton,
Dougherty,	Lindstrom,	Towle,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Wood,
Goplerud,	Murphy,	Mr. Speaker.
Guinan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Erickson,	Ryan,
Cole,	Korsmo,	Sargent,
Duncan,	Offerdahl,	Twichell.
Ebbighausen,		

So the bill passed and the title was agreed to.

Senate Bill No. 106,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan, and an appropriation of money therefor,

Was read the third time.

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

The roll being called there were ayes 33, nays 16, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hankinson,	Northrop,
Baker,	Hawk,	Richards,
Belden,	Hurley,	Stevenson,
Cole,	Joy,	Tanton,
Currier,	Kroeger,	Twichell,
Dunton,	Lindstrom,	Wallace,
Earl,	Lovelace,	White,
Erickson,	McConnachie,	Wirkus,
Francis,	McGinnis,	Wood,
Gaulke,	McPherson,	Mr. Speaker.
Hammond,	Murphy,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Guinan,	Porter,
Butterwick,	Heskin,	Sharpe,
Carlin,	Johnson,	Swenson,
Dougherty,	Lenz,	Syvertson,
Gilbertson,	Peoples,	Towle.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cass.	Ebbighausen,	Power,
Brotnov,	Howard,	Ryan,
Colby,	Korsmo,	Sargent,
Cryan,	Mitchell,	Williams.
Duncan,	Offerdahl,	

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

Mr Stevenson moved

That the vote by which Senate Bill No. 106 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 132,

A bill for an act to appropriate money to pay the annual expenses of advertising the common school lands for lease, and of leasing the same,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 2, absent and not voting 17.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Murphy,
Baker,	Gaulke,	Northrop,
Belden,	Gilbertson,	Offerdahl,
Boyd of Cass,	Goplerud,	Peoples,
Boyd of Cavalier,	Hammond,	Porter,
Brotnov,	Hankinson,	Richards,

Messrs—
Butterwick,
Cole,
Currier,
Dougherty,
Duncan,
Dunton,
Earl,
Ebbighausen,
Erickson,
Howard,
Joy,
Kroeger,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
McPherson,
Ryan,
Tanton,
Towle,
Wallace,
White,
Wirkus,
Williams,
Mr. Speaker.

Absent and not voting:

Messrs—
Colby,
Cryan,
Guinan,
Hawk,
Hurley,
Johnson,
Korsmo,
Lenz,
Mitchell,
Power.
Sargent,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Twichell,
Wood.

Messrs. Carlin and Heskin voting in the negative.

So the bill passed and the title was agreed to.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 108,

A bill for an act to appropriate the sum of thirteen thousand ($13,000) dollars, or so much thereof as may be necessary to pay the principal and interest due on certificates issued in aid of the construction of the soldiers' home at Lisbon, North Dakota,

Have had the same under consideration and recommend that further consideration of t e same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Lenz moved

That the report be adopted,

Which motion prevailed, and

The further consideration of Senate Bill No. 108 was indefinitely postponed.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion,

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

Strike out the figures "800" in line 11 of page 1 of the engrossed bill and insert the figures "400" in lieu thereof."

And when so amended recommend that the same do pass.

H. D. HURLEY,
Chairman.

Mr. Hurley moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Senate Bill No. 165,
A bill for an act making an appropriation for repairing and furnishing the executive mansion,
Was read the third time.
The question being upon the final passage of the bill as amended.

The roll being called there were ayes 37, nays 12, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Johnson,	Power,
Butterwick,	Joy,	Richards,
Carlin,	Kroeger,	Ryan,
Currier,	Lindstrom,	Stevenson,
Dunton,	Lovelace,	Swenson,
Earl,	McConnachie,	Twichell,
Francis,	McGinnis,	Wallace,
Gilbertson,	Mitchell,	White,
Goplerud,	Northrop,	Wood,
Hammond,	Offerdahl,	Mr. Speaker.
Hankinson,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Heskin,	Sharpe,
Brotnov,	Hurley,	Syvertson,
Gaulke,	Lenz,	Tanton,
Guinan,	McPherson,	Towle.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Duncan,	Murphy,
Colby,	Ebbighausen,	Sargent,
Cole,	Erickson,	Wirkus,
Cryan,	Korsmo,	Williams.
Dougherty,		

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

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 178,

A bill for an act to amend sections 868, 869, 870, 871, 872, 873, of the Revised Codes of 1895, relating to the aid and encouragement of high schools,

Have had the same under consideration and recommend that the the same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Hurley moved

That the report be adopted,

Which motion prevailed, and

Further consideration of Senate Bill 178 was indefinitely postponed.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 112,

A bill for an act to provide for the collection of vital statistics, and appropriating money therefor,

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. McGinnis moved

The adoption of the report,

Which motion prevailed, and

Further consideration of Senate Bill No. 172 was indefinitely postponed.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 87,

A bill for an act to reimburse the county of Burleigh for expenses in prosecuting W. H. Leonard for obtaining wolf bounty under false pretenses,

Have had the same under consideration and recommend that the same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Hurley moved

That the report be adopted,

Which motion prevailed, and

Further consideration of Senate Bill 87 was indefinitely postponed.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 193,

A bill for an act to provide for the payment of the necessary traveling expenses of the state examiner incurred in the discharge of his official duties,

Have had the same under consideration and recommend that further consideration of said bill be indefinitely postponed, as same subject matter is contained in Senate Bill No. 184.

H. D. HURLEY,
Chairman.

Mr. Hurley moved that
The report be adopted,
Which motion prevailed, and
The further consideration of Senate Bill No. 193 was indefinitely postponed.

The committee on appropriation made the following report:

MR. SPEAKER:

Your committee on appropriation to whom was referred Senate Bill No. 174,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor,

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

Strike out the words "eighteen thousand" in line 27 of page 1 of the engrossed bill and insert the words "twelve thousand five hundred" in lieu thereof.

And when so amended recommend that the same do pass.

H. D. HURLEY,
Chairman.

Mr. Lenz moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Senate Bill No. 72,

A bill for an act to appropriate money to compensate the state of South Dakota for keeping, boarding and schooling North Dakota refractory boys at the South Dakota reform school.

Was read the third time.

The question being upon the final passage of the bill

The roll being called there were ayes, 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Baker,	Hammond,	Peoples,
Belden,	Hankinson,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Brotnov,	Howard,	Sharpe,
Butterwick,	Hurley,	Stevenson,
Carlin,	Johnson,	Swenson,
Colby,	Joy,	Syvertson
Cole,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Francis,	McGinnis,	Wirkus,
Gaulke,	McPherson,	Williams,
Gilbertson,	Mitchell,	Wood,
Goplerud	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cryan,	Erickson,	Ryan,
Currier,	Korsmo,	Sargent.
Ebbighausen,	Murphy,	

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 209,

A bill for an act to amend section 7593, 9302, 9605, 7608 and 7616 of the Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Which the Senate has passed unchanged.

Respectfully yours,
J O. SMITH,
Secretary.

Senate Bill No. 174,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds

and parks connected therewith, and making an annual appropriation therefor,

Was read the third time.

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

The roll being called there were ayes 44, nays 5, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Johnson,	Ryan,
Baker,	Joy,	Sargent,
Boyd, of Cass,	Kroeger,	Sharpe,
Butterwick,	Lenz,	Stevenson,
Currier,	Lindstrom,	Swenson,
Dunton,	Lovelace,	Tanton,
Earl,	McConnachie,	Towle,
Francis,	McGinnis,	Twichell,
Gilbertson,	McPherson,	Wallace,
Hammond,	Mitchell,	White,
Hankinson,	Murphy,	Wirkus,
Hawk,	Northrop,	Williams,
Heskin,	Peoples,	Wood,
Howard,	Porter,	Mr. Speaker.
Hurley,	Power,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Carlin,	Goplerud,	Offerdahl.
Duncan,	Guinan,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Cryan,	Gaulke,
Boyd, of Cavalier,	Dougherty,	Korsmo,
Brotnov,	Ebbighausen,	Richards,
Colby,	Erickson,	Syvertson.
Cole,		

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

Senate Bill No. 111,

A bill for an act to reimburse F. H. DeVaux for expenses by him incurred as superintendent of public health in the year 1894.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 41, nays 12, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Goplerud,	Northrop,
Boyd of Cavalier,	Hammond,	Offerdahl,
Butterwick,	Hankinson,	Peoples,
Carlin,	Hawk,	Porter,

Messrs—
Cole,
Currier,
Duncan,
Dunton,
Earl,
Ebbighausen,
Erickson,
Francis,
Gaulke,
Gilbertson,
Howard,
Hurley,
Joy,
Kroeger,
Lenz.
Lindstrom,
Lovelace,
McConnachie,
Mitchell,
Murphy,
Power,
Richards,
Stevenson,
Swenson,
Tanton,
Twichell,
White,
Wood,
Mr. Speaker.

Those voting in the negative were:

Messrs—
Aas,
Baker,
Belden,
Brotnov,
Dougherty,
Guinan,
Heskin,
Johnson,
McGinnis,
Sharpe,
Towle,
Wirkus.

Absent and not voting:

Messrs—
Colby,
Cryan,
Korsmo,
McPherson,
Ryan,
Sargent,
Syvertson,
Wallace,
Williams.

So the bill passed and the title was agreed to.

Senate Bill No. 196,
A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton,
Was read the third time.

The question being upon the final passage of the bill.
by the Senate.

The roll being called there were ayes 48, nays none, absent and not voting 14.

Those who voted in the affirmative were:

Messrs—
Baker,
Belden,
Boyd of Cass,
Boyd of Cavalier,
Brotnov,
Butterwick,
Cole,
Cryan,
Currier,
Dougherty,
Duncan,
Earl,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,
Hammond,
Hankinson,
Hawk.
Howard,
Hurley,
Johnson,
Joy,
Kroeger,
Lenz,
Lindstrom,
Lovelace,
McPherson,
Northrop,
Offerdahl,
Peoples,
Porter,
Power,
Richards,
Ryan,
Sharpe,
Stevenson,
Swenson,
Tanton,
Towle,
Twichell,
Wallace,
White,
Wirkus,
Williams,
Wood,
Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Mitchell,
Carlin,	Heskin,	Murphy,
Colby,	Korsmo,	Sargent,
Dunton,	McConnachie,	Syvertson.
Ebbighausen,	McGinnis,	

So the bill passed and the title was agreed to.

Senate Bill No. 170,

A bill for an act to regulate the printing of executive documents and limit the cost thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Peoples,
Baker,	Guinan,	Porter,
Belden,	Hammond,	Power,
Boyd of Cass,	Hankinson,	Richards,
Boyd of Cavalier,	Heskin,	Sharpe,
Brotnov,	Howard,	Stevenson
Butterwick,	Hurley,	Swenson,
Cole,	Johnson,	Tanton.
Cryan.	Lenz,	Towle.
Currier,	Lindstrom,	Twichell,
Dougherty,	Lovelace,	Wallace.
Dunton,	McConnachie,	White,
Earl,	McGinnis,	Wirkus,
Erickson,	McPherson.	Williams,
Francis,	Mitchell,	Wood,
Gaulke,	Northrop,	Mr. Speaker.
Gilbertson,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Carlin,	Hawk,	Murphy,
Colby,	Joy,	Ryan,
Duncan,	Korsmo,	Sargent,
Ebbighausen,	Kroeger,	Syvertson,

So the bill passed and the title was agreed to.

Mr. Twichell offered the following resolution:

RESOLUTION.

WHEREAS, House Bill No. 159 as amended passed the House with only one vote against it, has not been acted on by your honorable Senate, and as the House is informed has not been reported back by the committee to which it was referred; and

WHEREAS, This bill is intended to remedy our laws so it will be possible to collect thousands of dollars per annum in taxes from express, sleeping car,

telegraph companies and other foreign corporations doing business in our state, that under our present laws entirely evade taxation or pay little or nothing; therefore, be it

Resolved by the House, That we respectfully request the honorable Senate to have said bill reported back, and we further beg your speedy and favorable action on the same.

Mr. Twichell moved
That the resolution be adopted,
Which motion prevailed, and
The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
Senate Bill No. 162,
A bill for an act to create a commission to provide for the display of North Dakota's resources at the Trans-Mississippi and International exposition to be held at Omaha, Nebraska, in the year 1898; to define its duties and to appropriate money therefor,
Which the Senate has amended and passed as amended.

Very respectfully,
J. O. SMITH,
Secretary.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
House Bill No. 32,
A bill for an act to amend sub-division 4, of section 5252, of the Revised Codes of North Dakota, relating to the service of summons in district courts in civil actions.

Also,
House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,
House Bill No. 106,
A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 32,
A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes of North Dakota, relating to the service of summons on domestic corporations in civil actions.

Also,
House Bill No. 61,
A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,
House Bill No. 106,
A bill for an act to amend section 2721 of the Revised Codes, relating to the age of consent to marriage,

There being no objection their titles were read and the Speaker affixed his signature.

Senate Bill No. 162,
A bill for an act to create a commission to provide for the display of North Dakota's resources at the Trans-Mississippi and International exposition to be held at Omaha, Nebraska, in the year 1898; to define its duties and to appropriate money therefor.
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 43, nays 16, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Gilbertson,	Peoples,
Belden,	Goplerud,	Porter,
Boyd of Cass,	Guinan,	Power,
Boyd of Cavalier,	Hammond,	Ryan,
Brotnov,	Hankinson,	Sharpe,
Carlin,	Hawk,	Stevenson,
Colby,	Howard,	Swenson,
Cole,	Hurley,	Tanton,
Currier,	Joy,	Twichell,
Dunton,	Kroeger,	Wallace,
Earl,	Lindstrom,	White,
Ebbighausen,	Lovelace,	Wirkus,
Erickson,	Mitchell,	Wood.
Francis,	Northrop,	Mr. Speaker.
Gaulke,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Lenz,	Offerdahl,
Butterwick,	McConnachie,	Richards,
Cryan,	McGinnis,	Syvertson,
Duncan,	McPherson,	Towle,
Heskin,	Murphy,	Williams.
Johnson,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dougherty,	Korsmo,	Sargent.

So the bill passed and the title was agreed to.

Mr. Power moved

That the vote by which Senate Bill No. 162 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the House:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 196,

A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota, relating to the boundaries of the Fourth Judicial district and fixing the times of holding of the terms of court in different counties thereof.

Also,

House Bill No. 182,

A concurrent resolution relating to an educational qualification to the right of suffrage.

Which the Senate has passed unchanged.

Also,

House Bill No. 119,

A bill for an act to amend section 137 of the Revised Codes of 1895, relating to the duties of state examiner.

Which the Senate has indefiniiely postponed.

Also,

House Bill No. 83,

A bill for an act to amend sections 1050 to 1075 inclusive, of article 1, of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways,

Which the Senate has amended as follows:

Amend section 16 by adding the following at the end thereof:

"Provided, that nothing in this act contained shall be construed as to require any railroad company, or canal or ditch owner, to put in or maintain any crossing over its or their lines of railroad, canal or ditch, on any section line until such line has been declared a public highway, and opened for use as such.

And have passed the same as amended.

I have also the honor to inform you that the Senate has concurred in the House amendments to Senate Bills Nos. 34 and 145.

I have also the honor to return herewith
House Bill No. 66,
A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any causes escaped taxation,
Which the Senate has passed.

I have also the honor to return herewith
House Bill No. 14,
A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20, of the Revised Codes of 1895, relating to banking,
Which the Senate has amended as follows:

On page 3 of engrossed bill on line 1 strike out the word "twice" and insert the word "once."
On page 3 of engrossed bill on line 5 strike out the word "semi."

And have passed the same as amended.

Respectfully,
J. O. SMITH,
Secretary.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills to whom was referred
House Bill No. 3,
A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto.
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 3,
A bill for an act prescribing the mode of assessment and the levy and collection of taxes, and for other purposes relative thereto.
There being no objection its title was read and the Speaker affixed his signature.

Mr. Howard moved
That the House concur in the Senate amendments to
House Bill No. 14,
A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised civil code of 1895, relating to banking,
Which motion prevailed, and
The amendments were adopted.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 50, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Northrop,
Baker,	Hankinson,	Offerdahl,
Belden,	Hawk,	Peoples,
Boyd, of Cass,	Heskin,	Porter,
Boyd of Cavalier,	Howard,	Power,
Butterwick,	Hurley,	Richards,
Carlin,	Johnson,	Ryan,
Cryan,	Joy,	Stevenson,
Currier,	Korsmo,	Swenson,
Dunton,	Kroeger,	Syvertson,
Earl,	Lindstrom,	Towle,
Ebbighausen,	Lovelace,	Twichell,
Francis,	McConnachie,	Wallace,
Gaulke,	McGinnis,	White,
Gilbertson,	McPherson,	Williams,
Goplerud,	Mitchell,	Mr. Speaker.
Guinan,	Murphy,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Duncan,	Sharpe,
Colby,	Erickson,	Tanton,
Cole,	Lenz,	Wirkus,
Dougherty,	Sargent,	Wood.

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

Mr. Cole moved
That the Senate be requested to return
House Bill No. 131,
A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,
To the House,
Which motion prevailed.

Mr. Butterwick moved
That the House concur in the Senate amendments to
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895, of the state of North Dakota, relating to opening and vacating highways,
Which motion prevailed.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 46, nays 1, absent and not voting 15.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Offerdahl,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hankinson,	Porter,
Boyd of Cavalier,	Heskin,	Power,
Brotnov,	Howard,	Richards,
Butterwick,	Hurley,	Sharpe,
Carlin,	Johnson,	Stevenson,
Colby,	Joy,	Swenson,
Cole,	Korsmo,	Syvertson,
Dunton,	Kroeger,	Tantou,
Earl,	Lenz,	Towle,
Ebbighausen,	Lindstrom,	Twichell,
Francis,	McConnachie,	White,
Gaulke,	McPherson,	Williams,
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Hawk,	Ryan,
Currier,	Lovelace,	Sargent,
Dougherty,	McGinnis,	Wallace,
Duncan,	Mitchell,	Wirkus,
Erickson,	Murphy,	Wood.

Mr. Cryan voting in the negative.

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

Mr. Kroeger offered the following:

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate Concurring:

Each doorkeeper, messenger, janitor and watchman of the Fifth Legislative assembly shall receive for his compensation four (4) dollars per day.

Mr. Kroeger moved

The adoption of the resolution.

Mr. McGinnis moved

To lay the resolution on the table,

Which motion prevailed.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred Senate Bill No. 195,

A bill for an act fixing the compensation of certain employes of the Fifth and subsequent legislative assemblies,

Have had the same under consideration and recommend that further consideration of the same be indefinitely postponed.

H. D. HURLEY,
Chairman.

Mr. Hurley moved
The adoption of the report,
Which motion prevailed, and
The further consideration of Senaate Bill No. 195 was indefinitely postponed.

Mr. Hurley offered the following resolution:

Be it Resolved by the House of Representatives of the State of North Dakota, of the Fifth Legislative Session:

That the thanks of this body are hereby tendered to its Speaker, Hon. E. A. Williams, for the able, fair and courteous manner in which he has presided over its deliberations, and as a further token of our respect and esteem, he is hereby presented with the gavel which he has so efficient y wielded and the chair in which he has so gracefully sat during the session just closing,

And moved its adoption, and
The resolution was adopted unanimously by a rising vote.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:
I have the honor to return herewith
Substitute for House Bill No. 53,
A bill for an act repealing section 482 of the Revised Codes of 1895, construing the word "precinct" in the constitution.

Also,
House Bill No. 13,
A bill for an act to amend section 244 of the Revised Codes, providing for the compensation of officers of the state board of health.

Also,
House Bill No. 34,
A bill for an act to amend section 5732 of the Revised Codes of North Dakota, relating to service of papers when a party shall have an attorney in the action.

Also,
House Bill No. 118,
A bill for an act to amend section 7506 of the Revised Codes, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals,
Which the Senate has passed unchanged.

Respectfully,
J. O. SMITH,
Secretary.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Also,

Substitute for House Bills Nos. 38 and 109,

A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to election.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Also,

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state.

Also,

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebtedness of the soldiers' home of Lisbon, North Dakota, and for the permanent improvement of said home.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry, and making an appropriation therefor.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Also,

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state.

Also,

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebt-

edness of the soldiers' home of Lisbon, North Dakota, and for the permanent improvement of said home.

Also,

Substitute for House Bill No. 38 and House Bill No. 109,

A bill for an act amending section 491, article 4 of the Revised Codes of North Dakota, relating to elections.

There being no objection their titles were read and the bills were signed by the Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 131,

A bill for an act to amend section 3067 of the Revised Codes of North Dakota providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,

At the request of the House.

Respectfully,
J. O. SMITH,
Secretary.

The Speaker announced that he was about to sign

Senate Bill No. 176,

A bill for an act to amend section 1811 of the Revised Codes of North Dakota, relating to expenses of commissioner of agriculture and labor.

Also,

Senate Bill No. 34,

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvements thereat.

Also,

Senate Bill No. 183,

A bill for an act to appropriate money to pay J. D. Wallace for services and mileage as trustee of the agricultural college of North Dakota during the year 1890.

Also,

Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate Bill No. 132,

A bill for an act to appropriate money to pay the annual ex-

penses of advertising the common school lands for lease, and of leasing the same.

There being no objection their titles were read and the Speaker affixed his signature.

Mr. Sargent presented the following resolution:

Resolved, That the chair used by the chief clerk, H. E. Lavayea during the Fifth legislative assembly be presented to him with the compliments of the House as a slight token of our appreciation of his uniform courtesy to the members and for the painstaking care with which he has discharged the duties of the office.

And moved its adoption,
Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
House Bill No. 196,
A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota relating to the boundaries of the Fourth judicial district and fixing the times of holding of the terms of court in different counties thereof.

Also,

JOINT 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, praying for the passage of an act providing for the election of United States senators by the vote of the people.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the secretary of the Senate and the chief clerk of the House of Representatives, be sent to Hon. William N. Roach and Hon. Henry C. Hansbrough of the United States Senate and Hon. Martin N. Johnson of the House of Representatives at Washington, D. C.

That said Hon. William N. Roach and Hon. Henry C. Hansbrough, representing the state of North Dakota in the Senate of the United States, and Hon. Martin N. Johnson, representing the state of North Dakota in the House of Representatives, be, and they are hereby respectfully requested to support, in their respective Houses, and to urge the passage of an act of congress for the election of United States senators by the vote of the people.

Also,
House Bill No. 193,
A bill to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and the management thereof,
And find the same correctly enrolled.

R. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 196,
A bill for an act to amend section 406 of the Revised Codes of the state of North Dakota, relating to the boundaries of the Fourth Judicial district and fixing the times of holding of the terms of court in different counties thereof.

Also,
House Bill No. 193,
A bill for an act to provide for the organization and incorporation of annuity, safe deposit, surety and trust companies, and to regulate the management thereof.

Also,
Concurrent resolution for an amendment to the constitution, relating to the electric franchise.

There being no objection the bills and concurrent resolutions were signed by the Speaker.

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

Resolved, That the thanks of the House are hereby tendered to Hon. W. D. McClintock for the very efficient manner in which he has discharged the arduous duties of assistant chief clerk of the House of Representatives of the Fifth Legislative assembly, and in appreciation of his services and as a token of our regard, he is hereby presented with the chairs that he has occupied during this session,

And the resolution was unanimously adopted.

Mr. Hurley moved
That the thanks of the House be tendered to Miss Bessie Waggoner for the efficient manner in which she has discharged her duties as stenographer, and that, in appreciation of her services, she be presented with the chair occupied by her during the session,
And the resolution was unanimously adopted, and
The superintendent of the capitol was instructed to deliver to Miss Bessie Waggoner an upholstered revolving chair.

REPORT OF CONFERENCE COMMITTEE.

The joint conference committee on Senate Bill No. 149 made the following report:

MR. PRESIDENT:
Your joint conference committee to whom was referred
Senate Bill No. 149,
A bill for an act to amend sections 130 and 131 of article 7 of chapter 3, entitled executive department of the Revised Codes of the state of North Dakota,
Have had the same under consideration and recommend that the same be amended as follows:

The conference committee on House amendment to Senate Bill No. 149

recommend that the House recede from its amendments and in lieu thereof recommend the adoption of the following amendments:

And amend in line 15, section 131, by striking out the words "five hundred" and place in lieu thereof the words "one thousand."

Also strike out all in section 131 after the word "hire."

And when so amended recommend that the same do pass.

J. H. WISHEK,
P. H. ROURKE,
R. MCCARTEN,
FRANK WHITE,
T. F. MARSHALL,
Senate Committee.

F. TWICHELL,
J. D. WALLACE,
C. L. LINDSTROM,
JOHN CARLIN,
J. B. SHARPE,
House Committee.

Mr. Lindstrom moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

Senate Bill No. 149,

A bill for an act to amend sections 130 and 131 of article 7, of chapter 3, entitled "Executive department of the Revised Codes of the state of North Dakota,

Was read the third time.

The question being upon the final passage of the bill as amended by the conference committee.

The roll being called there were ayes 36, nays 5, absent and not voting 21.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hankinson,	Peoples,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Howard,	Richards,
Colby,	Hurley,	Sharpe,
Cryan,	Johnson,	Stevenson,
Dunton,	Joy,	Swenson,
Earl,	Kroeger,	Syvertson,
Ebbighausen,	Lenz,	Towle,
Gaulke,	Lindstrom,	Wallace,
Gilbertson,	McConnachie,	Wirkus,
Guinan,	McGinnis,	Williams,
Hammond,	Northrop,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Belden,	Duncan,	McPherson.
Carlin,	Goplerud,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Francis,	Porter,
Brotnov,	Heskin,	Ryan,
Butterwick,	Korsmo,	Sargent,
Cole,	Lovelace,	Tanton,
Currier,	Mitchell,	Twichell,
Dougherty,	Murphy,	White,
Erickson,	Offerdahl,	Mr. Speaker.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 115,

A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein,

Also,

House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties,

Also,

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed, or which tend to advance, reduce or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination, to sue for the recovery of such damage and for other purposes.

I have also the honor to return herewith
House Bill No. 172,
A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,
Which the Senate has amended as follows:

By adding at the end of section 2 the following:
"Provided, that it is hereby made the duty of the commissioner of insanity to inquire into the financial circumstances of all inmates of the hospital from their respective counties and apply the provisions of this act to them."

And have passed the same as amended.

Also,
House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations, and to provide therefor,
Which the Senate has amended as follows:

In the engrossed bill, section 2, line 3, after the word "may" insert "in their discretion."

And passed the same as amended.

Also,
House Bill No. 171,
A bill for an act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds and manner of destroying,
Which the Senate has amended as follows:

In engrossed bill, line 14, strike out after the word "section" the figures "1863" and insert "1683"

And passed the same as amended.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Hurley moved.
That the House concur in Senate amendments to
House Bill No. 172,
A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,
Which motion prevailed, and
The amendments were concurred in.

House Bill No. 172,
A bill for an act to amend section 998 of the Revised Codes of North Dakota relating to the admission of patients to the state hospital for the insane,
Was read the third time.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 48, nays 1, absent and not voting 13.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Howard,	Porter,
Belden,	Hurley,	Power,
Boyd of Cavalier,	Johnson,	Richards,
Carlin,	Joy,	Sargent,
Cole,	Korsmo,	Sharpe,
Cryan,	Kroeger,	Stevenson,
Currier,	Lenz,	Swenson,
Dougherty,	Lindstrom,	Syvertson,
Duncan,	McConnachie,	Towle,
Dunton,	McGinnis,	Twichell,
Ebbighausen,	McPherson,	Wallace,
Francis,	Mitchell,	White,
Guinan,	Murphy,	Wirkus,
Hammond,	Northrop,	Williams,
Hankinson,	Offerdahl,	Wood,
Heskin,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Earl,	Goplerud,
Boyd of Cass,	Erickson,	Lovelace,
Brotnov,	Gaulke,	Ryan,
Butterwick,	Gilbertson,	Tanton.
Colby,		

Mr. Hawk voted in the negative.

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

Mr. Cole moved that

Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils,

Be taken up and placed upon its third reading and final passage,

Which motion prevailed.

Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes, relating to the inspection of illuminating oils,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 39, nays none, absent and not voting 23.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Peoples,
Belden,	Hammond,	Power,
Boyd of Cavalier,	Hankinson,	Richards,
Butterwick,	Hawk,	Sargent,

Messrs—	Messrs—	Messrs—
Carlin,	Howard,	Sharpe,
Colby,	Hurley,	Stevenson,
Cole,	Korsmo,	Swenson,
Currier,	Kroeger,	Towle,
Dougherty,	McConnachie,	Wallace
Dunton,	Mitchell,	White,
Francis,	Murphy,	Wirkus,
Gaulke,	Northrop,	Williams,
Goplerud,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Gilbertson,	McPherson,
Boyd of Cass,	Heskin,	Porter,
Brotnov,	Johnson,	Ryan,
Cryan,	Joy,	Syverson,
Duncan,	Lenz,	Tanton,
Earl,	Lindstrom,	Twichell,
Ebbighausen,	Lovelace,	Wood.
Erickson,	McGinnis,	

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 136,

A bill for an act to amend section 481 of the Revised Codes, relating to election precincts,

Which the Senate has passed unchanged.

Also,

House Bill No. 213,

A bill for an act to amend paragraph 17 of section 108 of the Revised Codes of 1895, relating to semi-annual report of state treasurer,

Which the Senate has amended as follows:

By amending the title to read:

"A bill for an act to amend section 108, of the Revised Codes of 1895, relating to semi annual reports of the state treasurer,"

And having further amended the bill as follows:

By adding after section 1 the words, "the governor shall verify such reports and shall immediately cause the same to be published in one newspaper, daily if there be one, in each judicial district in the state."

And have passed the same as amended.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Power moved
That the rules be suspended and the vote by which House Bill No. 131 was passed, be reconsidered,
Which motion prevailed, and
The vote was reconsidered.

Mr. Joy moved
That the House concur in the Senate amendments to House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations, and to provide therefor,
Which motion prevailed.

House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor,
Was read the third time.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 47, nays none, absent and not voting 15.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Guinan,	Porter,
Belden,	Hammond,	Richards,
Boyd of Cavalier,	Hankinson,	Sargent,
Brotnov,	Hawk,	Sharpe,
Butterwick,	Heskin,	Stevenson,
Carlin,	Howard,	Swenson,
Colby,	Hurley,	Syvertson,
Cole,	Johnson,	Tanton,
Cryan,	Kroeger,	Towle,
Dougherty,	Joy,	Twichell,
Dunton,	McGinnis,	Wallace,
Earl,	McPherson,	White,
Francis,	Mitchell,	Wirkus,
Gaulke,	Northrop,	Williams,
Gilbertson,	Offerdahl,	Mr. Speaker.
Goplerud,	Peoples,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Erickson,	McConnachie,
Boyd of Cass,	Korsmo,	Murphy,
Currier,	Lenz,	Power,
Duncan,	Lindstrom,	Ryan,
Ebbighausen,	Lovelace,	Wood.

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

Which the Senate has passed unchanged.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Twichell moved

To amend the engrossed copy of Senate Bill No. 102 as follows:

Strike out of title the word "sections" and the figures "3003" and insert the word "section."

Strike out all of section 3003 of section 1.

After the word "rooms" in line 3, second page, insert the following, "necessary office furniture, stationery, books and maps, not exceeding the sum of five hundred dollars per annum, to be paid out of the state treasury.

Strike out all of lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 to the word "the" after the word "provided" in line 21.

After the word "provided" in line 21 insert the following, "the secretary of said board of railroad commissioners shall receive a salary of one thousand dollars per annum.

Strike out the emergency clause.

Which motion prevailed, and

The amendments were adopted.

Senate Bill No. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota,

Was read the third time.

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

The roll being called there were ayes 47, nays 2, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ans,	Gaulke,	Peoples,
Baker,	Gilbertson,	Porter,
Belden,	Guinan,	Power,
Boyd of Cass.	Hammond,	Sargent,
Boyd of Cavalier,	Heskin,	Sharpe,
Brotnov,	Howard,	Stevenson,
Butterwick,	Johnson,	Swenson,

Messrs—
Carlin,
Colby,
Cole,
Cryan,
Currier,
Dougherty,
Earl,
Erickson,
Francis,
Korsmo,
Kroeger,
Lenz,
McConnachie,
McGinnis,
McPherson,
Mitchell,
Murphy,
Offerdahl,
Syvertson,
Tanton,
Twichell,
Wallace,
Wirkus,
Williams,
Wood,
Mr. Speaker.

Absent and not voting:

Messrs—
Duncan,
Ebbighausen,
Goplerud,
Hankinson,
Hawk,
Hurley,
Joy,
Lindstrom,
Lovelace,
Richards,
Ryan,
Towle,
White.

Messrs. Dunton and Northrop voting in the negative.

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

Mr. Power moved

To amend House Bill No. 131 by striking out "section 2" and inserting in place thereof "section 3067" and by adding after the word "intersect" in line 3 of section 2 of the engrossed bill the words, "on the same grade," and to strike out all after the word "companies" in line 6 of page 2 of engrossed bill to and including the word "state" in line 14 of page 2, engrossed bill, and in line 19 of page 2 of engrossed bill after the word "village" insert the words "within five feet of the same grade."

Which motion prevailed, and
The amendment was adopted.

House Bill No. 131,
A bill for an act to amend section 3067 of the Revised Codes of North Dakota, providing for the constructing and maintaining of a "Y" and other tracks to connect railroad lines,
Was read the third time.

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

The roll being called there were ayes 54, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—
Aas,
Baker,
Belden,
Boyd, of Cass,
Boyd, of Cavalier,
Brotnov,
Butterwick,
Carlin,
Cole,
Currier,
Gilbertson,
Guinan,
Hammond,
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Kroeger,
Lenz,
Peoples,
Porter,
Power,
Ryan,
Sargent,
Sharpe,
Stevenson,
Swenson,
Syvertson,
Tanton,

Messrs—	Messrs—	Messrs—
Dougherty,	Lindstrom,	Towle,
Duncan,	McConnachie,	Twichell,
Dunton,	McGinnis,	Wallace,
Earl,	McPherson,	White,
Ebbighausen,	Mitchell,	Wirkus,
Erickson,	Murphy,	Williams,
Francis,	Northrop,	Wood,
Gaulke,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Hankinson,	Lovelace,
Cryan,	Hawk,	Richards.
Goplerud,	Korsmo,	

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

Mr. Murphy offered the following:

REPORT OF CONFERENCE COMMITTEE.

MR. SPEAKER:

Your conference committee on House amendments to Senate Bill No. 184,

A bill for an act to define the word "expense," and to limit the allowance of expense to state, district and county offices, members of boards and employes of public institutions,

Have had the same under consideration and recommend that the House recede from its amendments and that the following be adopted in lieu thereof:

By inserting after the word "law" in line 13 of the engrossed bill the following: "Provided, however, that the land commissioner, attorney general and state examiner or their deputies, shall be entitled to expenses for railroad fare, sleeping car fare, hack or livery hire, board or hotel expenses when traveling in the performance of their official duties."

"Provided, further, That the railroad commissioners shall be entitled to expenses not exceeding six hundred dollars, and their secretary to expenses not exceeding two hundred dollars in any one year."

J. H. WISHEK,
P. H. ROURKE,
FRANK WHITE.
Conference Committee on behalf of Senate.

J. S. MURPHY,
ALFRED WHITE,
E. E. COLE,
Conference Committee on behalf of House.

Mr. Murphy moved
That the report be adopted,
Which motion prevailed, and
The report was adopted.

Mr. Lindstrom offered the following:

REPORT OF CONFERENCE COMMITTEE.

MR. SPEAKER:

Your conference committee on amendments to Senate Bill No. 23 have had the same under consideration and recommend that the Senate recede from its non-concurrence and recommend that the Senate do concur in the House amendments,

P. H. ROURKE,
JUDSON LAMOURE,
FRANK WHITE,
Conference committee on behalf of Senate.

C. L. LINDSTROM,
T. TWICHELL,
ORIN W. FRANCIS,
Conference committee on behalf of the House.

Mr. Lindstrom moved
The adoption of the report,
Which motion prevailed, and
The report was adopted.

The Speaker announced that he was about to sign
Senate Bill No. 111,
A bill for an act to reimburse F. H. DeVaux for expenses by him incurred as superintendent of public health in the year 1894.

Also,
Senate Bill No. 149,
A bill for an act to amend section 130 and 131 of article 7 of chapter 3, entitled executive department of the Revised Codes of the state of North Dakota.

Also,
Concurrent Resolution,
Empowering the governor to provide suitable room in the state house to be used by Mr. W. W. Barrett as a state sylvaton museum.

There being no objections the titles were read and the Speaker affixed his signature.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to return herewith
Senate Bill No. 184,
A bill for an act to define the word "expense" and to limit the

allowance of expense to state, district and county offices, members of boards and employes of public institutions,

At the request of the House for the purpose of final roll call as amended.

Respectfully,
J. O. SMITH,
Secretary.

Mr. Twichell moved

That the House concur in the Senate amendments to House Bill No. 171,

Which motion prevailed.

House Bill No. 171,

A billfor an act to amend section 1683 of the Revised Codes of North Dakota relating to noxious weeds, manner of destroying.

Was read the third time.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there ayes 45, nays none, absent and not voting 17.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Gilbertson,	Porter,
Baker,	Goplerud,	Power,
Brotnov,	Guinan,	Sargent,
Butterwick,	Hammond,	Sharpe,
Carlin,	Hawk,	Stevenson,
Colby,	Heskin,	Swenson,
Cole,	Joy,	Tanton,
Cryan,	Korsmo,	Towle,
Dougherty,	Kroeger,	Twichell,
Duncan,	Lenz,	Wallace,
Dunton,	Lindstrom,	White,
Ebbighausen,	McConnachie,	Wirkus,
Erickson,	Mitchell,	Williams.
Francis,	Offerdahl,	Wood,
Gaulke,	Peoples,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Belden,	Howard,	Murphy,
Boyd of Cass,	Hurley,	Northrop,
Boyd of Cavalier,	Johnson,	Richards,
Currier,	Lovelace,	Ryan,
Earl,	McGinnis,	Syvertson.
Hankinson,	McPherson,	

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

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the

allowance of expense to state, district, and county officers, members of boards and employes of public institutions.

Was read the third time.

The question being upon the final passage of the bill as amended by the conference committee.

The roll being called there were ayes 53, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas.	Guinan,	Peoples,
Belden.	Hammond,	Porter.
Boyd of Cass.	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Butterwick,	Howard.	Sargent,
Carlin,	Hurley,	Sharpe,
Cole,	Johnson,	Stevenson,
Cryan,	Joy.	Syvertson,
Currier.	Korsmo,	Tanton,
Dougherty,	Kroeger,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl.	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White.
Erickson,	McPherson,	Wirkus,
Francis,	Mitchell,	Williams,
Gaulke,	Murphy,	Wood.
Gilbertson,	Northrop,	Mr. Speaker.
Goplerud,	Offerdahl,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Duncan	McGinnis,
Brotnov,	Hankinson,	Ryan.
Colby,	Lenz,	Swenson.

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

Mr. Hurley moved

That the House do not concur in the Senate amendments to

House Bill No. 213,

A bill for an act to amend paragraph 17, section 108 of the Revised Codes of 1895, relating to semi-annual reports of the state treasurer,

Which motion prevailed.

Mr. McGinnis moved

That the further consideration of

Senate Bill No. 94,

A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage,

Be indefinitely postponed,

Which motion was lost

Mr. Hurley moved

That the Speaker appoint a conference committee on House Bill No. 213,

A bill for an act to amend paragraph 17, section 108, of the Revised Codes of 1895, relating to semi-annual report of the state treasurer,

Which motion prevailed, and

The Speaker appointed Messrs. Power, Francis and Hurley as such committee.

Senate Bill No. 94,

A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 33, nays 26, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Erickson,	Northrop,
Boyd of Cass,	Francis,	Offerdahl,
Boyd of Cavalier,	Gaulke,	Richards,
Brotnov,	Goplerud,	Ryan,
Butterwick,	Heskin,	Sargent,
Carlin,	Howard,	Sharpe,
Cryan,	Hurley,	Stevenson,
Currier,	Joy,	Tanton,
Dougherty,	Korsmo,	Towle,
Duncan,	Lindstrom,	Williams,
Dunton,	Murphy,	Wood.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Johnson,	Power,
Belden,	Kroeger,	Swenson,
Cole,	Lenz,	Syvertson,
Ebbighausen,	McConnachie,	Twichell,
Gilbertson,	McGinnis.	Wallace,
Guinan,	McPherson,	White,
Hammond,	Mitchell,	Wirkus,
Hankinson,	Peoples,	Mr. Speaker.
Hawk,	Porter,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Colby,	Earl,	Lovelace.

So the bill passed without the emergency clause and the title was agreed to.

Mr. Hurley moved

That the vote by which Senate Bill No. 94 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 209,

A bill for an act to amend sections 7593, 7602, 7605, 7608, 7616, Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors.

Also,

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurer's reports.

Also,

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond.

Also,

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota.

Also,

Substitute for House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895 construing the word "precinct" in the constitution.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 209,

A bill for an act to amend sections 7593, 7602, 7605, 7608 and 7616, Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors.

Also,

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond.

Also,

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota.

Also,

Substitute for House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895 construing the word "precinct" in the constitution.

Also,

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 797, 816, 824, 832, 842 and 865 of the Revised Codes of 1895, relating to education.

Also,

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 145,

A bill for an act to amend sections 2133, 2136, 2251 and 2252 of the Revised Codes of North Dakota, relating to the number of aldermen and to the election and terms of office of aldermen and other officers in incorporated cities.

Also,

Senate Bill No. 170,

A bill for an act to regulate the printing of Executive Documents and limit the cost thereof.

Also,

Senate Bill No. 196,

A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton.

Also,

Senate Bill No. 106,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department, for the holding of a state fair at Mandan and an appropriation of money therefor.

Also,

Senate Bill No. 72,

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. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils.

There being no objection the titles of the above bills were read and the Speaker affixed his signature to each bill.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to inform you that the Senate has concurred in the House amendments to

Senate Bill No. 23,

A bill for an act entitled "an act to amend section 334 of the political code, providing clerk hire for the various state officers and making an appropriation therefor."

Also,

Senate Bill No. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota, relating to the salary and expenses of the state board of railroad commissioners.

Also,

Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, district and county officers, members of boards and employes of public institutions.

Senate Bill No. 174,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion, and the public grounds and parks connected therewith, and making an annual appropriation therefor,

I have also the honor to inform you that the President has appointed as a conference committee in regard to amendments to

House Bill No. 213,

A bill for an act to amend paragraph 17, of section 108, of the Revised Codes of 1895, relating to semi-annual reports of the state treasurer,

Messrs. Arnold, Rourke and LaMoure.

I have also the honor to return herewith

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools,

Which the Senate has passed unchanged.

I also have the honor to transmit herewith
House Bill No. 153,
A bill for an act amending section 403 of the Revised Codes of North Dakota, relating to the boundaries and terms of courts of the First Judicial district of the state of North Dakota.

Which the Senate has passed unchanged.

Respectfully yours,
J. O. SMITH,
Secretary.

REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. SPEAKER:

Your committee on appropriations to whom was referred
Senate Bill No. 188,
A bill for an act to provide for the compensation of messengers of the House and Senate of the Fifth and future legislative assemblies.

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

H. D. HURLEY,
Chairman.

Senate Bill No. 188,
A bill for an act to provide for the compensation of messengers of the House and Senate of the Fifth and future legislative assemblies,
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 35, nays 6, absent and not voting 21.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Boyd of Cavalier,	Gilbertson,	Mitchell,
Brotnov,	Guinan,	Northrop,
Butterwick,	Hankinson,	Richards,
Carlin,	Howard,	Ryan,
Colby,	Johnson,	Sargent,
Cole,	Joy,	Sharpe,
Duncan,	Kroeger,	Twichell,
Dunton,	Lenz,	White,
Earl,	Lindstrom,	Wirkus,
Ebbighausen,	Lovelace,	Williams,
Francis,	McConnachie,	Wood.
Gaulke,	McPherson,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Boyd of Cass,	Hammond,	Syvertson,
Dougherty,	Offerdahl,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Aas,	Hawk,	Porter,
Baker,	Heskin,	Power,
Belden,	Hurley,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	McGinnis,	Tanton,
Erickson,	Murphy,	Towle,
Goplerud,	Peoples,	Wallace.

So the bill passed and the title was agreed to.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health.

Also,

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price of such product or article to producer or consumer, of any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination to sue for the recovery of such damage, and for other purposes.

Also,

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256 and 3258 of chapter 20 of the Revised Civil Code of 1895, relating to banking.

Also,

House Bill No. 118,

A bill for an act to amend section 7506 of the Revised Codes of

North Dakota, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals.

Also,

House Bill No. 172,

A bill for an act to amend section 998 of the Revised Codes of North Dakota, relating to admission of patients to the state hospital for the insane.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes providing for the compensation of officers of the state board of health.

Also,

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen free competition in the importation or sales of articles imported into the state, or in the manufacture or sale of article of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations designed or which tend to advance, reduce or control the price of such product or articles to producer or consumer, or any such product or article; to provide for forfeiture of the charter and franchise of any corporation, organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for violations of this act; to authorize any person or corporation damaged by any such trust, agreement or combination to sue for the recovery of such damage, and for other purposes.

Also.

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3255, 3256, and 3258 of chapter 20 of the Revised Codes of 1895, relating to banking.

Also,

House Bill No. 118,

A bill for an act to amend section 7506 of the Revised Codes of North Dakota, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals.

Also,
House Bill No. 172,
A bill for an act to amend section 998 of the Revised Codes of North Dakota, relating to the admission of patients to the state hospital for the insane.

There being no objection their titles were read and the Speaker affixed his signature.

Mr. Cole introduced the following resolution:

Resolved, That the thanks of the members of this House be extended to Mrs. Lambert, proprietress of the capitol restaurant for the splended manner in which said restaurant has been conducted and the courteous manner in which all members have been treated by her.

Mr. Cole moved
The adoption of the resolution,
Which motion prevailed, and
The resolution was adopted.

REPORT OF STANDING COMMITTEE.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor.

Also,
House Bill No. 171,
A bill for an act to amend section 1683 of the Revised Codes of North Dakota relating to noxious weeds and manner of destroying.

Also,
House Bill No. 190,
A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 148,
A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor.

Also,
House Bill 171,
A bill for an act to amend section 1683 of the Revised Codes of North Dakota relating to noxious weeds and manner of destroying.

Also,
House Bill No. 190,
A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

There being no objection their titles were read and the Speaker affixed his signature.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 115,
A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein.

Also,
House Bill No. 194,
A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties.

Also,
House Bill No. 83,
A bill for an act to amend sections 1050 to 1075 inclusive of article 1 of chapter 17 of the Revised Codes of 1895 of the state of North Dakota, relating to opening and vacating highways.
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The House took an informal recess.

House reassembled.

Mr. Hurley moved
A call of the House,
Which motion prevailed.

Mr. Williams moved
That further proceedings under the call of the House be dispensed with,
Which motion prevailed.

Mr. Williams moved a call of the House.
Which motion prevailed.

Mr. Hurley moved
That further proceedings under the call of the House be dispensed with,
Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit the message from the governor vetoing the appropriation bills:

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,
BISMARCK, NORTH DAKOTA,
March 5, 1897.

To the Senate:

GENTLEMEN: I herewith respectfully return
Senate Bill No. 69,
Entitled an act making appropriation for the maintenance of the state university and for needed improvements of the state university.

Also,
Senate Bill No. 177,
Entitled an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the university of North Dakota.

Also,
Senate Bill No. 65,
Entitled an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,
Senate Bill No. 9,
Entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor.

Also,
Senate Bill No. 48,
Entitled an act providing for an appropriation for the maintenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school.

Also,
Senate Bill No. 42,
Entitled an act providing for an appropriation for the current

and contingent expenses of the State Normal school at Valley City, N. D.

Also,

Senate Bill No. 163,

Entitled an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota Agricultural college and experiment station.

Also,

Senate Bill No. 61.

Entitled an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.

Also,

Senate Bill No. 76,

Entitled an act to appropriate for current and contingent expenses, furnishing and for making needed permanent improvements for the Soldier's Home at Lisbon.

Also,

Senate Bill No. 34,

Entitled an act making an appropriation for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvement thereat.

Each and all without my approval.

I regret the fact that these measures cannot receive my approval, but the reasons to me are so apparent that my duties seem plain.

If there is any legislation that should receive careful and painstaking consideration it is certainly that of providing for the maintenance of our public institutions. Ample time should be given committees to discuss and pass upon appropriation bills, and if this be true of committees it would appear that the executive ought to be accorded the courtesy of a reasonable time to consider these matters. In the present instance these bills come to the executive eight hours prior to the final adjournment of your honorable body. It certainly will not be contended that this is sufficient time to give to such important legislation.

The total amount appropriated in the bills herewith returned without my approval in my opinion is largely in excess of the expected revenue. Careful estimates have been made by the state auditor and state treasurer as to the probable income for the biennial period under the present laws, and to this has been added a liberal allowance for revenue contemplated under pending legislation. Yet, the fact remains that there will be insufficient funds to meet these appropriation bills. Assuming liabilities in excess of possible receipts is not a good business proposition, and I do

not believe that a single member of your honorable body would consider it so were the same conditions applied to his own affairs.

Appropriation bills can be passed in form which do not as a matter of fact appropriate, and in this instance it seems to me that fact stands out prominently.

Very respectfully,
FRANK A. BRIGGS,
Governor.

Respectfully,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 34,

A bill for an act making an appropriation for the current and contingent expenses of the state penitentiary at Bismarck, and for making needful improvements thereat.

Also,

Senate Bill No. 163,

A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota Agricultural college and experiment station.

Also,

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed permanent improvements for the Soldiers' Home at Lisbon.

Which the Senate has passed, the Governor's objection notwithstanding.

Respectfully,
J. O. SMITH,
Secretary.

Senate Bill No. 34.

A bill for an act making appropriations for the current and contingent expenses of the state penitentiary at Bismarck and for making needed improvements thereat.

And the message of the governor vetoing the same was reconsidered, and

The question then being, shall the bill pass, the objection of his excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes 50, nays 12, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Hammond,	Offerdahl,
Baker,	Hankinson,	Peoples,
Belden,	Hawk,	Porter,
Boyd of Cass,	Heskin,	Power,
Boyd of Cavalier,	Howard,	Richards,
Butterwick,	Hurley,	Ryan,
Colby,	Johnson,	Sargent,
Cole,	Joy.	Sharpe,
Currier,	Korsmo,	Stevenson,
Duncan,	Kroeger,	Swenson,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Erickson,	McConnachie,	White,
Francis,	McGinnis,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr. Speaker.
Goplerud,	Northrop,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brotnov,	Ebbighausen,	Syvertson,
Carlin,	Guinan,	Tanton,
Cryan,	Lenz,	Towle,
Dougherty,	McPherson,	Wirkus.

The necessary two-thirds voting in the affirmative. so the act passed, the objections of the governor to the contrary notwithstanding.

Senate Bill No. 163.

A bill for an act making appropriation for a deficit in the miscellaneous expenses of and to provide for the erection of a chemical laboratory for the North Dakota agricultural college and experiment station.

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the bill pass, the objection of his excellency, the governor to the contrary notwithstanding.

The roll being called there were ayes 46, nays 16, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden.	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Cole,	Joy.	Ryan,
Currier,	Korsmo.	Sargent.
Dunton,	Kroeger,	Sharpe,

Messrs—
Earl,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,
Hammond,
Hankinson,
Hawk,
Messrs—
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Murphy,
Northrop,
Offerdahl,
Messrs—
Stevenson,
Swenson,
Twichell,
Wallace,
White,
Williams,
Wood,
Mr. Speaker.

Those voting in the negative were:

Messrs—
Aas,
Boyd of Cavalier,
Brotnov,
Butterwick,
Carlin,
Cryan,
Messrs—
Dougherty,
Duncan,
Ebbighausen,
Guinan,
Lenz,
Messrs—
McPherson,
Syvertson.
Tanton,
Towle,
Wirkus,

The necessary two-thirds voting in the affirmative the act passed the objections of the governor to the contrary notwithstanding.

Senate Bill No. 76,
A bill for an act to appropriate for current and contingent expenses, furnishing and for making needed and permanent improvements for the soldiers' home at Lisbon.

The question then being shall the bill pass the objection of his excellency, the governor, to the contrary notwithstanding.

The roll being called there were ayes 45, nays 17, absent and not voting none.

Those voting in the affirmative were:

Messrs—
Baker,
Belden,
Boyd of Cass,
Colby,
Currier,
Dunton,
Earl,
Erickson,
Francis,
Gaulke,
Gilbertson,
Goplerud,
Hammond,
Hankinson,
Hawk,
Messrs—
Heskin,
Howard,
Hurley,
Johnson,
Joy,
Korsmo,
Kroeger,
Lindstrom,
Lovelace,
McConnachie,
McGinnis,
Mitchell,
Murphy,
Northrop,
Offerdahl,
Messrs—
Peoples,
Porter,
Power,
Richards,
Ryan,
Sargent,
Sharpe,
Stevenson,
Swenson,
Twichell,
Wallace,
White,
Williams,
Wood,
Mr. Speaker.

Those voting in the negative were:

Messrs—
Aas,
Boyd of Cavalier,
Messrs—
Cryan,
Dougherty,
Messrs—
McPherson,
Syvertson,

Messrs—	Messrs—	Messrs—
Brotnov,	Duncan,	Tanton,
Butterwick,	Ebbighausen,	Towle,
Carlin,	Guinan,	Wirkus.
Cole,	Lenz,	

The necessary two-thirds voting in the affirmative the bill passed the objection of the governor, to the contrary notwithstanding.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 66,

A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any cause escaped taxation.

Also,

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The chief clerk announced that the Speaker was about to sign

House Bill No. 66,

A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any cause escaped taxation.

Also,

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota.

There being no objection their titles were read and the Speaker affixed his signature.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 61,

A bill for an act making appropriation for current and contin-

gent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.

Also,

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current and contingent expenses of the state normal school of Valley City, N. D.

Which the Senate has passed, the governor's objection, notwithstanding.

Respectfully yours,
J. O. SMITH,
Secretary.

Senate Bill No. 61,

A bill for an act making appropriation for current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural college and experiment station at Fargo, N. D.,

And the message of the governor vetoing the same was reconsidered, and

The question being shall the bill pass, the objections of the governor to the contrary notwithstanding.

The roll being called there were ayes 46, nays 16, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Cole,	Joy,	Ryan,
Currier,	Korsmo,	Sargent,
Dunton,	Kroeger,	Sharpe,
Earl,	Lindstrom,	Stevenson,
Erickson,	Lovelace,	Swenson,
Francis,	McConnachie,	Twichell,
Gaulke,	McGinnis,	Wallace,
Gilbertson,	Mitchell,	White,
Goplerud,	Murphy,	Williams,
Hammond,	Northrop,	Wood,
Hankinson,	Offerdahl,	Mr. Speaker.
Hawk,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Dougherty,	McPherson,
Boyd of Cavalier,	Duncan,	Syvertson,
Brotnov,	Ebbighausen,	Tanton,
Butterwick,	Guinan,	Towle,
Carlin,	Lenz,	Wirkus.
Cryan,		

The necessary two-thirds voting in the affirmative the bill passed, the objections of the governor to the contrary notwithstanding.

The chief clerk announced that the Speaker was about to sign
Senate Bill No. 184,

A bill for an act to define the word "expense" and to limit the allowance of expense to state, county and district officers, members of boards and employes of public institutions.

Also,

Senate Bill No. 23,

A bill for an act to amend section 334 of the political code providing clerk hire for the various state officers and making an appropriation therefor.

Also,

Senate Bill No. 94,

A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage.

Also,

Senate Bill No. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota, relating to the salary and expenses of the state board of railroad commissioners.

Also,

Senate Bill No. 188,

A bill for an act to provide for the compensation of messengers of the House and Senate of the Fifth and future legislative assemblies.

There being no objection their titles were read and the Speaker affixed his signature.

Senate Bill No. 42,

A bill for an act providing for an appropriation for the current and contingent expenses of the State Normal school at Valley City, N. D.

And the message of the governor vetoing the same was reconsidered, and

The question being shall the bill pass, the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 47, nays 15, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Cole,	Joy,	Ryan,

Messrs—	Messrs—	Messrs—
Currier,	Korsmo,	Sargent,
Dunton,	Kroeger,	Sharpe,
Earl,	Lindstrom,	Stevenson,
Erickson,	Lovelace,	Swenson,
Francis,	McConnachie,	Twichell,
Gaulke,	McGinnis,	Wallace,
Gilbertson,	McPherson,	White,
Goplerud,	Mitchell,	Williams,
Hammond,	Murphy,	Wood,
Hankinson,	Northrop,	Mr. Speaker.
Hawk,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas.	Cryan,	Lenz,
Boyd of Cavalier,	Dougherty,	Syvertson,
Brotnov,	Duncan,	Tanton,
Butterwick,	Ebbighausen,	Towle,
Carlin,	Guinan,	Wirkus.

The necessary two-thirds votnig in the affirmative, the bill passed, the objection of the governor to the contrary notwithstanding.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

Senate Bill No. 177,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate Bill No. 65,

A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb of the state of North Dakota, at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor.

Also,

Senate Bill No. 48,

A bill for an act providing for an appropriation for the main-

tenance and improvement of the State Normal school at Mayville, and for the liquidation of certain indebtedness of said normal school.

Also,

Senate Bill No. 69,

A bill for an act making appropriation for maintenance of the State University and for needed permanent improvements of the State University.

Which the Senate has passed, the governor's message to the contrary notwithstanding.

Very respectfully,

J. O. SMITH,

Secretary.

Senate Bill No. 177,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the bill pass, the objections of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 45, nays 16, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Currier,	Joy,	Ryan,
Dunton,	Korsmo,	Sargent,
Earl,	Kroeger,	Sharpe,
Erickson,	Lindstrom,	Stevenson,
Francis,	Lovelace,	Swenson,
Gaulke,	McConnachie,	Twichell,
Gilbertson,	McGinnis,	Wallace,
Goplerud.	Mitchell,	White,
Hammond,	Murphy,	Williams,
Hankinson,	Northrop,	Wood,
Hawk,	Offerdahl,	Mr. Speaker.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	McPherson,
Boyd of Cavalier,	Duncan,	Syverson,
Brotnov,	Ebbighausen,	Tanton,
Butterwick,	Guinan,	Towle,
Carlin,	Lenz,	Wirkus.
Cole,		

Mr. Dougherty being absent and not voting.

The necessary two-thirds voting in the affirmative the bill passed the objections of the governor to the contrary notwithstanding.

Senate Bill No. 65,

A bill for an act to provide an appropriation for the current and contingent expenses, and for making needed permanent improvements for the hospital for the insane at Jamestown.

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the bill pass the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 60, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Northrop.
Baker,	Guinan,	Offerdahl,
Belden,	Hammond,	Peoples,
Boyd of Cass,	Hankinson,	Porter.
Boyd of Cavalier,	Hawk,	Richards,
Brotnov,	Heskin.	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole,	Joy,	Swenson,
Cryan,	Korsmo,	Syverson,
Currier,	Kroeger,	Tanton,
Duncan,	Lenz,	Towle,
Dunton,	Lindstrom,	Twichell,
Earl,	Lovelace,	Wallace,
Ebbighausen,	McConnachie,	White,
Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Williams,
Gaulke,	Mitchell,	Wood,
Gilbertson,	Murphy,	Mr Speaker.

Messrs. Dougherty and Power being absent and not voting.

The necessary two-thirds voting in the affirmative the act passed the objection of the governor to the contrary notwithstanding.

Senate Bill No. 9,

A bill for an act entitled an act to provide for maintenance for the school for the deaf and dumb at Devils Lake and for the completion of the school and for the purchase of additional land at Devils Lake and making an appropriation therefor.

And the message of the governor vetoing the same was reconsidered, and

The question being shall the bill pass the objection of the governor to the contrary notwithstanding.

The roll being called there were ayes 62, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd, of Cass.	Hankinson,	Power,
Boyd, of Cavalier,	Hawk.	Richards,
Brotnov,	Heskin.	Ryan,
Butterwick,	Howard,	Sargent,
Carlin,	Hurley,	Sharpe,
Colby,	Johnson,	Stevenson,
Cole.	Joy,	Swenson,
Cryan,	Korsmo,	Syvertson.
Currier,	Kroeger,	Tanton,
Dougherty,	Lenz,	Towle,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl.	McConnachie,	White.
Ebbighausen,	McGinnis.	Wirkus,
Erickson,	McPherson,	Williams,
Francis,	Mitchell,	Wood.
Gaulke,	Murphy,	Mr. Speaker.
Gilbertson,	Northrop,	

The necessary two-thirds voting in the affirmative, the bill passed the objection of the governor to the contrary notwithstanding.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes relating to proceedings to annul corporations,

Which the Senate has passed unchanged.

Respectfully,
J. O. SMITH,
Secretary.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 50,

A bill for an act to provide for the erection of necessary addi-

tional buildings for the hospital of the insane at Jamestown, N. D.,
Which the Senate has passed.

Respectfully yours,
J O. SMITH,
Secretary.

Senate Bill No. 48,
A bill for an appropriation for the maintenance and improvement of the state normal school at Mayville, and for the liquidation of certain indebtedness of said normal school.
And the message of the governor vetoing the same was reconsidered, and
The question then being shall the bill pass, the objections of the governor to the contrary notwithstanding.

The roll being called there were ayes 46, nays 14, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Howard,	Peoples,
Belden,	Hurley,	Porter,
Boyd of Cass,	Johnson,	Power,
Colby,	Joy,	Richards,
Currier,	Korsmo,	Ryan,
Dunton,	Kroeger,	Sargent,
Earl,	Lindstrom,	Sharpe,
Erickson,	Lovelace,	Stevenson,
Francis,	McConnachie,	Swenson,
Gaulke,	McGinnis,	Twichell,
Gilbertson,	McPherson,	Wallace,
Goplerud,	Mitchell,	White,
Hammond,	Murphy,	Williams,
Hankinson,	Northrop,	Wood,
Hawk,	Offerdahl,	Mr. Speaker.
Heskin,		

Those voting in the negative were:

Messrs--	Messrs—	Messrs--
Aas,	Cole,	Syvertson,
Boyd of Cavalier,	Cryan,	Tanton,
Brotnov,	Duncan,	Towle,
Butterwick,	Ebbighausen,	Wirkus,
Carlio,	Guinan,	

Messrs. Dougherty and Lenz being absent and not voting.

The necessary two-thirds voting in the affirmative the act passed the objection of the governor to the contrary notwithstanding.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith
House Bill No. 69,
A bill for an act to provide for a special jury to assess damages under the law of eminent domain.
Which the Senate has passed unchanged.

Also,
House Bill No. 174,
Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota, relating to the investing of the committee money of the permanent school fund, and other educational funds, which the Senate has amended

By adding after the word "state" in line 8 of the printed bill on page 2 the words, "state warrants,"

And passed as amended.

Also,
House Bill No. 142,
Being a concurrent resolution.
Which the House has passed unchanged.

Also,
House Bill No. 57,
A bill for an act to repeal subdivision one of section 7518 of the Revised Codes of 1895 and to amend said section relating to banking.

Which the Senate has amended and passed.

Yours respectfully,
J. O. SMITH,
Secretary.

Mr. Howard moved
To concur in the Senate amendments to House Bill No. 57,
Which motion prevailed.

House Bill No. 57,
A bill for an act to repeal subdivision 1 of section 7518 of the Revised Codes of 1895, and to amend the same relating to banking,
Was read the third time.

The question being upon the final passage of the bill as amended by the Senate.

The roll being called there were ayes 57, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Aas,	Goplerud,	Offerdahl,
Baker,	Guinan,	Peoples,
Belden,	Hammond,	Porter,
Boyd of Cass,	Hawk,	Power,
Boyd of Cavalier,	Heskin,	Richards,
Butterwick,	Howard,	Ryan,
Carlin,	Hurley,	Sargent,
Colby,	Johnson,	Sharpe,
Cole,	Joy,	Stevenson,
Cryan,	Korsmo,	Swenson,
Currier,	Kroeger,	Syvertson,
Dougherty,	Lenz,	Tanton,
Duncan,	Lindstrom,	Twichell,
Dunton,	Lovelace,	Wallace,
Earl,	McConnachie,	White,
Erickson,	McGinnis,	Wirkus,
Francis,	McPherson,	Williams,
Gaulke,	Murphy,	Wood,
Gilbertson,	Northrop,	Mr. Speaker.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brotnov,	Hankinson,	Towle.
Ebbighausen,	Mitchell,	

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 151,

A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury.

Which the Senate has passed unchanged.

Yours respectfully,

J. O. SMITH,
Secretary.

Senate Bill No. 69,

A bill for an act making appropriation for maintenance of the state university and for needed permanent improvements of the state university.

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the bill pass, the objections of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes, 44, nays 14, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Heskin,	Peoples,
Belden,	Howard,	Porter,
Boyd of Cass,	Hurley,	Power,
Colby,	Johnson,	Richards,
Currier,	Joy,	Ryan,
Dunton,	Korsmo,	Sargent,
Earl,	Kroeger,	Sharpe,
Erickson,	Lindstrom,	Stevenson,
Francis,	Lovelace,	Swenson,
Gaulke,	McConnachie,	Wallace,
Gilbertson,	McGinnis,	White,
Goplerud	Mitchell,	Williams,
Hammond,	Murphy,	Wood,
Hankinson,	Northrop,	Mr. Speaker.
Hawk,	Offerdahl,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Aas,	Cryan,	Syvertson,
Boyd of Cavalier,	Ebbighausen,	Tanton,
Brotnov,	Guinan,	Towle,
Butterwick,	Lenz,	Wirkus.
Carlin,	McPherson,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cole,	Duncan,	Twichell
Dougherty,		

The necessary two-thirds voting in the affirmative the bill passed the objections of the governor to the contrary notwithstanding.

Mr. Hurley moved

That the House pass a vote of confidence in Mr. McPherson of Valley City,

Which motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 74,

A bill for an act providing for a change of the place of trial in

civil actions in the district court on the ground of prejudice in the trial judge.

Which the Senate has passed unchanged.

Also,

House Bill No. 195,

A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined.

Also,

House Bill No. 212,

A bill for an act to amend section 2591 of the Revised Codes of North Dakota, relating to meetings of boards of township supervisors.

Which the Senate has passed unchanged.

Respectfully,
J. O. SMITH,
Secretary.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 3,

A bill for an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336, to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act.

Also,

House Bill No. 12,

A bill for an act to provide for the establishment and government of the North Dakota school of forestry and making an appropriation therefor.

Also,

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes, providing for the compensation of officers of the state board of health.

Also,

House Bill No. 14,

A bill for an act to amend sections numbered 3231, 3254, 3255, 3256 and 3258 of chapter 20, of the Revised Codes of 1895, relating to banking.

Also,

House Bill No. 28,

A bill for an act to forbid and prevent the practice of the law by the judges of county courts during their term of office, in counties in which said courts have increased jurisdiction.

Also,

House Bill No. 32,

A bill for an act to amend subdivision 4 of section 5252 of the Revised Codes of North Dakota, relating to the service of summons on domestic corporations in civil actions.

Also,

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes.

Also,

Substitute for House Bills No. 38 and 109,

A bill for an act amending section 491, article 4, of the Revised Codes of North Dakota, relating to elections.

Also,

House Bill No. 53,

A bill for an act repealing section 482 of the Revised Codes of 1895, construing the word "precinct" in the constitution.

Also,

House Bill No. 61,

A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,

House Bill No. 66,

A bill for an act to provide for the assessment, levy and collection of taxes upon property in cases when such property was by law subject to taxation, but the assessment and levy of taxes thereon have been omitted, or when such property has for any cause escaped taxation.

Also,

House Bill No. 91,

A bill for an act authorizing surety companies to furnish bonds and prescribing the conditions upon which such companies may do business in this state.

Also,

House Bill No. 104,

A bill for an act to amend sections 1664, 1665, 1666, 1668 and 1671 of the political code of the state of North Dakota.

Also,

House Bill No. 106,

A bill for an act to amend section 2721 of the Revised Codes, relating to age of consent to marriage.

Also,

House Bill No. 107,

A bill for an act to amend section 717 of the Revised Codes of North Dakota, relating to school treasurers' reports.

Also,

House Bill No. 112,

A bill for an act to provide for funding the outstanding indebtedness of the Soldiers' home of Lisbon, N. D., and for the permanent improvement of said home.

Also,

House Bill No. 115,

A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein.

Also,

House Bill No. 118,

A bill for an act to amend section 7506 of the Revised Codee of North Dakota, relating to the unlawful marking, branding, killing, selling and larceny of domestic animals.

Also,

Substitute for House Bill No. 121,

A bill for an act to regulate the transportation of passengers and property by common carriers, and the receiving, delivering, storing and handling of property between points within this state by railroads, railroad corporations, railroad companies, express companies, car companies, sleeping car companies, freight and freight line companies and common carriers engaged in the transportation of passengers or property on railroads in this state operated by steam and bridge corporations and ferry companies the property of which is used or operated for railroad purposes; to provide for the control thereof in the matter of rates to be charged for such transportation and the manner thereof; to define the powers and duties of commissioners of railroads, courts and other officers in regard to such regulation and control; to prescribe penalties for the violations of this act, and the rules, regulations, orders, judgments and decrees made under this act by such courts and commissioners for such regulation and control; also to repeal acts and parts of acts in conflict herewith,

Also,

House Bill No. 124,

A bill for an act to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations made with a view to lessen or which tend to lessen free competition in the importation or sale of articles imported into this state, or in the manufacture or sale of articles of domestic growth or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations de-

signed, or which tend to advance, reduce or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this state, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act, from doing business in this state; to require the attorney general of this state to institute legal proceedings against any such corporations violating the provisions of this act, and to enforce the penalties prescribed; to prescribe penalties for any violation of this act; to authorize any person or corporation damaged by any such trust, agreement or combination, to sue for the recovery of such damage and for other purposes.

Which the Senate has passed unchanged.

Also.

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond.

Also,

House Bill No. 136,

A bill for an act to amend section 481 of the Revised Codes of North Dakota relating to election precincts.

Also,

House Bill No. 148,

A bill for an act to encourage county agricultural fairs and exhibition associations and to provide therefor.

Also,

House Bill No. 157,

A bill for an act to amend section 638 of the Revised Codes of North Dakota, relating to the election of county superintendent of schools.

Also,

House Bill No. 171,

A bill for an act to amend section 1683 of the Revised Codes of North Dakota, relating to noxious weeds, manner of destroying,

Also,

House Bill No. 190,

A bill for an act providing for the attendance of certain township, city, town and village officers at the meetings of the county board of equalization.

Also,

House Bill No. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties,

Having been severally signed by the Speaker of the House and

the President of the Senate, were presented to his excellency, the governor, this 5th day of March, 1897.

ROBT. J. MITCHELL,
Chairman.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills make report that

JOINT 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, praying for the passage of an act providing for the election of United States senators by the vote of the people.

Be it Resolved by the Legislative Assembly of the State of North Dakota:

That a copy of the following memorial, signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the secretary of the Senate and the chief clerk of the House of Representatives, be sent to Hon. William N. Roach and Hon. Henry C. Hansbrough of the United States Senate and Hon. Martin N. Johnson of the House of Representatives at Washington, D. C.

That said Hon. William N. Roach and Hon. Henry C. Hansbrough, representing the state of North Dakota in the Senate of the United States, and Hon. Martin N. Johnson, representing the state of North Dakota in the House of Representatives, be, and they are hereby respectfully requested to support, in their respective Houses, and to urge the passage of an act of congress for the election of United States senators by the vote of the people.

Having been duly signed by the Speaker of the House and President of the Senate, was delivered to the honorable the secretary of state this 5th day of March, 1897, at 5:10 p. m.

ROBT. J. MITCHELL,
Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota, relating to powers and number of directors of corporations created for educational, religious and charitable purposes,

Which the Senate has passed unchanged.

Respectfully yours,
J. O. SMITH,
Secretary.

Mr. Hurley moved
That the secretary of state be authorized to have printed a list of all bills that have passed the legislature and the action of the governor thereon, and mail a copy as soon as practicable to each member and officer of the legislature, and that the secretary of state also mail a copy of the journals of the last day to each member,

Which motion prevailed.

By request of the enrolling and engrossing clerks Mr. Sargent offered the following resolution:

Recognizing that our chief enrolling and engrossing clerk, Mr. W. D. Austin, has performed his arduous duties to the entire satisfaction of the House of Representatives, and that he has been unusually kind and considerate to those of us who have had the pleasure of working under him,
Resolved, That we extend our hearty appreciation and thanks.

CHAS. D. GRAY,
(And 23 others.)

REFERENCE OF THE JOURNAL.

The committee on revision and correction of the Journal made the following report:

MR. SPEAKER:
Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-ninth day and recommend it be amended as follows:

On page 18, line 29, strike out the name "Colby" and insert in lieu thereof the name "Carlin."

On page 18, line 43, strike out the name "Carlin" and insert in lieu thereof the name "Colby."

And when so amended recommend that the Journal of the fifty-ninth day be approved.

E. C. SARGENT,
Chairman.

Mr. Sargent moved
That the report of the committee be adopted,
Which motion prevailed, and
The report of the committee was adopted, and
The Journal of the fifty-ninth day was approved as corrected.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
March 5, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith the following

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring:

WHEREAS, The Hon. J. S. Murphy, by his long, practical experience with matters pertaining to Indian affairs, and by his earnest efforts for their advancement, and his eminent executive ability, we believe that the best interests of the government as well as that of the Indians will be subserved by his appointment as commissioner of Indian affairs. We therefore respectfully represent to the president of the United States that his appointment as such commissioner of Indian affairs will meet with the hearty approval of the people of the state of North Dakota, and be it further

Resolved, That the secretary of state be and hereby is requested to forward to his excellency, the president of the United States, and the Hon. H. C. Hansbrough, and the Hon. M. N. Johnson and the secretary of the interior duly certified copies of this resolution.

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

Very respectfully,
H. E. LAVAYEA,
Chief Clerk.

Mr. Arnold moved

That the Senate concur in the resolution,

Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined

House Bill No. 153,

A bill for an act amending section 403 of the Revised Codes of North Dakota, relating to the boundaries and terms of courts of the First Judicial district of the state of North Dakota.

Also,

House Bill No. 50,

A bill for an act to provide for the erection of necessary additional buildings for the hospital for the insane at Jamestown, North Dakota.

Also,

House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of the Revised Codes of 1895 relating to corporations.

Also,
House Bill No. 142,
Being a concurrent resolution to amend the constitution of the state of North Dakota.

Also,
House Bill No. 74,
A bill for an act providing for a change of the place of trial in civil actions in the district court, on the grounds of prejudice in the trial judge.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The chief clerk announced that the Speaker was about to sign
House Bill No. 153,
A bill for an act amending section 403 of the Revised Codes, relating to the boundaries and terms of court of the First Judicial district of the state of North Dakota.

Also,
House Bill No. 50,
A bill for an act to provide for the erection of necessary additional buildings for the hospital of the insane at Jamestown North Dakota.

Also,
House Bill No. 198,
A bill for an act to amend paragraph 3 of section 5776 of 1895, relating to proceedings to annul corporations.

Also,
House Bill No. 142,
Being a Concurrent Resolution,

Also,
House Bill No. 74,
A bill for an act providing for a change of the place of trial in civil actions in the district court on the grounds of prejudice in the trial judge.

Also,
Senate Bill No. 174,
A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor,

There being no objection the titles of the above bills were read and the Speaker affixed his signature to each bill.

Mr. Power offered the following resolution:

Resolved, That the state auditor be authorized to have printed at once 250 copies of the three revenue laws, i. e. House Bill No. 3, House Bill No. 42 and House Bill No. 66 printed for distribution to the various county auditors and treasurers of this state.

Which motion prevailed.

Mr. Hankinson moved

That the chair appoint a committee of three to wait upon the governor and inform him that the House has about completed its labors and ascertain if the governor has any further communication to make to the House,

Which motion prevailed.

The Speaker appointed Messrs. Hankinson, Belden and McPherson as such committee.

Mr. Lindstrom offered the following resolution:

Resolved, That the thanks of this body be tendered to George Ryerson, assistant to the chief clerk, and Thomas Allshouse, bill clerk, for their faithful service during the session, and that they be presented with leather upholstered revolving chairs,

And moved its adoption,

Which motion prevailed.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills to whom was referred

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain.

Also,

House Bill No. 151,

A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury.

Also,

House Bill No. 195,

A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined.

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign

House Bill No. 69,

A bill for an act to provide for a special jury to assess damages under the law of eminent domain.

Also,
House Bill No. 151,
A bill for an act to protect planted fish in the waters of the state of North Dakota, and to provide penalties for their destruction or injury.

Also,
House Bill No. 195,
A bill for an act to amend section 7598 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined.

There being no objection their titles were read and the Speaker affixed his signature.

Mr. Francis offered the following resolution:

Resolved, That the Speaker be directed to appoint two memb rs of the House, toge her with the assistant clerk, to correct the Journal of today and compare the Journal for the session with the written Journal, and that they be allowed $5 per day for the time necessary to do the work. The Speaker and chief clerk are hereby auth rized to sign the necessary vouchers for the service,

And moved its adoption,
Which motion prevailed, and
The resolution was adopted, and
The Speaker appointed Messrs. Sargent, White and the assistant clerk as such committee.

The committee on enrolled bills made the following report:

MR. SPEAKER:
Your committee on enrolled bills have examined
House Bill No. 212,
A bill for an act to amend section 2591 of the Revised Codes of North Dakota, relating to meetings of boards of township supervisors.
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The chief clerk announced that the Speaker was about to sign
House Bill No. 212,
A bill for an act to amend section 2591 of the Revised Codes of North Dakota relating to meetings of boards of township supervisors.

There being no objection their titles were read and the Speaker affixed his signature.

The committee appointed to wait upon the governor made the following report.

MR. SPEAKER:
Your committee appointed to wait upon the governor and inform him that the House had about completed its work and ask

him if he had any communication to make to the House before they adjourned have performed their duty and the governor desired us to inform the House that he had no further communication to make.

R. H. HANKINSON,
W. L. BELDEN,
W. H. MCPHERSON.

The clerks of the House offered the following:

To Hon. H. E. Lavayea, Chief Clerk:

We, the under-igned, clerks of the House of the Fifth Legislative assembly, wish to thank you for the uniform courtesy and kindness that you have shown us during the session. We appreciate the fact that your work has been arduous and difficult and we know that at all times you have done your duty by us, and the state, and the best wishes of the clerks of the Fifth Legislative assembly will always be with you.

W. D. MCCLINTOCK,
(And 34 others.)

REPORTS OF STANDING COMMITTEES.

The committee on enrolled bills made the following report:

MR. PRESIDENT:

Your committee on enrolled bills to whom was referred

House Bill No. 202,

A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake in the county of Ramsey.

Also,

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota relating to power and number of directors of corporations created for educational, religious and charitable purposes,

And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The chief clerk announced that the Speaker was about to sign

House Bill No. 202,

A bill for an act to provide for the erection and equipment of additional necessary buildings for the deaf and dumb asylum at the city of Devils Lake in the county of Ramsey.

Also,

House Bill No. 181,

A bill for an act to amend section 2889 of the Revised Codes of North Dakota. relating to power and number of directors of corporations created for educational, religious and charitable purposes,

There being no objection their titles were read and the Speaker affixed his signature.

The committee on enrolled bills made the following report:

MR. SPEAKER:

Your committee on enrolled bills have examined
House Bill No. 57,
A bill for an act to repeal subdivision one of section 7518 of the Revised Code of 1895, and to amend the same, relating to banking,
And find the same correctly enrolled.

ROBT. J. MITCHELL,
Chairman.

The Speaker announced that he was about to sign
House Bill No. 57,
A bill for an act to repeal subdivision one of section 7518 of the Revised Code of 1895, and to amend the same, relating to banking.

There being no objection its title was read and the bill was signed by the Speaker.

Mr. Sargent moved
That H. D. Hurley be accorded the privilege of making the motion to adjourn sine die,
Which motion prevailed.

Mr. Porter offered the following resolution and moved its adoption;

That a committee of three be appointed to wait upon the Senate and to inform the Senate that the House is about to adjourn.

Which motion prevailed, and
The Speaker appointed Messrs. Porter, Dougherty and Wallace as such committee.

REFERENCE OF THE JOURNAL.

The committee on the revision and correction of the Journal made the following report:

MR. SPEAKER:

Your committee on the revision and correction of the Journal of the sixtieth day respectfully report that they have examined the original manuscript of the day's proceedings and find the same to be correct.

E. C. SARGENT,
Chairman.

Mr. Hurley moved
That the House do now adjourn sine die,
Which motion prevailed, and
The House of Representatives of the Fifth Legislative Assembly of the State of North Dakota adjourned sine die.

H. E. LAVAYEA,
Chief Clerk

REPORT OF SPECIAL COMMITTEE TO REVISE JOURNAL OF SIXTIETH DAY.

The special committee authorized by the House to revise and correct the Journal of the sixtieth day, and embody their report in the official bound edition of the Journal, made the following report:

MR. SPEAKER:

Your committee appointed to revise and correct the Journal of the sixtieth day, having examined the same, respectfully report as follows:

On page 806, bound edition, line 20, strike out figure "9" and insert "10;" line 21, strike out figure "7" and insert "6;" on page 807, bottom line, strike out "13" and insert "14;" in second line from bottom, same page, strike out "33" and insert "32."

On page 819, line 10, strike out the word "House" and insert the word "Senate."

On page 824 insert under the heading "The Speaker announced that he was about to sign" the following:

Senate Bill No. 162,

A bill for an act to create a commission to provide for the display of North Dakota resources at the Trans-Mississippi and International Exposition to be held at Omaha, Neb., in the year 1898, to define its duties and to appropriate money therefor.

On page 827, line 14, strike out the word "electric" and insert the word "elective." In line 23 strike out the word "chairs" and insert the word "chair."

On page 828, line 13, strike out the words "F. Twichell" and insert the words "T. Twichell."

On page 841 strike out the last seven lines on the page and insert the following:

"Mr. Sargent moved that

Senate Bill No. 94,

"A bill for an act to amend section 4233 of the Revised Codes of 1895 of the state of North Dakota, defining luggage,

"Be placed on its third reading and final passage."

Mr. McGinnis moved

As a substitute that Senate Bill No. 94 be indefinitely postponed,

Which substitute motion was lost.

The question recurring upon the motion of Mr. Sargent,

The motion prevailed.

On page 853, after the title of Senate Bill No. 76, insert the following:

"And the message of the governor vetoing the same was reconsidered, and."

On page 871 strike out the first seven lines on the page and insert the following:

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

Strike out lines 22 to 29, inclusive, page 871, and insert the following:

"Which motion prevailed, and
The resolution was adopted."

With these corrections we find the Journal of the sixtieth day correct.

E. C. SARGENT,
ALFRED WHITE,
W. D. MCCLINTOCK.

INDEX.

HOUSE BILLS.

Number.	INTRODUCED BY	TITLE.	Introduced.
	Messrs—		
1	Murphy	Providing a bounty for certain stock-destroying animals	14
2	Lindstrom	Amending chapter 18, political code, laws 1895	14
3	Power	Relating to assessments and collection of taxes	14
4	Porter	Amending secs. 1256 and 1259 of Revised Codes	14
5	Ebbighausen	Warehouses and elevators	17
6	Sharpe	Relating to usury	17
7	Stevenson	Amending section 1794 of Revised Codes	17
8	Stevenson	Governing the use of labels	17
9	Baker	Relating to the erection of grain warehouses and elevators	17
10	Hurley	Fixing the salaries of clerks of district courts	17
11	White	Relating to the marking of official ballots	52
12	Hammond	Providing for erection of school of forestry	52
13	Peoples	Compensation of the state board of health	53
14	Howard	Relating to banking	53
15	Francis	Providing for the taxation of insurance companies	53
16	Twichell	Amending section 76 of the constitution	53
17	Johnson	Relating to chattel mortgages, etc	55
18	Gaulke	Providing a lien upon threshing engines for repairs thereon	55
19	Stevenson	Regulating the rates of toll of grist mills for grinding grain	56
20	Hurley	Relating to holidays	57
21	Power	Amending section 200 of Revised Codes	60
22	Twichell	Relating to bail upon appeal in criminal cases	60
23	Erickson	Authorizing the building and construction of railway tracks to connect with elevators	60
24	Goplerud	Providing fees for sheriff in redemption cases	61
25	Belden	Providing for the sale of grain at standard weight or measure	61
26	Aas	Referring to the violation of the prohibitory law	62
27	Guinan	Reducing the personal property exemptions	62
28	Mitchell	Preventing the practice of law by judges of the county courts	62
29	Mitchell	Fixing the salaries of states attorneys	69
30	Francis	Amending section 2148 of Revised Codes	70
31	Butterwick	Changing date of annual census of school children	77
32	Francis	Amending section 5552 of the Revised Codes	77
33	Francis	Amending section 5730 of the Revised Codes	77
34	Francis	Amending section 5732 of the Revised Codes	78
35	Tanton	Relating to county treasurers and tax certificates	78
36	Hurley	Providing right of way for tel phone lines, etc., over public highways	88
37	Hankinson	Joint resolution for a memorial to congress	88
38	Gaulke	Relating to elections of state, county, city or public officers	88
39	Hankinson	Amending section 8166 of the Revised Codes	89
40	Sharpe	Amending article 3 of the political code	89
41	Earl	Providing for the arrest and conviction of horse thieves	89
42	Wood	Enforcing the payment of delinquent taxes	96
43	Gilbertson	Relating to the assessment and taxation of property	96
44	Mitchell	Relating to incorporation of villages	97
45	Belden	Providing for dissolution of county townships	97
46	Power	Diminution of sentence for good conduct of convicts	97
47	Towle	Requiring manufactories to label articles	97
48	Porter	Relating to dissolution of incorporated villages	104
49	Korsmo	Fixing the rates for transportation of Dakota coal	104

HOUSE BILLS.

First Reading.	Second Reading.	Reference.	Reported Back.	Amended.	Am'ndm'ts Adopted.	Third Reading.	Passed.	Lost.	Reconsider. d.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Com.	To Governor.	Further Action.
56	70	70	150	150	227	270	270	..	..	590	590	..	592	..	729	...
56	70	70	449	....	....	....	....	..	..	....	....	..	..	..	..	...
70	70	70	361	361	406	512	513	..	..	733	....	..	..	752	..	...
				457	457											
56	70	70	450	....	....	....	....	..	..	....	....	..	..	..	..	...
56	71	71	....	....	....	....	....	..	..	....	....	..	..	..	..	...
56	71	71	91	91	91	186	315	..	..	636	....	..	..	..	..	...
56	71	71	....	....	....	....	....	..	..	....	....	..	..	..	..	...
56	71	71	330	....	....	....	....	..	..	....	....	..	..	..	..	...
56	71	71	329	....	....	....	....	..	..	....	....	..	..	..	..	...
61	71	71	251	251	648	648	648	..	..	....	....	..	..	..	..	...
				433												
61	71	71	218	218	218	319	319	..	..	....	....	..	..	..	..	...
61	72	72	305	305	....	475	476	..	..	800	800	..	800	..	..	...
62	72	72	178	178	227	353	354	..	..	823	....	823	..	..	..	...
62	72	72	414	....	....	470	470	..	..	770	770	..	774	..	..	...
62	72	72	132	...	....	190	190	..	..	308	....	308	..	..	500	...
....	72	72	83	....	....	99	99	..	..	114	....	114	..	..	..	...
57	72	72	....	....	....	....	....	..	..	....	....	..	..	..	..	...
57	72	72	117	117	....	....	....	..	..	....	....	..	..	..	..	...
57	72	72	155	....	....	....	....	..	..	....	....	..	..	..	..	...
57	72	72	79	79	79	86	87	..	..	116	116	..	119	119	215	...
61	78	78	117	117	...	223	224	..	..	431	....	431	..	..	474	...
61	73	73	91	91	92	145	145	..	..	308	....	308	..	..	475	...
61	73	73	323	....	....	....	....	..	..	....	....	..	..	..	..	...
61	78	78	118	118	224	224	224	..	..	431	....	431	..	..	500	...
61	73	73	....	....	....	....	....	..	..	....	....	..	..	..	..	...
62	73	73	....	....	....	....	....	..	..	....	....	..	..	..	..	...
62	73	73	....	....	....	....	....	..	..	....	....	..	..	..	..	...
62	73	73	151	182	182	313	....	313	..	....	....	..	..	..	..	...
				312	312											
62	73	73	91	....	....	92	93	..	..	203	....	203	..	..	258	...
70	73	73	91	91	92	....	....	..	..	....	....	..	..	..	..	...
				107	107											
70	73	73	91	320	320	320	321	..	..	....	....	..	..	..	..	...
78	79	79	111	111	....	225	226	..	..	....	....	..	..	..	..	...
78	79	79	118	233	233	292	293	..	..	772	....	772	..	..	..	...
78	79	79	117	117	117	293	294	..	..	....	....	..	..	..	..	...
78	78	78	118	118	234	294	294	..	..	823	....	823	..	..	..	...
78	78	78	450	....	....	....	....	..	..	....	....	..	..	..	..	...
89	90	90	111	112	629	....	....	..	..	....	....	..	..	..	..	...
89	90	90	132	....	....	146	146	..	..	....	....	..	..	..	..	...
89	90	90	308	....	....	594	594	..	..	750	750	..	775	..	..	...
89	90	90	107	107	108	108	109	..	..	472	472	..	482	..	594	...
				484	484											
89	90	90	194	194	....	272	272	..	..	471	....	471	..	..	543	...
89	90	90	111	...	....	226	226	..	..	451	....	451	..	..	500	...
97	98	98	200	200	....	259	259	..	..	315	....	315	..	..	500	...
97	98	98	244	....	....	....	....	..	..	....	....	..	..	..	..	...
97	98	98	232	....	....	295	295	..	..	431	....	..	..	..	458	...
97	98	98	154	173	173	173	173	..	..	431	....	431	..	..	500	...
97	98	98	111	...	....	145	145	..	..	309	309	..	312	..	458	...
98	99	99	132	132	....	....	....	..	..	....	....	..	..	..	..	...
104	....	154	....	....	....	....	....	..	..	....	....	..	..	..	..	...
104	105	105	327	327	....	....	....	..	..	....	....	..	..	..	..	...

HOUSE BILLS—*Continued*

Number.	INTRODUCED BY	RELATING TO	Introduced.
	Messrs—		
50	McGinnis	Erection of necessary buildings, Jamestown asylum	104
51	Dougherty	Fixing the date when county auditor shall commence duty	104
52	Lindstrom	North Dakota coal to be used at state institutions	112
53	Lindstrom	Construing the word "precinct" in the constitution	112
54	Aas	Amending chapter 110 of the Revised Codes of 1899	113
55	Porter	Requiring all state officers to give bonds	133
56	Syvertson	Amending sec. 5577 of the compiled laws of 1895	133
57	Howard	Relating to banking	133
58	Williams	Relating to the collection of taxes	133
59	Mitchell	Providing for the payment of witnesses in certain cases	133
60	Mitchell	Relating to liens of crops	133
61	Earl	Amending sec. 1804 of the Revised Codes	136
62	Hankinson	Amending sec. 4681 of the civil code	136
63	Cole	Amending sec. 8175 and repealing sec. 8180 of the Revised Codes	136
64	Syvertson	Providing for the publishing of county and district election returns	136
65	Duncan	Amending sec. 1138, article 7, chapter 17 of the Revised Codes	136
66	Gilbertson	Providing for the assessment, levy and collection of taxes	137
67	Currier	Amending sec. 22, chapter 2 of the Revised Codes	137
68	Ryan	Regulating the disposition of road work	141
69	Francis	Providing a special jury to assess damages under the law of eminent domain	141
70	Murphy	Relating to physical education as a regular branch in schools	141
71	Francis	Amending sec. 2980 of the Revised Codes	141
72	Francis	Amending sec. 4841 of the Revised Codes	141
73	Francis	Relating to the protection of game	141
74	Lenz	Providing for a change of place of trial on the ground of prejudice in trial judge	141
75	Hurley	Providing for the enjoining of foreclosure of mortgages by advertisement	141
76	Sharpe	Relating to depositories of county funds	156
77	Hawk	Relating to the game of football	156
78	Baker	Amending sec. 1892 of article 7, chapter 26, Revised Codes	157
79			
80	Francis	Amending sec. 8158 of the Revised Codes	157
81	Twichell	Creating the office of public defender	165
82	Wood	Defining the duties of public warehouses	170
83	Butterwick	Relating to opening and vacating highways	170
84	Hawk	Regulating sales of pledged property	170
85	Hurley	Amending sub-division 48 of sec. 2148 of the Revised Codes	170
86	Ryan	Regulating the liability of corporations	170
87	Williams	Protecting of song and insect-eating birds	171
88	Johnson	Authorizing the auditor to pay the reward offered for the arrest of Henry Trimble	181
89	Francis	Regulating the entry of judgments	181
90	Gaulke	Establishing a board of examiners for barbers	181
91	Hankinson	Authorizing surety companies and conditions upon which they may do business	181
92	Goplerud	Relating to official oaths and bonds of school officers	181
93	Baker	Relating to primary elections	190
94	Hurley	Creating the office of state librarian, and repealing sec. 4036 of Revised Codes	190
95	Korsmo	Relating to sabbath breaking	203
96	Hawk	Amending sec. 7594 of the Revised Codes	203
97	Porter	Relating to counties and salary of county officers	203

HOUSE BILLS—*Continued.*

First Reading.	Second Reading.	Reference.	Reported Back.	Amended.	Am'dm't's Adopted.	Third Reading.	Passed.	Lost.	Reconsidered.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in	Conference Com.	To Governor.	Further Action.
104	106	106	....	....	....	727	728	..	..	861	....	861	..	..	..	...
104	106	106	151	....	174	174	174	..	..	308	....	..	..	..	500	...
113	113	113	617	....	...	....	....	..	..	..	....	..	..	..	..	...
113	114	114	218	....	....	595	596	..	..	....	....	..	..	..	..	...
113	114	114	288	....	....	....	....	..	..	....	....	..	..	..	..	...
133	134	134	347	347	....	669	670	..	..	....	....	..	..	..	..	...
133	134	134	195	....	....	295	296	..	..	....	....	..	..	..	..	...
133	134	134	167	...	....	191	192	..	.	862	862	..	..	862	..	...
133	134	134	450	....	....	...	....	..	..	....	....	..	..	..	..	...
133	134	134	155	....	....	173	174	..	..	309	309	..	..	..	475	...
133	134	134	183	183	....	274	274	..	..	510	....	510	..	..	594	...
142	142	142	207	207	....	321	322	..	..	771	....	771	..	..	..	...
142	142	142	....	....	....	....	....	..	..	....	....	..	..	..	..	...
142	142	142	196	....	....	....	....	..	..	....	....	..	..	..	..	...
142	142	142	218	....	....	273	....	273	..	....	....	..	..	..	..	...
142	142	142	....	....	....	570	570	..	..	....	....	..	..	..	..	...
142	142	142	426	427	427	540	540	..	..	820	....	820	..	..	.	...
142	142	142	...	....	....	....	....	..	..	....	....	..	..	..	..	...
142	142	142	216	....	....	322	323	..	..	....	. .	..	..	..	..	...
142	142	142	196	197 408	....	575	575	..	..	862	....	862	..	..	..	...
143	143	143	3 7	....	....	....	....	..	..	....	....	..	..	..	..	...
143	143	143	328	329	....	476	476	..	..	591	....	..	..	..	..	...
143	143	143	195	....	....	....	....	..	..	....	....	..	..	..	..	...
143	143	143	....	....	....	....	....	..	..	....	....	..	..	..	..	...
143	143	143	206	206	....	323	324	..	..	861	....	861	..	..	..	...
143	143	143	433	....	....	591	592	..	..	....	....	....	..	..	..	...
157	157	157	235	235	235	473	473	..	..	772	....	772	..	..	..	...
157	157	157	215	....	....	....	....	..	..	....	....	.	..	..	..	...
157	157	157	287	287	....	....	....	..	..	....	....	..	..	..	..	...
157	158	158	346	....	....	....	....	..	..	....	....	..	..	..	..	...
171	172	172	237	....	....	....	....	..	..	....	....	..	..	..	..	...
171	172	172	584	....	....	....	....	..	..	....	....	..	..	..	..	...
171	172	172	250	560	560	716	716	..	..	819	819	821	..	..	..	...
171	172	172	493	....	....	....	....	..	..	....	....	..	..	..	..	...
171	172	172	207	....	....	....	...	..	..	....	....	..	..	..	..	...
171	172	172	609	609	....	....	....	..	..	....	....	..	..	..	..	...
171	172	172	265	....	....	....	....	..	..	....	....	..	..	..	..	...
183	184	184	236	....	....	....	....	..	.	....	....	..	..	..	..	...
183	184	184	207	....	....	271	272	..	..	....	....	..	..	..	..	...
183	184	184	235	....	....	....	....	..	..	....	....	..	..	..	..	...
183	184	184	252	252	575	575	575	..	..	772	....	772	..	..	..	...
183	184	184	233	233	233	477	477	..	..	....	....	..	..	..	..	...
190	190	190	218	522	....	585	585	..	..	....	....	..	..	..	..	...
190	190	190	316	....	....	....	....	..	..	....	....	..	..	..	.	...
203	203	203	237	....	....	297	298	..	..	....	....	..	..	..	..	...
204	204	204	....	...	....	...	....	..	..	....	....	..	..	..	..	...
204	204	204	450 569	....	...	....	....	..	..	....	....	..	..	..	..	...

HOUSE BILLS—*Continued.*

Number.	INTRODUCED BY	TITLE.	Introduced.
	Messrs—		
98	Belden	Relating to deputies	203
99	Hawk	Amending article 3 of sec. 7595 of the Revised Codes	213
100	Hurley	Relating to the overseers of highways	218
101	Hankinson	Relating to appeals from justices of the peace	219
102	Mitchell	Regulating appeals from justice courts on questions of law	219
103	Murphy	Providing for the protection of game	219
104	Stevenson	Amending the political code	220
105		Concurrent resolution	
106	Carlin	Relating to the age of consent to marry	240
107	Sargent	Relating to school treasurers reports	258
108	Goplerud	Relating to county superintendents of school	258
109	Hawk	Relating to elections	269
110	Johnson	Amending sec. 681 and 682 of the Revised Codes	269
111	Mitchell	Proceedings in insolvency	275
112	Mitchell	Improvement of soldiers home at Lisbon, N. D	275
113	Gaulke	Repeal secs. 1759, 1760, 1761 to 1773 of Revised Codes	275
114	Dougherty	Repealing sec. 1586 and 1587 of Revised Codes	275
115	Dougherty	Providing for garnishment proceedings, justice court	275
116	Carlin	Providing for subdivisions of school townships	275
117	Ebbighausen	Register of deeds clerk of district court	288
118	Northrup	Amending sec. 7506 of Revised Codes	288
119	Howard	Duties of state examiner	289
120	Duncan	Investment of permanent school funds	289
121	Williams	Common carriers	289
122	Kroeger	Taxation of sleeping car companies	289
123	Richards	Support of the poor	289
124	Howard	Manufacturers' corporations	316
125	Hurley	Sabbath breaking	316
126	Kroeger	Assessment and taxation of telegraph and telephone companies	316
127	Brotnov	County auditors, bonds and duties	316
128	Colby	Creating the office of temperance commissioner	316
129			
130	Boyd	Railroads	332
131	Cole	Construction of tracks to connect railroad lines	332
132	Cryan	Regulating common carriers	348
133	Carlin	Rate of interest on notes	348
134	Erickson	Education of the blind	349
135	Earl	Fixing salary of county judges	349
136	Joy	Relating to election precincts	349
137	Mitchell	Duties of state auditor	349
138	Joy	Providing for the destruction of weeds	349
139	Sargent	Authorizing a verdict by five-sixths of the jurors	351
140	Howard and Hurley	Appropriation for iron bridge across the Red river	351
141	Richards	Relating to the discharge of convicts	354
142	Twichell	Concurrent resolution	407
143	Sargent	Care of the poor	411
144	Sargent	Foreclosure of land contracts	411
145	Williams	Relating to divorce	411
146	Erickson	Residence in case of divorce	411
147	Hurley	Penitentiary farm	411
148	Joy	Encouraging county fairs	411
149	Belden	Amending secs. 1895 and 1896 of Revised Codes	411
150	Brotnov	Providing that certain contracts shall be in writing	434
151	Porter	Protection of planted fish	434
152	White	Amending sec. 5975 of Revised Codes	434
153	Rya	Amending sec. 4 3 of Revised Codes	434
154	McGinnis	Amendment to the constitution	434
155	McGinnis	Railroad companies	434
156	Hurley	Amending sec. 670 of the Revised Codes	435
157	Hawk	Election of county superintendent of schools	435

HOUSE BILLS—*Continued*

First Reading.	Second Reading.	Reference.	Reported Back.	Amended.	Am'ndm'ts Adopted.	Third Reading.	Passed.	Lost.	Reconsider d.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in.	Conference Com.	To Governor.	Further Action.
204	204	204	236	....	....	478	479	..	..	557	....	..	..	..	..	...
219	219	219	254	288	....	735	735	..	..	....	....	..	..	..	..	...
219	219	219	266	266	....	....	....	..	..	....	....	..	..	..	..	...
219	219	219	252	252	473	473	474	..	..	756	....	756	..	..	..	...
219	219	219	253	253	....	474	474	..	..	756	.. .	756	..	..	..	...
219	219	219	424	....	....	....	....	..	..	....	....	..	..	..	..	...
220	220	220	249	249 407	249	579	579	..	..	793	....	793	..	..	..	...
....	....	....	424	....	....	....	....	..	..	....	....	..	..	..	..	...
240	240	240	277	277	277	479	479	..	..	772	....	772	..	..	..	...
258	258	258	467	467	596	596	596	..	..	792	792	..	794	..	..	795
258	258	258	307	....	....	352	353	..	..	....	....	..	..	..	..	...
269	269	269	308	....	....	594	594	..	..	750	750	..	775	..	..	...
269	269	269	307	307	307	480	480	..	..	....	....	..	..	..	..	...
289	289	289	330	....	....	412	413	..	..	521	521	523	..	..	687	...
289	289	289	501	....	....	579	580	..	..	771	....	771	..	..	..	...
289	289	289	....	....	....	....	....	..	..	....	....	..	..	..	..	...
289	289	289	425	....	....	....	....	..	..	....	....	..	..	..	..	...
290	290	290	347	347	....	506	507	..	..	829	....	829	..	..	..	...
290	290	290	416	....	....	580	581	..	..	....	....	.	..	..	..	...
290	290	290	424	....	....	....	....	..	..	....	....	..	..	..	..	...
290	290	290	491	.. ..	....	572	572	..	..	823	....	823	..	..	..	...
290	290	290	406	....	....	481	481	..	..	819	....	819	..	..	..	...
290	290	290	637	....	....	....	....	..	..	....	....	..	..	..	..	...
290	290	290	351	....	....	497	498	..	..	....	....	..	..	..	..	...
290	290	290	753	....	....	....	....	..	..	....	....	..	..	..	..	...
291	291	291	328	....	....	716	716	..	716	....	....	..	..	..	..	...
317	317	317	459	....	....	589	590	..	..	829	....	829	..	..	..	...
317	317	317	432	....	58	....	581	..	..	....	....	..	..	..	..	...
317	317	317	564	....	....	....	....	..	..	....	....	..	..	..	..	...
317	317	317	515	....	....	573	573	..	..	....	....	..	..	..	..	...
317	317	317	515	515	....	674	675	..	..	802	....	802	..	..	..	...
332	332	332	607	....	....	....	....	..	..	....	....	..	..	..	..	...
333	333	333	361	361	....	481	482	..	..	825	....	..	..	..	..	...
349	349	349	....	....	....	....	....	..	..	....	....	..	..	..	..	...
349	349	349	461	461 582	582	582	582	..	..	755	....	..	..	..	..	...
349	349	349	....	....	....	....	....	..	..	....	....	..	..	..	..	...
350	350	350	486	....	....	....	....	..	..	....	....	..	..	..	..	...
350	350	350	502	502	....	656	656	..	..	832	....	832	..	..	..	...
350	350	350	451	....	....	507	508	..	..	771	....	771	..	..	..	...
350	350	350	467	467	467	597	597	..	..	....	....	..	..	..	..	...
352	352	352	461	461	585	584	585	..	..	681	....	681	..	..	..	...
352	352	352	449	....	....	....	....	..	..	....	....	..	..	..	..	...
354	354	354	459	....	....	....	....	..	..	....	....	..	..	..	..	...
407	407	407	407	....	542	542	543	..	..	862	....	862	..	..	..	...
411	411	411	468	....	....	508	....	508	..	....	....	..	..	..	..	...
411	411	411	460	460	....	587	588	..	..	....	....	..	..	..	..	...
411	411	411	618	....	....	620	620	..	..	....	....	..	..	..	..	...
412	412	412	....	....	....	....	....	..	..	....	....	..	..	..	..	...
412	412	412	....	727	727	726	727	..	..	....	....	..	..	..	..	...
412	412	412	491	491	....	667	667	..	..	830	830	833	..	..	..	...
412	412	412	602	....	....	725	726	..	..	756	....	..	..	..	..	...
437	437	437	485	....	....	....	....	..	..	....	....	..	..	..	..	...
437	437	437	468	509	509	509	509	..	..	863	....	863	..	..	..	...
438	438	438	485	....	....	....	....	..	..	....	....	..	..	..	..	...
438	438	438	668	....	....	675	676	..	..	....	....	..	..	..	..	...
438	438	438	486	....	....	588	....	589	..	....	....	..	..	..	..	...
438	438	438	609	....	....	....	....	..	..	....	....	..	..	..	..	...
438	438	438	486	....	....	....	....	..	..	....	....	..	..	..	..	...
438	438	438	502	502	....	625	626	..	..	843	....	843	..	..	..	...

HOUSE BILLS—*Continued*.

Number.	INTRODUCED BY	TITLE.	Introduced.
	Messrs—		
158	Francis	Amending sec. 5479 of the Revised Codes	455
159	Twichell	Express companies, freight lines, etc	455
160	Lovelace	Trials and judgments in civil actions	455
161	McPherson	Submission of state measures by the people	455
162	McGinnis	Salaries and clerk hire of state officers	455
163	Francis	Compensation for return of fugitives from justice	456
164	Williams	Amending sec. 28 of Revised Codes	469
165	Francis	Supreme court	469
166	Aas	Amending sec. 37, chapter 2 of the Revised Codes	469
167	Hurley	Enforcement of cruelty to animals law	496
168	Currier	Amending secs. 2533, 2534 and 2535 of Revised Codes	496
169	Lindstrom	Warehouse receipts	505
170	Korsmo	Election of county superintendents of asylums and poor farms	505
171	Twichell	Destruction of noxious weeds	505
172	Hurley	Admission of patients to insane asylum	505
173	Hurley	Mileage and traveling expenses of state officers	505
174	Duncan	Amending sec. 162, article 9 of the constitution	505
175	McPherson	Joint memorial to congress	505
176	Howard	Amending sec. 4731 of Revised Codes	518
177	Boyd	Amending sec. 3305, chapter 9 of revised civil code	518
178	Hankinson	Guardians, receivers, trustees, duties	518
179	Mitchell	Receivers, administrators, executors	518
180	Boyd	Prohibiting the sale of cigarettes	518
181	Francis	Amending sec. 2889 of Revised Codes	518
182	Murphy	Qualifications of voters	518
183	Francis	Punishment for the crime of embezzlement	518
184	Ryan	Collection of rents	518
185	Richards	Northern Pacific railroad tax	518
186	Power	Relating to the election of county superintendent of schools	545
187	Heskin	Prohibiting the sale of liquid or soft drinks	549
188	Colby	Encouraging the culture of sugar beets	549
189	Committee on warehouse	Substitute for house bill No. 82	549
190	Korsmo	Boards of equalization	549
191	Wood	Defining the boundaries and terms of court	566
192	Gilbertson	Development of coal mines	566
193	Mitchell	Organization of safety deposits	566
194	Hawk	Election of officers and their duties	566
195	McConnachie	Intoxicating liquors defined	566
196	Hankinson	Amending sec. 406 of the Revised Codes	567
197	Twichell	Land sales upon crop payments	567
198	Murphy	Corporations	567
199	Francis	Auctioneers and peddlers licenses	567
200	Ryan	Amending sec. 217 of the constitution	567
201	Hurley	Preventing the use of violent or profane language on trains	568
202	Currier	Equipment of deaf and dumb asylum at Devils Lake	569
203	Lindstrom	Salary of county superintedent of schools	610
204	Lindstrom	Salary of county treasurer	610
205	Lindstrom	Salary of county judges	610
206	Lindstrom	Salary of county auditor	610
207	Lindstrom	Salary of county register of deeds	610
208	Korsmo	Intoxicating liquors	611
209	White	Relating to prohibition and unlawful dealing in liquors	611
210	Hawk	Repealing sec. 7636 of Revised Codes	659
211	Lenz	Rates for conveying messages by telegraph and telephone co	658
212	Goplerud	Meetings of board of township supervisors	659
213	Com. on Appropriation	Semi-annual report of state treasurer	695
214	Com. on Appropriation	Compensation of officers of hospital for insane	695

HOUSE BILLS—*Continued.*

First Reading.	Second Reading.	Reference.	Reported Back.	Amended.	Am'ndm't's Adopted.	Third Reading.	Passed.	Lost.	Reconsidered.	Received from Senate.	Amended.	Unchanged.	Amendments Concurred in	Conference Com.	To Governor.	Further Action.
456	456	456	494	....	....	571	571	..	..	....	....	..	..	..	..	...
456	456	456	562	562	562	622	622	..	..	....	....	..	..	..	..	...
456	456	456	6 6	....	....	....	....	..	..	....	....	..	..	..	..	...
456	456	456	606	....	....	....	....	..	..	....	....	..	..	..	..	...
456	456	456	....	....	....	....	....	..	..	....	....	..	..	..	..	...
456	456	456	494	....	....	571	572	..	..	....	...	..	..	..	..	...
469	469	469	...	....	....	...	...	..	..	....	....	..	..	..	..	...
469	469	469	545	545	....	671	671	..	..	....	....	..	..	..	..	...
469	469	469	602	....	....	....	.	..	..	....	....	..	..	..	..	...
496	496	496	543	543	....	550	550	..	..	....	....	..	..	..	..	...
496	496	496	....	....	....	....	....	..	..	....	....	..	..	..	..	...
505	505	505	....	...	....	....	....	..	..	....	....	..	..	..	..	...
505	505	505	602	....	....	....	....	..	..	....	....	..	..	..	..	...
506	506	506	538	....	...	593	594	..	..	830	830	..	838	..	..	...
506	506	506	546	546	672	672	673	..	..	830	830	..	830	..	..	...
506	506	506	538	538	629	....	....	..	..	....	....	..	..	..	..	...
506	506	506	606	606	607	670	671	..	..	862	862	..	..	..	..	...
506	506	505	539	....	....	597	597	..	..	....	....	..	..	..	..	...
518	518	518	608	....	...	673	....	674	..	....	....	..	..	..	..	...
519	519	519	562	598	598	597	598	..	..	....	....	..	..	..	..	...
519	519	519	562	....	....	577	578	..	..	710	..	..	..	..	..	...
519	519	519	562	....	....	578	579	..	..	710	....	..	..	..	..	...
519	519	519	643	....	....	....	....	..	..	....	....	..	..	..	..	...
519	519	519	562	....	....	598	599	..	..	869	....	869	.	..	..	...
519	519	519	607	....	....	694	694	..	..	819	....	819	..	..	..	...
520	520	520	606	....	....	665	665	..	..	....	....	..	..	..	..	...
520	520	520	640	....	....	....	....	..	..	....	....	..	..	..	..	...
520	520	520	539	....	....	539	539	..	..	636	....	636	..	..	729	...
545	545	545	....	....	....	...	....	..	..	....	....	..	..	..	..	...
549	549	549	605	....	....	....	....	..	..	....	....	..	..	..	..	...
550	550	550	604	....	....	665	702	666	702	....	....	..	..	..	..	...
550	550	550	....	....	....	668	669	...		....	....	..	..	..	..	...
550	550	550	603	....	....	666	702	667	702	834	....	..	..	..	..	...
567	567	567	638	....	....	....	....	..	..	....	....	..	..	..	..	...
567	567	567	638	638	....	....	....	..	..	....	....	..	..	..	..	...
566	567	567	624	624	715	715	715	..	..	771	....	771	..	..	..	...
568	568	568	623	....	....	739	740	..	..	829	....	829	..	..	..	...
568	568	568	643	....	....	672	672	..	..	865	....	865	..	..	..	...
568	568	568	638	....	....	668	668	..	..	819	....	819	..	..	..	...
568	568	568	640	640	....	743	....	743	..	....	....	..	..	..	..	...
568	568	568	640	640	....	649	649	..	..	861	....	861	..	..	..	...
568	568	568	698	....	....	....	....	..	..	....	....	..	..	..	..	...
568	568	568	642	642	....	....	....	..	..	....	....	..	..	..	..	...
....	....	640	....	....	....	....	....	..	..	....	....	..	..	..	..	...
611	611	611	....	....	....	737	738	..	..	....	....	..	..	..	..	...
610	610	610	634	....	....	645	646	..	..	....	....	..	..	..	..	...
610	610	610	634	....	....	655	655	..	..	....	....	..	..	..	..	...
611	611	611	677	....	....	.	....	..	..	....	....	..	..	..	..	...
611	611	611	634	....	....	646	646	..	..	....	....	..	..	..	..	...
611	611	611	633	....	....	647	647	..	..	755	....	..	..	..	..	...
612	612	612	643	....	....	728	728	..	..	....	....	..	..	..	..	...
612	612	612	641	....	....	730	768	730	768	813	....	813	..	..	..	...
659	659	659	724	....	....	746	746	..	..	....	....	..	..	..	..	...
658	658	658	....	....	....	....	....	..	..	....	....	..	..	..	..	...
659	659	659	679	680	680	735	736	..	..	865	....	865	..	..	..	...
695	695	695	721	721	722	741	742	..	..	832	832	..	..	840	..	...
695	695	695	733	733	733	742	743	..	..	....	....	..	..	..	..	...

SENATE BILLS.

Number.	TITLE.	When Received.	First Reading.	Second Reading.	Reference.	Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Further Action.
1	Convict labor	134	147	147	147	330	420	653	653	654			
2	Amending sec. 4681 civil code	261	278	278	278								
4	State bonds	202	205	205	205	237			261	261			
5	Amending chap. 18 Revised Codes.	116	147	147	147	153							
7	Reimbursing Drs. McLachlan and Montgomery	169	176	176	176	178			192	192			
8	Military buildings	134	147	147	147	215		263	242	279		413	
9	Appropriation for deaf and dumb school	534	554	554	554	754			786	786			859
11	Amending sec. 378 Revised Codes	116	147	147	147	198			207	208			
12	Amending sec. 5631 Revised Codes.	140	158	158	158	207		207	279	279			
13	Stenographer for supreme court	134	147	147	147	179	212	179	221	221			
14	Amending chap. 20, Revised Codes	170	176	176	176	253	356	253	418	418			
15	Amending sec. 5435 code of civil procedure	252	260	260	260	277			339	339			
17	Amending sec. 2898 Revised Codes.	140	148	148	148	197			208	208			
18	Amending sec. 2889 Revised Codes.	140	148	148	148	197			209	209			
19	Domestic corporations	140	148	148	148	266		266	340	340			
20	Governing the method of proof	93	100	100	100	107			114	115			
21	Amending sec. 5542 Revised Codes.	140	148	148	148	277			340	341			
22	Banking	261	278	278	278	502							
23	Clerk hire for state officers	635	682	682	682	724		724	750	75			
24	Preventing garnishment of heads of families	740	744	744	744								
25	Amending sec. 1325 Revised Codes.	94	100	100	100	107			118	119			
26	Depositions	94	100	100	100	107		108	158	159			
27	Procedure in civil actions	94	100	100	100	107		120 107 120	158	159			
30	Real estate	410	414	414	414	453							
31	Prairie fires	216	221	221	221	426							
32	Amending sec. 5352 Revised Codes.	140	158	158	158	233	355	233	417	417			
33	Amending chap. 29 Revised Codes.	261	278	278	278								
34	Appropriation, state penitentiary	531	554	554	554	802		802	803	803			851
38	Amending sec. 1234 Revised Codes.	140	148	148	148	453							
42	Appropriation Valley City normal school	535	554	554	554	757			780	781			861
46	Russian thistle and weeds	140	148	148	148	202			222	222			
47	Refunding funds, certain counties.	140	148	148	148	197			193	193			
48	Appropriation for Mayville normal school	535	554	554	554	766			777	778			861
51	Appropriation for board of university and school lands	591	614	614	614	759							
52	Butchers and slaughterers	432	440	440	440	547		547					
53	Beef and veal selling	432	440	440	440	494							
58	Amending probate code	431	440	440	440	639		639	714	715			
60	County assessors	170	176	176	176	454							
61	Appropriation, agricultural college	535	555	555	555	757			780	780			855
62	Amending chap. 26 Revised Codes.	501	510	510	510	547		547	699	699			
63	Amending chap. 4 Revised Codes.	501	510	510	510	546	700	546					
65	Appropriation, insane hospital	535	555	555	555	759			784	784			859
67	District veterinarians	436	440	440	440	537			700	701			
68	Sheep inspectors	282	335	335	335	603		603	698	698			
69	Appropriation, state university	535	555	555	555	757			864	864			852
72	South Dakota reform school	520	553	553	553	760			812	813			
73	Amending secs. 8518 and 8519 Revised Codes	311	321	321	321	485			529	530			
74	Amending sec. 6613 Revised Codes.	183	187	187	187	253	356	253	650	651			
75	Amending secs. 1013-1015 Revised Codes	432	440	440	440	501			651	652			
76	Appropriation, soldiers' home	535	554	554	554	797			797	798			853
77	Amending sec. 371 penal code	183	187	187	187	287	419	287	441	441			
78	Relating to negotiable instruments	282	335	335	335								
79	Amending sec. 1892 Revised Codes.	202	205	205	205	265	287		336	336			

SENATE BILLS--*Continued.*

Number.	TITLE.	When Received.	First Reading.	Second Reading.	Reference	Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Further Action.
83	State board of canvassers	252	260	260	260	277			341	341			
86	Amending sec. 2063 Revised Codes.	216	221	221	221	254							
87	Reimbursing Burleigh county	627	657	657	657	811							
85	Amending sec. 2106 political code	732	744	744	744	754			815	810			
90	Bounty on twine	225	242	242	242	425							
91	Appropriation, Stark county	627	657	657	657	759			785	785			
94	Defining luggage	431	440	440	440				840	840			
96	Amending sec. 4242 Revised Codes.	282	335	335	335	347			414	415			
98	Amending secs. 8158 and 8159 Revised Codes	282	335	335	335	347			415	415			
102	Railroad commissioners	333	335	335	335	419			831	835			
103	Defining subjects of courts	283	336	336	336	346			416	417			
105	Preparation of ballots	410	414	414	414	537							
106	Appropriation, Mandan fair	557	614	614	614	625	788		807	808			
108	Soldiers' home	711	744	744	744	809							
109	Osteopathy	261	277	277	277	305			338	339			
110	Amending sec. 4817 Revised Codes.	591	511	511	511	545		545	695	696			
111	Reimbursing F. H. DeVaux	627	658	658	658	664			814	815			
112	Collection of vital statistics	501	511	511	511	621	811						
114	Amending sec. 267 political code	471	483	483	483	494							
116	Highways and bridges	557	614	614	614	638			708	708			
117	Reducing price of state lands	410	414	414	414								
118	Concurrent resolution	410	439	439	439	493	628	493	655	656			
122	Presumptive evidence	432	440	440	440	546			652	653			
123	Fees of register of deeds	471	483	483	483	547			686		686		
126	Herders of domestic animals	432	440	440	440	468			683	684			
127	Deaf and dumb school	557	614	614	614	797			703	703			
128	Amending sec 4761 Revised Codes.	436	440	440	440	493			684	723	685		
131	Investment of school funds	520	553	553	553	601		601	693	693			
132	Appropriation for annual advertising of school lands	591	614	614	614	758			808	809			
135	Amending sec. 1615 Revised Codes.	471	483	483	483	718							
136	Trials in district court	510	511	511	511	607		607	705	705			
137	Terms of court for fifth judicial district	558	615	615	615	639			705	706			
138	Protection of game and fish	471	483	483	483	493		544	544	544			
139	Inspection of oils	591	615	615	615	689			715	831			
140	Amending sec. 625 Revised Codes.	690	712	712	712	756			789	790			
142	Amending sec. 2802 Revised Codes.	520	553	553	553	600		600	689	689			
143	Orphans and ill-treated children	720	554	554	554	603			692	693			
144	Appropriation, industrial school	501	511	511	511	578			688	688			
145	Amending sec. 2133 Revised Codes.	557	614	614	614	680			806	806			
148	Repealing chap. 3 Revised Codes.	521	554	554	554	601		601	691	691			
149	Amend secs. 130, 131 Revised Codes	636	683	683	683	719		719	720	720		827	
150	Amending probate code	521	554	554	554	640			706	707			
151	Foreign wills	554	554	554	554								
153	Preventing adulteration of candy	521	554	554	554	601			691	692			
154	License for commission merchants	557	614	614	614	639			707	707			
155	Tax levy	510	511	511	511	546			685	686			
156	Revenue and taxation	520	554	554	554								
157	School for feeble minded, Grafton.	636	682	682	682	754			754	754			
159	Reprinting laws not in the Code	626	658	658	658	758			782	783			
162	Trans-Mississippi exposition.	711	712	712	712				818	818			
163	Laboratory for Fargo college	535	555	555	555	757			776	777			852
164	Receivers, guardians, assignees, etc	681	683	683	683	718			719	719			
165	Repairing executive mansion	558	615	615	615	809		810	810	810			
167	Salary of supreme court reporter	604	615	615	615	625			703	704			
169	Salary of commissioner of university and school lands	604	615	615	615	624			704	704			
170	Regulating the printing of executive documents	635	683	683	683	759			816	816			
173	Appropriation, printing and binding required by state officers	627	682	682	682	759			786	787			
174	Supplies, etc., public offices	636	658	658	658	812			814	814			

SENATE BILLS—*Continued.*

Number.	TITLE.	When Received.	First Reading.	Second Reading.	Reference.	Reported Back.	Miscellaneous.	Amended.	Third Reading.	Passed.	Lost.	Conference.	Further Action.
176	Expenses, commissioner of agriculture	627	658	658	658	760			807	807			
177	Expenses of state university	535	555	555	555	760			779	779			858
178	Encouragemeⁿt of high schools	681	683	683	683	811							
180	Amending the constitution	627	682	682	682								
183	Reimbursing J. D. Wallace	558	615	615	615	760			803	804			
184	Expenses of county officers and public institutions	604	615	615	615	639	799	654	654	745		836	839
186	Amending sec. 162, constitution	627	682	682	682								
187	Amending sec. 215, article 19, constitution	636	683	683	683	725							
188	Compensation of messengers and postmasters	636	658	658	658	844			844	844			
192	State reform school, Mandan	6 7	658	658	658	758			781	782			
193	Traveling expenses, state examiner	636	658	658	658	758	812						
194	Salary and expenses, commissioner of school lands	690	712	712	712	759							
195	Salaries, employes fifth legislative assembly	711	743	743	743	822							
196	Morton county boundary	740	744	744	744	754			815	816			

INDEX OF MEMBERS.

Mr. AAS—Committees—618.
Petitions—559.
Mr. BAKER—Resolutions—503.
Mr. BELDEN—Motions—109 269 298 422 564.
Committees—548.
Resolutions—52 268.
Mr. BOYD of Cass—Motions—275.
Committees—275.
Petitions—248.
Mr. BOYD of Cavalier—Motions—598.
Committees—306.
Mr. BUTTERWICK—Motions—821.
Petitions—326.
Mr. COLBY—Motions—12 283 288 642 643 675 783.
Committees—283 288 515 523 605 641 642 643.
Mr. COLE—Motions—151 241 285 286 321 654 690 707 769 777 821 847.
Resolutions—846.
Mr. CRYAN—Motions—151 154 240 315 581 583 688 785.
Committees—236.
Resolutions—151 503.
Petitions—248 359.
Mr. CURRIER—Motions—277 309 310 330 332 582 738 786 787 794.
Committees—331 462 536.
Resolutions—331.
Petitions—55 301 345.
Mr. DUNCAN—Motions—322.
Petitions—247 276.
Mr. DOUGHERTY—Motions—128 311 324 455 582 680 794.
Resolutions—408.
Petitions—559.
Mr. EARL—Motions—13 321 334 446 459 662 718 757 781.
Committees—178 305 624 664 718.
Resolutions—827.
Petitions—281.
Mr. EBBIGHAUSEN—Motions—287 328.
Committees—515.
Mr. ERICKSON—93.
Committees—305.
Mr. FRANCIS—Motions—154 155 198 220 228 232 233 234 239 287 337 347 348 352 406 416 418 459 484 485 486 494 495 596 601 607 608 609 612 671 725 736 765 780.
Committees—108 111 112 118 154 155 183 195 196 198 207 232 238 284 277 287 330 346 347 406 408 433 459 461 485 486 493 494 495 538 543 546 560 562 577 578 600 601 603 607 608 609 639 641 718 725.
Resolutions—198 459 874.
Petitions—771.
Mr. GILBERTSON—Motions—217 468 540.
Committees—216 217 251 468 638.
Mr. GOPLERUD—Committees—236.
Mr. GUINAN—Motions—84 94.
Resolutions—84.
Petitions—300.
Mr. GAULKE—Motions—245 313 421 523 602.
Committees—602.
Petitions—301.
Mr. HANKINSON—Motions—3 15 16 18 27 53 60 63 81 95 96 101 108 120 122 128 130 137 175 176 177 202 211 212 215 221 237 239 243 259 260 282 286 497 531 539 613 628 668 725 729 741 745 753 760 766 798 802 873.
Committees—98 101 177 641 644 714 753 754.
Resolutions—16 20 131 202.
Petitions—229 558.
Mr. HURLEY—Motions—15 18 27 55 57 66 79 82 86 162 189 192 213 215 227 254 260 269 272 294 306 332 408 496 513 530 543 569 581 607 613 616 634 648 657 670 673 676 684 693 722 734 725 731 732 741 778 790 791 797 801 802 803 810 811 812 823 827 830 839 840 848 864 870 876.
Committees—161 516 569 664 679 722 733 757 758 760 788 797 802 809 810 811 812 822 844.
Petitions—248.
Mr. HOWARD—Motions—485 618 774 775 820 862.
Petitions—302.

Mr. HAWK—Motions—57 88 106 119 139 154 160 223 237 240 256 283 305 310 324 340 464 487 489 498 503 584 595 620 626 713 735 740 775.
Committees—36 88 112 129 139 167 206 218 256 260 268 292 321 329 344 354 421 435 463 464 473 482 489 499 517 531 533 542 549 551 552 571 574 584 622 633 634 652 661 662 690 695 699 700 713.
Resolutions—67 139 155.
Petitions—230 247.
Mr. HAMMOND—Motions—357 800.
Resolutions—76.
Petitions—276.
Mr. JOY—Motions—194 264 271 409 418 502 617 623 635 656 659 672 730 761 833.
Committees—168 189 194 406 414 503 624 633.
Petitions—248 281 358.
Mr. JOHNSON—Committees—286 562.
Petitions—345.
Mr. KORSMO—Motions—4 105 236 565 702 729.
Resolutions—564.
Committees—236 327.
Mr. LENZ—Motions—436 709 716 746 809 812.
Petitions—231.
Mr. KROEGER—Motions—782 822.
Resolutions—822.
Mr. LINDSTROM—Motions—53 84 227 333 352 355 461 503 521 537 569 610 620 623 644 645 646 647 677 680 699 720 723 751 791 828 837.
Committees—55 83 85 873.
Petitions—360.
Mr. LOVELACE—Committees—215.
Petitions—299
Mr. McCONNACHIE—Committees—132.
Petitions—358.
Mr. MITCHELL—Motions—92 98 195 254 264 312 324 331 409 482 487 516 523 576 592 651 653 677 707 715.
Committees—129 150 189 206 228 234 254 292 297 421 424 437 448 458 463 467 477 491 516 533 553 575 584 611 632 663 682 687 753 776 778 783 796 820 824 826 841 846 847 848 854 869 872 873 874 875 876
Resolutions—12 13 20 112 348 503 644.
Petitions—359.
Mr. McPHERSON—Motions—152 239 271 422 674 700 764.
Committees—446.
Mr. McGINNIS—Motions—283 313 586 588 746 776 811 822 839.
Committees—745.
Resolutions—282.
Mr. MURPHY—Motions—13 16 131 321 490 569 592 649 690 701 732 748 756 790 799 836.
Committees—244 307 467 756 836.
Resolutions—13 115.
Mr. NORTHRUP—Motions—68 180 200 228.
Committees—180 200.
Mr. OFFERDAHL—Petitions—301.
Mr. PORTER—Motions—65 83 111 135 188 229 235 239 265 307 425 426 449 459 544 597 680 691 728 876.
Committees—60 83 111 151 179 .88 235 236 237 265 296 327 328 425 426 449 493 515 538 539 547 548 605 625 680 754.
Resolutions—155 876.
Petitions—359.
Mr. POWER—Motions—180 256 342 406 427 439 450 454 512 561 701 726 734 741 752 754 774 819 833 835.
Committees—202 427 450 451 454 564 752 758.
Resolutions—69 109 122 180.
Petitions—344.
Mr. PEOPLES—Committees—492 600.
Petitions—359.
Mr. RICHARDS—Motions—14 101 149 255 288.
Committees—60 537.
Resolutions—211 255.
Mr. RYAN—Motions—246 259 280 419 436 441 489 595 618 650 676 729 763 779 780.
Mr. SARGENT—Motions—122 149 150 161 163 168 214 246 281 326 344 357 358 423 448 455 483 499 514 532 587 617 635 676 701 710 723 729 794 870 876.
Committees—19 20 54 58 74 80 81 82 95 102 110 129 149 150 163 214 229 246 281 299 344 423 448 465 488 499 515 532 558 587 617 635 677 710 748 794 870 876.
Resolutions—103 826 870.
Petitions—247 465 514.
Mr. SHARPE—Motions—101 121 228 529 637 714 740.
Committees—179 195 466 601 624 637 638.
Mr. SWENSON—Motions—808.
Committees—133.
Petitions—165 276 559.
Mr. STEVENSON—Motions—220.
Committees—60 249 754.
Mr. TANTON—Resolutions—220.
Petitions—300.
Mr. TOWLE—Motions—702.
Petitions—299.

Mr. TWICHELL—Motions—18 52 53 98 120 293 334 337 339 348 350 446 457 503 529 542 622 623 654 655 680 715 717 734 741 743 749 782 787 797 799 817 834 838.
Committees—120 182 232 328 329 355 361 492 680 828.
Resolutions—69 85 122 318 816.
Petitions—163 514.
Mr WIRKUS—Committees—515.
Petitions—465.
Mr. WALLACE—Motions—314 435 437 457 462 524.
Resolutions—617.
Committees—264 436 529 613 621.
Petitions—247 300 360.
Mr. WILLIAMS—Motions—75 135 324 408 498 679 703 715 848.
Resolutions—409.
Committees—202 265 492 537 538 724.
Mr. WHITE—Motions—218 353 618 726.
Committees—603.
Petitions—326.
Mr. WOOD—Motions—245 319 343.
Committees—132 175.
Mr. SPEAKER (Williams)—Motions—186 536.
Resolutions—185 186 408 565.
Petitions—58 59 75 211.

INDEX OF COMMITTEES.

Apportionment—601 602.
Agriculture—2 2 265 491 537 724.
Appropriations—663 720 733 756 757 788 797 802 809 811 812 844.
Banks and Banking—167 406 413 502 624 770.
Counties and County Boundaries—255 754.
Conference—633 744 751 827 836 837.
Corporations other than Municipal—266 562.
Engrossed Bills—86 112 167 194 205 260 268 291 321 329 344 354 462 482 489 499 511 516 230 541 548 551 584 622 633 652 661 689 695 698 713.
Enrolled Bills—129 150 189 206 234 292 304 421 424 437 448 458 463 467 476 477 488 499 504 516 533 552 575 611 662 687 753 768 773 776 778 783 796 800 817 820 826 841 845 847 848 854 865 869 871 873 875 876.
Mileage and Per Diem—87 467.
Education—111 307 467.
Insurance—175.
Elections and Privileges—307 502 537 623.
Irrigation and Fore-try—305.
Journal Committee—19 54 58 66 74 80 81 82 95 102 111 121 128 137 148 149 163 180 199 200 214 229 245 274 280 298 325 343 357 447 464 488 498 513 531 556 587 616 634 676 710 747 870 876.
Judiciary—91 111 154 182 195 198 206 231 233 234 251 254 277 287 330 346 406 407 432 459 485 486 493 494 495 538 545 546 559 560 576 578 600 601 602 606 607 608 609 638 639 718 725.
Manufactures—132.
Labor—330 536.
Highways and Bridges—215 467 638.
Municipal Corporations—328 492 680.
Public Health—178 305 624 664 718.
Railroads—328 351 360 753 754.
Rules—20 27.
Sheep Husbandry—603.
School and Public Lands—194 467 601 624 637 638.
State Affairs—83 150 199 235 236 265 266 326 327 328 425 449 468 492 501 514 516 538 546 547 603 625 679 680 754.
Taxation and Tax Laws—361 426 449 451 454 562 564 758.
Temperance—283 287 288 515 605 641 642 643.
Warehouses and Grain Grading—548.
Ways and Means—492 719 724 748.
Committee of the Whole—79 101 160 176 187 212 213 227 243 262 355 356 419 422 435 436 457 461 521 522 524 525 526 528 529 569 613 617 621 628 677 693 713.
Governor Allin's Message—28-44.
Governor Briggs' Inaugural—44-51.
Messages from the Governor—28 44 215 257 452 474 500 543 594 637 729.
State Officers—13 27 178 266.
Attorney General—336.

Supplies and Expenditures—286 492.
Committee on Contests—88.
General Orders—120.
Federal Relations—132.
Committees Appointed—Standing—17 20 63 95 107 110 117 120 132 139 150 167 178 181 189 200 204 205 214 218 228 232 249 265 268 277 283 291 326 344 346 360 413 421 432 448 459 466 482 499 515 536 545 599 632 662 720 748 753 757 773 796 809 841 844.
Organization—1 13.
Resolutions—12 13 16 20 52 60 67 69 76 84 85 103 109 112 122 130 154 157 169 181 185 198 202 211 220 304 408 503 617 644 816 823 827 847 873 874 875 876.
Concurrent Resolutions—68 98 115 127 138 175 186 255 268 269 318 331 333 348 408 409 491 503 564 565 772 822.
Messages from the Senate—16 56 93 96 106 114 116 127 134 139 169 183 202 216 225 252 261 282 308 311 312 315 333 409 431 436 451 452 471 501 510 520 534 557 558 590 601 626 635 681 690 710 722 732 731 740 748 754 769 770 771 774 789 792 802 813 819 823 825 828 829 832 834 837 843 849 851 854 857 860 862 863 864 869 871.
Joint Session—130 490 798 799 800.
Joint Memorials—155 296 587 826.