

# Journal of the Senate.

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## FIFTH SESSION.

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### FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 5, 1897.

At the hour of 12 o'clock meridian, on Tuesday the 5th day of January, A. D., 1897, being the day and hour designated by law for the convening of the Legislative Session of the State of North Dakota, the members-elect of the Senate for the Fifth Session of the Legislative Assembly of the State of North Dakota, assembled in the Senate Chamber of the Capitol at Bismarck, and were called to order by J. O. Smith, assistant secretary of the Fourth Session of the Legislative Assembly, who introduced the Hon. J. M. Devine, lieutenant governor, as President of the Senate.

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

Prayer was offered by Rev. E. F. Rice of Burleigh.

The roll of the holdover senators was called and the following senators responded to their names:

Fourth District—George Clark.

Eighth District—H. H. Strom.

Twelfth District—A. V. Benedict.

Fourteenth District—P. H. Rourke.

Sixteenth District—F. G. Enger.

Twentieth District—C. G. Brown.

Twenty-fourth District—C. N. Valentine.

Twenty-eighth District—A. L. Hanscom.



The roll of senators-elect was called and the following senators responded to their names:

First District—Judson LaMoure.

Third District—K. P. Levang.

Eleventh District—L. B. Hanna.

Twenty-third District—E. M. Sanford.

Twenty-fifth District—Thos. F. Marshall.

Twenty-seventh District—C. B. Little.

Twenty-ninth District—Wm. E. Mansfield.

Thirtieth District—J. S. Green.

Thirtieth-first District—A. C. McGillivray.

Messrs. Arnold, Creel, Davis, Dobie, Dunlap, Gordon, Haggart, McCanna, McCarten, Plain, Tufts, Viets, White and Wishek being absent.

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

Mr. Little moved

That the rules of the Senate of the Fourth Legislative Session be adopted as the rules to govern the Senate until the committee on rules is appointed and reports to the Senate,

Which motion prevailed.

Mr. Little moved

That the President of the Senate appoint a committee of three to secure committee rooms for the use of the Senate,

Which motion prevailed, and

The President appointed as such committee Messrs. Little, Valentine and Green.

The oath of office was administered to Senator-Elect J. S. Green by the President of the Senate.

The President of the Senate announced the receipt of the record in the contest cases of B. W. Fuller vs. E. M. Sanford and E. C. Chase vs. C. B. Little.

Mr. LaMoure moved

That the President of the Senate appoint the Committee on Elections and Privileges,

Which motion prevailed.

The President announced the following Senators as the Committee on Rules: Messrs. LaMoure, Chairman; White, Little, Arnold, Wishek, Strom, McCarten.

Also the following Senators to constitute the Committee on

Elections and Privileges: Messrs. Arnold, Chairman; Hanna, Marshall, Wishek, LaMoure, McCanna, McCarten.

Mr. LaMoure moved

In view of the news of the death of the daughter of Hon. F. A. Briggs, Governor of the State, the Senate, in respect thereof, do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Acting Secretary.

## SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 6, 1897.

The Senate met pursuant to adjournment and was called to order by the President.

Prayer by the chaplain.

Roll called.

All members present, excepting Messrs. Arnold, Creel, Davis, Dobie, Dunlap, Gordon, Haggart, McCanna, McCarten, Plain, Tufts, Viets, White, Wishek and LaMoure.

Mr. LaMoure being excused.

The Journal of the first day was read and corrected by striking out the word "session" in the fifth line of the first page and inserting the word "assembly" in lieu thereof, and approved as amended.

Mr. Little moved

That a committee of five be appointed by the President to prepare resolutions on the death of Miss Stella Briggs, daughter of the governor-elect,

Which motion prevailed, and

The President appointed as such committee Messrs. Rourke, Marshall, Little, Green and Levang.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Acting Secretary.

## THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 7, 1897.

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

The President presiding.

Prayer by the Rev. Roderick J. Mooney, of Traill.

Roll called.

All members present excepting Mr. Wishek.

The President administered the oath of office to Senators-elect Arnold, Dunlap, Haggart, McCanna, Gordon, McCarten and White.

Mr. LaMoure nominated C. B. Little for President pro tem. of the Senate.

There being no other nominations the roll being called there were ayes 26.

Those voting for Mr. Little were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, Dunlap, Little, McCarten and Wishek.

Mr. Hanna nominated for secretary, J. C. Gill.

No other nominations being made, the roll was called.

The roll being called those who voted for Mr. Gill were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, Dunlap, McCarten and Wishek.

Mr. Gill having received 27 votes, a majority of all the votes cast, was declared elected and sworn in.

Mr. White nominated Chas. W. Getchell for assistant secretary.

No other nominations being made the roll was called.

The roll being called those who voted for Mr. Getchell were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Dunlap,

Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, McCarten and Wishek.

Mr. Getchell having received 28 votes, a majority of all votes cast, was declared elected.

Mr. McGillivray nominated S. B. Mahaney assistant to the secretary.

There being no other nominations, the roll was called.

The roll being called, those who voted for Mr. Mahaney were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Mr. Wishek being absent and not voting.

Mr. Mahaney having received 30 votes, a majority of all votes cast, was declared elected.

Mr. Clark nominated C. P. Laurance as chief enrolling and engrossing clerk.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Laurance were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Dunlap, LaMoure, McCarten and Wishek.

Mr. Laurance having received 27 votes, a majority of all votes cast, was declared elected.

Mr. Benedict nominated Vivian Morgan for bill clerk.

There being no other nominations, the roll was called.

The roll being called, those who voted for Mr. Morgan were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, Dunlap, McCarten and Wishek.

Mr. LaMoure nominated R. M. Tuttle for stenographer.

No other nominations being made the roll was called.

The roll being called those who voted for Mr. Tuttle were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, Dunlap, McCarten and Wishek.

Mr. Tuttle having received 27 votes, a majority of all the votes cast, was declared elected.

Mr. Haggart nominated A. E. Wood for sergeant at arms.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Wood were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Creel, Dunlap, McCarten and Wishek.

Mr. Wood having received 27 votes, a majority of all votes cast, was declared elected.

Mr. Arnold nominated as assistants to the sergeant at arms J. L. Johnson and M. W. Spaulding.

There being no other nominations, the roll was called.

Those who voted for Messrs. Johnson and Spaulding were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine and Viets.

Absent and not voting:

Messrs. Creel, McCarten, White and Wishek.

Messrs. Johnson and Spaulding having received a majority of all the votes cast, were declared elected.

Mr. Marshall nominated for messenger Richard Fallon.

There being no other nominations the roll was called.

The roll being called those voting for Mr. Fallon were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine and Viets.

Absent and not voting:

Messrs. Creel, McCarten, White and Wishek.

Mr. Fallon having received a majority of all votes cast was declared duly elected.

The oath of office was administered to Senator H. M. Creel by the President.

Mr. Brown nominated for doorkeeper to the gallery Geo. S. Brown.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Brown were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine and Viets.

Absent and not voting:

Messrs. McCarten, White and Wishek.

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

Mr. Rourke nominated C. C. Rourke for postmaster.

There being no other nominations, the roll was called.

The roll being called, those voting for Mr. Rourke were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Mr. Wishek being absent and not voting.

Mr. Rourke having received a majority of all the votes cast, was declared duly elected.

Mr. Valentine nominated C. W. Salie for watchman.

There being no other nominations, the roll was called.

The roll being called, those who voted for Mr. Salie were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. McGillivray and Wishek.

Mr. Sallie having received a majority of all votes cast was declared duly elected.

Mr. LaMoure nominated A. H. Johnson for journal clerk.

There being no other nominations, the roll was called.

The roll being called, those who voted for Mr. Johnson were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie,

Enger, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McGillivray, Plain, Rourke, Sanford, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Dunlap, Strom and Wishek.

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

Mr. LaMoure nominated for assistant journal clerk May B. Hanscom.

There being no other nominations, the roll was called.

The roll being called, those who voted for Miss Hanscom were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Hanscom and Wishek.

Miss Hanscom having received a majority of all the votes cast was declared duly elected.

Mr. Little nominated A. W. Clyde for clerk of the judiciary committee.

There being no other nominations the roll was called.

The roll being called those who voted for Mr. Clyde were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. LaMoure, McCarten and Wishek.

Mr. Clyde having received a majority of all the votes cast, was declared duly elected.

Mr. Enger nominated T. G. Anderson for clerk of the appropriation committee.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Anderson were,

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. LaMoure, McCarten and Wishek.

Mr. Anderson having received a majority of all the votes cast, was declared duly elected.

Mr. Green nominated for janitor of the cloak rooms, James Sanders.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Sanders were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine and White.

Absent and not voting:

Messrs. McCarten, Viets and Wishek.

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

Mr. Tufts nominated C. D. Hodgson for clerk of the bill room.

No other nominations being made, the roll was called.

The roll being called, those who voted for Mr. Hodgson were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Levang, McCarten and Wishek.

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

Mr. Haggart nominated Rev. R. J. Mooney for chaplain.

No other nominations being made the roll was called.

The roll being called those who voted for Rev. Mooney were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hanscom, La-Moure, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:

Messrs. Levang, McCarten and Wishek.

Rev. Mooney having received a majority of all the votes cast was declared duly elected.

Mr. Valentine nominated Arthur A. Stone, Roy Benedict, Harry McLean and Eddie Morris for pages.

There being no other nominations the roll was called.

The roll being called those who voted for Messrs. Stone, Benedict, McLean and Morris were:

Messrs. Arnold, Benedict, Brown, Clark, Creel, Davis, Dobie,



Dunlap, Enger, Gordon, Green, Haggart, Hanna, Hascom, La-Moure, Levang, Little, Mansfield, Marshall, McCanna, McGillivray, Plain, Rourke, Sanford, Strom, Tufts, Valentine, Viets and White.

Absent and not voting:  
Messrs. McCarten and Wishek.

Messrs. Stone, Benedict, McLean and Morris having a majority of all the votes cast, were declared duly elected.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, N. D., January 7, 1897. }

MR. PRESIDENT:

I have the honor to inform the Senate that the House for the fifth session of the legislative assembly of the state of North Dakota has been organized with the following officers, and is now ready for the transaction of business:

Speaker—Hon. E. A. Williams.

Chief Clerk—Henry E. Lavayea.

Assistant Clerk—W. D. McClintock.

Chief Enrolling and Engrossing Clerk—W. Austin.

Bill Clerk—Thos Allshouse.

Stenographer—Bessie Waggoner.

Sergeant-at-Arms—O. B. Olson.

Assistant Sergeant-at-Arms—Erick Gilbertson.

Chaplain—Rev. W. J. Thornquist.

Journal Clerk—L. K. Estabrook.

Assistant Journal Clerk—N. E. Hoadley.

Messenger—E. A. Kennedy.

Postmaster—Cassius Lick.

Gallery Doorkeeper—Valentine Schmidt.

Pages—Maurice Valentine, Burt Allen, Willie McConville, Roy Veeder and Eddie Fisher.

Janitors—W. B. Howe and W. F. Marquardt.

Watchman—J. M. Boardman.

Respectfully submitted,  
H. E. LAVAYEA,  
Chief Clerk.

The following officers of the Senate were sworn in by the lieutenant governor:

Assistant to Secretary—S. B. Mahaney.

Bill Clerk—Vivian Morgan.

Chief Enrolling and Engrossing Clerk—C. P. Laurence.

Stenographer—R. M. Tuttle.

Sergeant at Arms—A. E. Wood.

Assistants to Sergeant at Arms—J. L. Johnson and M. W. Spaulding.

Messenger—Richard Fallon.

Doorkeeper to Gallery—George S. Brown.

Clerk of Appropriation Committee—T. G. Anderson.

Clerk of Judiciary Committee—A. W. Clyde.

Chaplain—Rev. R. J. Mooney.

Janitor of Cloak Rooms—James Sanders.

Pages—Arther A. Stone, Roy Benedict, Harry McLean, Eddie Morris.

Assistant Enrolling and Engrossing Clerks—Miss Cora G. Simpson, Miss Satterlund, H. H. Hamilton, Miss M. Bogue, C. L. Davis and S. J. Abrahamson.

Mr. Rourke, chairman of committee appointed to draft resolutions on the death of Miss Stella Briggs, daughter of Governor Briggs, offered the following resolution:

SENATE CHAMBER,  
January 7, 1897. }

MR. PRESIDENT:

The committee appointed to prepare resolutions upon the death of Miss Stella Briggs, daughter of the governor-elect, respectfully submit the following report:

WHEREAS, Intelligence of the death at Minneapolis, Minn., on the 5th day of January, A. D. 1897, of Miss Stella Briggs, daughter of Governor Frank A. Briggs, has been received by the Senate of the State of North Dakota; therefore, be it

*Resolved*, By the Senate in session assembled, that we tender to Governor Briggs and family our heartfelt sympathy and condolence in this their hour of sad bereavement.

*Resolved further*, That these resolutions be spread upon the Journal of the Senate and an engrossed copy thereof transmitted to Governor Briggs at Minneapolis, Minn.

P. H. ROURKE,  
C. B. LITTLE,  
K. P. LEVANG,  
I. F. MARSHALL,  
J. S. GREEN,  
Committee.

Mr. Little moved that the resolutions be adopted  
Which motion prevailed.

Mr. LaMoure moved that the President appoint a member to act on the committee on elections and privileges in the place of Senator Wishek, as the senator had not yet arrived,

Which motion prevailed.

The President appointed as the substitute for Senator Wishek Senator McGillivray.

Mr. Rourke moved that the records in the contest cases be referred to the committee on election and election privileges,

Which motion prevailed.

Mr. Little moved

That the secretary request the committee on management of the building to furnish keys and locks for the desks of the senators,

Which motion prevailed.

The oath of office was administered to Miss May B. Hanscom by the lieutenant governor.

Mr. Rourke moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. C. GILL,  
Secretary.

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## FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 8, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll call.

All members present except Messrs. McCarten and Wishek.

The Journal not having arrived, the reading was dispensed with.

Mr. Little moved

That a committee of two be appointed to confer with a like committee from the House in regard to joint rules,

Which motion prevailed and

The President appointed as such committee Messrs. Little and Valentine.

## REPORT OF COMMITTEE ON RULES.

The committee on rules submitted the following report:

MR. PRESIDENT:

Your committee on rules beg to submit the following report:

## RULES OF THE SENATE—FIFTH SESSION.

## ORDER OF DAILY BUSINESS.

After calling the Senate to order the following order shall govern:

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

## RULES.

1. The President shall take the chair at 2 o'clock p. m., or the hour to which the Senate was adjourned, and call the Senate to order, and if a quorum be present he shall direct the Journal of the preceding day to be read and mistakes or omissions, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Senate.

2. Five members may have a call of the Senate, and compel the attendance of absent members, until the call be dispensed with by a constitutional majority.

3. Questions shall be put in this form: "As many as are of the opinion that (as the case may be) say aye," and after the affirmative voice is expressed, "As many as are of the contrary opinion say no." If the President doubt, or a division be called for, the Senate shall divide; those in the affirmative of the question shall arise from their seats, and afterwards those in the negative.

4. All motions, except to adjourn, postpone or commit, shall be reduced to writing if required by any member of the Senate. Any motion may be withdrawn by consent of the Senate.

5. No member shall interrupt the business of the Senate while the Journals are being read, or when any member is speaking in debate, except on questions of privilege.

6. Every member present, when the question is put, shall vote, unless he shall, for a special cause, be excused by a two-thirds vote of the Senate pres-

ent; but no member shall vote on any question in which he is directly or personally interested, or in any case where he was not present when the question was put.

7. When any member is about to speak in debate, or debate on any matter in the Senate, he shall rise from his seat and respectfully address himself to Mr. President, and shall stand in his place until recognized by the chair, and shall confine himself to the question under debate, and avoid personalities and the implication of improper motive.

8. When a question is under debate no motion shall be received except to adjourn, to lay on the table, to move for the previous question, to move 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 are named, and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition.

9. When two members rise the President shall name the member to speak. No member shall speak more than twice on the same subject, without leave of the Senate, 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 Senate; but in all cases the member who shall first address the chair shall speak first.

10. If any member, in speaking or otherwise, transgress the rules of the Senate, the presiding officer shall, or any member may, call him to order, and when a member shall be called to order by the President or a member of the Senate, he shall sit down, and shall not proceed without leave of the Senate.

11. Every question of order shall be decided by the President, subject to an appeal to the Senate, and the President may call for a sense of the Senate on any question of order.

12. If any member be called to order by another member for words spoken, the exceptional words shall immediately be taken down in writing, that the Senate may be better able to judge of the matter.

13. A motion to adjourn and to lay on the table shall be decided without debate.

14. Any member may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct, that on being taken away a substantive proposition shall remain for the decision of the Senate. A motion to strike out and insert shall be deemed divisible; but a motion to strike out being lost, shall preclude neither amendments nor motions to strike out and insert.

15. No motion shall be debated until the same shall be seconded and stated by the President.

16. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by the Senate.

17. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special order of the day.

18. Every bill and joint resolution shall be introduced on the report of a committee, or on a call for bills and joint resolutions, or by a motion for leave, unless objected to by one member of the Senate, which shall carry it over for one day.

19. Every bill shall be read three several times but the first and second

readings, and those only, may be upon the same day; and the second reading may be by title of the bill, unless a reading at length be demanded. The first and third reading shall be at length.

20. 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.

21. Upon the second reading of a bill or joint resolution, the President shall refer it to its appropriate committee, unless the Senate, upon motion, decide to refer the same to a select or other standing committee, or to committee of the whole Senate; if to committee of the whole Senate, then it shall come up for consideration under the general order of the next day, unless otherwise ordered by the Senate.

22. No bill or joint resolution shall be committed or amended until it shall have been twice read; nor shall any such bill or joint resolution have its third reading and be put upon its final passage until at least one day after the same has been reported to the Senate by the committee to which the same has been referred. *Provided*, That any bill or joint resolution may have its third reading and be put upon its final passage on the day the same is reported back, when so ordered by two-thirds of the members of the Senate present.

23. On the third reading of every bill or resolution, any amendment may be received and it may be recommitted at any time previous to its final passage.

24. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended or extended or so incorporated, shall be re-enacted and published at length.

25. No bill shall become a law except by a vote of the majority of all the members-elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the Journal.

26. The presiding officer shall, in the presence of the Senate, sign all bills and joint resolutions passed by the Senate. Immediately before such signing their title shall be publicly read, and the fact of signing shall be at once entered on the Journal.

27. No bills for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the Senate.

28. In filling blanks the largest sum and longest time shall be first put. When a motion or question has been decided in the affirmative or negative, any member having voted with the prevailing side may move a reconsideration on the same or the following day, but when a motion to reconsider is laid on the table, a motion to reconsider cannot again be made.

29. Before acting on executive business the Senate chamber shall be cleared, by the direction of the President of all persons except members, the chief clerk and sergeant at arms to be sworn.

30. No standing rule or order of the Senate shall be reconsidered or suspended, except by a vote of two-thirds of the members-elect, and no motion to suspend the rules and pass a bill shall be entertained except by unanimous consent, unless the bill has first been printed and considered by a committee, except the seven bills containing the seven codes, prepared by the compilation committee, which said bills may be taken out of their order and passed without having been printed.

31. The rules of parliamentary practice comprised in "Reed's Parliamentary Rules" shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and order of the Senate, and the joint rules of the Senate and House of Representatives.

32. When the ayes and nays shall be called for by one-sixth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the ayes and nays upon the call of the House, the names of the members shall be taken alphabetically.

33. In the absence of the President of the Senate, or his refusal to act, the President *pro tempore* shall exercise all rights and prerogatives of the President for the time being.

34. All bills, joint and concurrent resolutions, after the first and before the second reading, shall be printed, unless otherwise ordered by the Senate.

35. There shall be appointed by the President of the Senate the following standing committees:

- On judiciary to consist of eleven members.
  - On education to consist of seven members.
  - On elections to consist of seven members.
  - On appropriations to consist of nine members.
  - On railroads to consist of nine members.
  - On state affair to consist of seven members.
  - On public lands to consist of seven members.
  - On ways and means to consist of seven members.
  - On agriculture to consist of seven members.
  - On warehousing, grain and grain grading to consist of nine members.
  - On counties to consist of seven members.
  - On engrossed and enrolled bills to consist of five members.
  - On banks and banking to consist of seven members.
  - On city and municipal corporations to consist of seven members.
  - On Indian affairs to consist of five members.
  - On statistics to consist of five members.
  - On federal relations to consist of five members.
  - On insurance to consist of five members.
  - On public health to consist of five members.
  - On public printing to consist of five members.
  - On temperance to consist of seven members.
  - On mines and minerals to consist of five members.
  - On rules to consist of seven members.
  - On immigration to consist of five members.
  - On highways, bridges and ferries to consist of five members.
  - On irrigation to consist of seven members.
  - On apportionment to consist of nine members.
  - On corporations other than municipal to consist of seven members.
  - On military affairs to consist of five members.
  - On woman suffrage to consist of five members.
- Also joint committee on the following subjects:
- On public buildings to consist of five members.
  - On charitable institutions to consist of five members.
  - On penal institutions to consist of five members.
  - On educational institutions to consist of seven members.
  - On state library to consist of five members.
  - On joint rules to consist of seven members.

36. A quorum for the transaction of business shall consist of a majority of the members elected to the Senate.

37. No person shall be admitted within the bar of the Senate but the executive, members of the House, state officers, judges of the supreme and district courts, members of congress, those who have been members of congress, and the legislative assembly, members of the constitutional convention, and all federal officials of the state, except by a vote of the Senate.

38. Members of the Senate introducing bills in the nature of amendments

to laws now existing shall designate in the title of such amendatory act the title of the act and shall have printed at length in the bill the section or sections to be amended.

39. All nominations from the executive shall be opened and read immediately in executive session and shall then be laid over for consideration in executive session on the following day, unless otherwise ordered by a majority of those present.

40. All bills reported from committees with amendments shall be engrossed before being read the third time and placed upon final passage.

41. All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over for one day for consideration unless, by unanimous consent, the Senate shall otherwise direct.

Respectfully,  
 JUDSON LAMOURE,  
 Chairman.

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

#### INTRODUCTION OF BILLS.

Mr. Haggart introduced  
 Senate Bill, No. 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota.

Which was read the first and second time and  
 Referred to the committee on state affairs.

Mr. Valentine introduced  
 Senate Bill No. 2,

A bill for an act to amend section 4681 of the civil code of the state of North Dakota,

Which was read the first and second time and  
 Referred to the committee on judiciary.

Mr. Enger introduced  
 Senate Bill No. 3,

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.

Which was read the first and second time and  
 Referred to the committee on judiciary.

Mr. Hanna introduced  
 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,

Which was read the first and second time and  
 Referred to the committee on banks and banking.



Mr. Hanna introduced  
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, which was read the first and second time and

Referred to the committee on public lands.

Mr. Strom introduced  
Senate Bill No. 6,

A bill for an act entitled "an act to extend the time of payment on school and public lands from January 1, 1897, to January 1, 1898."

Which was read the first and second time and  
Referred to the committee on state affairs.

Mr. Clarke introduced  
Senate Bill No. 7,

A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered,

Which was read the first and second time and  
Referred to the committee on state affairs.

Mr. Creel introduced  
Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting buildings for military purposes,

Which was read the first and second times and  
Referred to the committee on military affairs.

Mr. Creel introduced  
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,

Which was read the first and second times and  
Referred to the committee on appropriations.

Mr. Green introduced  
Senate Bill No. 10,

A bill for an act to amend section 1325 of the Revised Codes of North Dakota of 1895, nulifying its violation in the past or future

Which was read the first and second times and  
Referred to the committee on judiciary.

Mr. Rourke introduced  
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.

Which was read the first and second times and  
Referred to the committee on judiciary.

Mr. Rourke introduced  
Senate Bill No. 12,

A bill for an act entitled an act to amend section five thousand six hundred and thirty-one (5,631) of the Revised Codes of 1895 relating to the printing of briefs and abstracts.

Which was read the first and second times and  
Referred to the committee on judiciary.

Mr. Rourke introduced  
Senate Bill No. 13,

A bill for an act to authorize the Supreme court or the judges thereof to employ a stenographer,

Which was read the first and second time and  
Referred to the committee on judiciary.

Mr. Rourke introduced  
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,"

Which was read the first and second time and  
Referred to the committee on judiciary.

Mr. Viets introduced  
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,"

Which was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Valentine introduced  
Senate Bill No. 16.

A bill for an act entitled an "act providing for the redemption of lands sold for taxes in the state therefor of North Dakota, for the years 1890, 1891, 1892, 1893, 1894 and 1895"

Which was read the first and second times, and  
Referred to the committee on public lands.

Mr. Rourke moved

That the Senate return to the ninth order of business,  
Which motion prevailed.

Mr. Rourke moved

That the Senators be furnished with postage and a requisition to draw therefor,

Which motion prevailed.

Mr. Plain moved

That the Senators be supplied with waste paper baskets,  
Which motion prevailed.

Mr. McGillivray moved

That the courtesies of the floor be extended to Mr. Dan Manning of Stark county,

Which motion prevailed.

Mr. Plain moved

That Messrs. J. F. Anderson of Milton, Wm. Flummerfelt of Langdon, Col. James McLaughlin of Stark county, John Derlin and Randolph Holding of Sargent county be granted the privileges of the floor,

Which motion prevailed.

Mr. Little moved

That a committee of three be appointed to look after the correction of the Journal,

Which motion prevailed and

The President appointed as such committee Messrs. Brown, Hanna and Little.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
JANUARY 8, 1897. }

MR. PRESIDENT:

I have the honor to inform you that the House is now ready and in waiting to receive the Senate in joint session, in order to receive the messages from the retiring and the newly elected governor.

Very respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate proceed to the House of Representatives to sit with the House in joint session in order to receive the message of the retiring governor,

Which motion prevailed.

The senate reassembled.

#### SENATORIAL CAUCUS.

Mr. Rourke gave the following notice:

#### REPUBLICANS OF THE FIFTH LEGISLATIVE ASSEMBLY.

A joint caucus is hereby called of all the republican members of both the Senate and the House of the Fifth Legislative Assembly, to be held in the dining room of the Sheridan house on Saturday, the 9th day of January, at 9

p. m., for the purpose of choosing a republican nominee for United States senator, and for any other business that it may be deemed necessary to transact.

P. H. ROURKE,  
Chairman Caucus Committee.

C. L. LINDSTROM, Secretary.

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

J. C. GILL,  
Secretary.

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## FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 9, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll call.

All members present except Mr. Wishek.

Mr. Rourke moved

That the reading of the Journal be dispensed with, and a committee appointed to correct the same,  
Which motion prevailed.

The President appointed as such committee Messrs. Brown, Arnold and Davis.

The committee appointed to correct the Journal of the fourth day made the following report:

MR. PRESIDENT:

Your committee to whom was referred the Journal of the third day, report the following corrections:

On page 8 the names of Miss M. Bogue and C. L. Davis should have appeared as enrolling and engrossing clerks.

The Journal should also be corrected by insertion of a resolution requesting the secretary of state to furnish members of the Senate with copies of codes and Session Laws of 1895.

C. B. LITTLE,  
Chairman.

Mr. Marshall moved  
That each senator be supplied with five extra copies each day of the House and Senate Journals and bills,  
Which motion prevailed.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
January 9, 1897. }

MR. PRESIDENT:

I have the honor to transmit herewith

A concurrent resolution, requesting the secretary of state to prepare a legislative manual for the use of the state officers and members of the legislative assembly,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

*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 members 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.

Mr. Little moved .

That the rules be suspended and that the Senate concur in the concurrent resolution from the House,

Which motion prevailed.

The courtesies of the floor were extended to the Hon. J. A. Johnson, mayor of Fargo, Hon. B. F. Spalding and Hon. H. C. Plumley.

Mr. Marshall moved

That the vote by which the concurrent resolution was passed be reconsidered.

Mr. LaMoure moved

That the motion be laid on the table.

Roll call demanded.

The roll being called there were ayes 9, nays 17, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Clark,  
Green,

Messrs—

Haggart,  
LaMoure,  
Little,

Messrs—

Mansfield,  
McGillivray,  
Tufts.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Benedict, .	Hanscom,	Sanford,
Dobie,	Marshall,	Strom,
Dunlap,	McCanna,	Valentine,
Enger,	McCarten,	Viets,
Gordon,	Plain,	White.
Hanna,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Davis,	Wishek.
Creel,	Levang,	

So the motion to lay on the table was lost.

The question recurring on the motion to reconsider,

The motion prevailed and

The concurrent resolution was read.

Mr. White moved

To amend the concurrent resolution by striking out the words  
“the constitution of the state,”

Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Haggart introduced

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 corporations other than municipal.

Mr. Haggart introduced

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 corporations other than municipal.

Mr. Haggart introduced

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.

Mr. Little introduced

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 first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

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.

Mr. Strom introduced

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.

Mr. Haggart introduced

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.

Mr. Marshall moved

That the concurrent resolution in relation to legislative manual, as amended, be concurred in,

Which motion prevailed.

The following officers were sworn in by the President:

Postmaster—C. C. Rourke.

Watchman—C. W. Salie.

Assistant Secretary—C. W. Getchell.

Mr. Valentine moved

That the Senate do now adjourn,

Which motion prevailed and

The Senate adjourned.

J. C. GILL,  
Secretary

## SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll call.

All members present except Mr. Enger.

On request of Mr. Strom Mr. Enger was excused for the day.

The Journal of the fifth day was read and corrected as follows: In the last line on page 1, the word "Journal" was changed to "Session Laws," and when so amended was approved as read.

The courtesies of the floor were extended to Gen. Harrison Allen and Hon. Alexander Montague.

The President announced the following standing committees of the Senate:

## STANDING COMMITTEES.

*Agriculture*—Messrs. Strom, chairman; Enger, Clark, McCarten, Dunlap, McCanna and Brown.

*Warehouse, Grain and Grading*—Messrs. Davis, chairman; Gordon, Enger, Plain, McCarten, LaMoure, Clark, Tufts and Green.

*Counties*—Messrs. Hanna, chairman; Arnold, McGillivray, Mansfield, McCanna, Green and Wishek.

*Engrossed Bills*—Messrs. Valentine, chairman; Hanna, Little, Arnold and Marshall.

*Apportionment*—Messrs. Davis, chairman; White, Haggart, Sanford, Strom, Green and Wishek.

*Corporations, Other Than Municipal*—Messrs. Tufts, chairman; Strom, Davis, Rourke, Dunlap, Green and Levang.

*Judiciary*—Messrs. Little, chairman; Rourke, Wishek, Arnold, McGillivray, Brown, White, Viets, McCanna, Hanna and Valentine.

*Education*—Messrs. Arnold, chairman; White, Mansfield, McCarten, Benedict, Dobie and Brown.

*Elections*—Messrs. Arnold, chairman; Hanna, Marshall, McGillivray, LaMoure, McCanna and McCarten.

*Appropriations*—Messrs. Haggart, chairman; Arnold, White, Marshall, Mansfield, Little, Strom, Gordon and Wishek.

*Federal Relations*—Messrs. Benedict, chairman; Strom, Haggart, Hanscom and Plain.



*Insurance*—Messrs. Gordon, chairman; Plain, White, Enger and McCanna.

*Public Health*—Messrs. Benedict, chairman; Mansfield, Clark, Dobie and Levang.

*Banks and Banking*—Messrs. Viets, chairman; Little, Marshall, Mansfield, Hanna, Strom and Dobie.

*Cities and Municipalities*—Messrs. Green, chairman; Sanford, Creel, Dunlap, Viets and White.

*Indians and Indian Affairs*—Messrs. Brown, chairman; Creel, McCanna, Clark and Davis.

*Statistics*—Messrs. Plain, chairman; Green, Brown, Dobie and Sanford.

*Stock*—Messrs. Hanscom, chairman; Davis, McGillivray, Mansfield and Green.

*Woman Suffrage*—Messrs. Dobie, chairman; McCanna, Clark, Viets and Mansfield.

*Ways and Means*—Messrs. Rourke, chairman; Clark, Creel, Davis, Benedict, Viets and Green.

*Mines and Mining*—Messrs. McGillivray, chairman; Sanford, Mansfield, Green and Tufts.

*Rules*—Messrs. LaMoure, chairman; White, Little, McCarten, Wishek, Strom and Arnold.

*Immigration*—Messrs. Creel, chairman; Enger, Levang, Haggart and McCarten.

*Highways, Bridges and Fences*—Messrs. McCarten, chairman; Dunlap, McCanna, Hanscom and Plain.

*Irrigation*—Messrs. Dobie, chairman; McGillivray, Marshall, Hanscom, Levang, Plain and Brown.

*Military*—Messrs. White, chairman; Creel, Gordon, Little and LaMoure.

*Railroads*—Messrs. LaMoure, chairman; Valentine, Rourke, Hanscom, Hanna, Green, McGillivray, Viets and Tufts.

*State Affairs*—Messrs. Marshall, chairman; Rourke, Hanscom, Gordon, Hanna, Sanford and Strom.

*Public Lands*—Messrs. McCanna, chairman; Haggart, Marshall, Creel, and Green.

*Public Printing*—Messrs. Wishek, chairman; Arnold, McGillivray, Levang and Plain.

*Temperance*—Messrs. Enger, chairman; Gordon, McCarten, Hanna, Hanscom, Wishek and Benedict.

#### JOINT COMMITTEES.

*Public Buildings*—Messrs. Haggart, chairman; McGillivray, Dunlap, LaMoure and Benedict.

*Charitable Institutions*—Messrs. Gordon, chairman; Marshall, McCanna, White and Levang.

*Penal Institutions*—Messrs. Little, chairman; Rourke, Green, Wishek and Clark.

*Educational Institutions*—Messrs. Arnold, chairman; White, Enger, Valentine, Strom, Viets and Dobie.

*State Library*—Messrs. Rourke, chairman; Arnold, LaMoure, McCanna and Valentine.

*Joint Rules*—Messrs. LaMoure, chairman; White, Little, McCarten, Strom, Arnold and Wishek.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 11, 1897.

MR. PRESIDENT:

I have the honor to inform the Senate that the House has concurred in the amendment to the House concurrent resolution providing for a legislative manual by striking out the words "the constitution of the state," and has passed the concurrent resolution as amended.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

The Senate 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. PRESIDENT:

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

C. G. BROWN,  
Chairman.

## REPORTS OF STANDING COMMITTEES.

The committee on elections and privileges made the following report:

BISMARCK, N. D., January 11, 1897.

MR. PRESIDENT:

Your committee on elections and privileges to whom was referred the contest case of B. W. Fuller vs. E. M. Sanford, have had the same under consideration. Your committee begs leave to report that upon a full and careful consideration of all the testimony submitted in this case, we find that E. M. Sanford is not entitled

to a seat in this Senate; and further, that B. W. Fuller is entitled to a seat and to represent in this Senate the twenty-third senatorial district.

Respectfully submitted,

H. F. ARNOLD, Chairman.  
 JUDSON LAMOURE.  
 A. C. MCGILLIVRAY.  
 L. B. HANNA.  
 I. F. MARSHALL.  
 D. W. McCANNA.

A minority report from the committee was offered as follows:

MR. PRESIDENT:

The undersigned, a minority of your committee on elections and privileges, to whom was referred the contest case of B. W. Fuller against E. M. Sanford, dissents from the opinion of the majority for the following reasons: First, the recount was but a partial one, being confined principally to the ballots in four wards of the city of Jamestown, while the evidence submitted shows that the contestee called for a recount of the ballots from Eldridge and other precincts. Second, the evidence shows a negligence in the care of the ballot boxes from Eldridge precinct and from the Third ward of Jamestown. In the Third ward the sealing on the ballot box appeared to have been changed. In view of these facts the minority would recommend that the case be re-referred to the committee, and that the committee be empowered to send for persons and papers.

R. McCARTEN.

Mr. Rourke moved  
 The adoption of the majority report.

Mr. Dobie raised the point of order that action could not be taken on the report without unanimous consent and cited Senate Rule No. 41

Mr. Little moved  
 That the rules be suspended, and the Senate now take up the report.

Mr. White moved  
 As a substitute that it be made a special order for January 12, 1897, at 2 o'clock.

Roll call demanded.

The roll being called there were ayes 14, nays 13, not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	McCarten,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Strom,
Davis,	Levang,	White.
Dobie,	McCanna,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gordon,	Mansfield,	Valentine,
Green,	Marshall,	Viets,
Haggart,	McGillivray,	Wishek.
LaMoure,	Rouike,	
Little,	Tufts,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Sanford.
Brown,		

So the substitute motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Haggart offered the following resolution:

*Resolved*, That the state auditor and state treasurer be requested to inform the Senate as follows:

The amount of money in the general fund.

The probable income of said fund during the ensuing two years.

The amount of money needed during the ensuing two years to pay state interest and salaries of the officers provided by the constitution.

The per cent of real estate from which no revenue can be expected during the ensuing two years by reason of its having been purchased for the state at delinquent sale by counties.

Mr. Haggart moved

The adoption of the resolution,

Which motion prevailed,

And the resolution was adopted.

The courtesies of the floor were extended to Nels H. Dyste, of Sargent county.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gordon introduced

Senate Bill No. 24,

A bill for an act entitled 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 residents or other-

wise, 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.

Mr. White introduced  
Senate Bill No. 25,

A bill for an act to amend section 1325, code of 1895,  
Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Little introduced  
Senate Bill No. 26,

A bill for an act entitled an act relating to the taking of depositions,

Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Little introduced  
Senate Bill No. 27,

A bill for an act regulating procedure in civil actions,  
Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Valentine introduced  
Senate Bill No. 28,

A bill for an act to amend section 491 of the political code of the state of North Dakota, relating to ballots,

Was read the first time, and  
Referred to the committee on judiciary.

Mr. Creel introduced  
Senate Bill No. 29,

A bill for an act to amend article 27, of chapter 22. of the political code of the compiled laws of 1895, entitled newspapers qualified to do legal printing, and prescribing the duty of county commissioners and auditor relative thereto,

Was read the first and second times, and  
Referred to the committee on public printing.

Mr. Rourke introduced  
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 judiciary.

Mr. Mansfield introduced  
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 re-

gard 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 railroads.

Mr. Rourke introduced  
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 and second times, and  
Referred to the committee on judiciary.

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

J. C. GILL,  
Secretary.

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## EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 12, 1897.

The Senate met pursuant to adjournment.

The President presiding.

Prayer by the chaplain.

Roll call.

All members present except Mr. Cryan.

On request of Mr. McCarten,  
Mr. Enger was excused for the day.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Hanna, Valentine and Mansfield.

## CONSIDERATION OF SPECIAL ORDERS.

Mr. Arnold moved

That the majority report of the committee on elections and privileges in the contest case of Fuller vs. Sanford be adopted.

Mr. Dobie moved as a substitute

That the minority report be adopted.

Mr. Sanford asked unanimous consent to address the Senate,  
To which no objection was made.

Mr. Arnold, chairman of the committee on elections and privileges, addressed the Senate.

Mr. Marshall addressed the Senate.

Mr. Rourke addressed the Senate.

The question being on the substitute motion,  
Roll call was demanded.

The roll being called there were ayes 5, nays 23, not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Plain.
Dunlap,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Rourke,
Benedict,	Hanscom,	Strom,
Brown,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Creel,	Mansfield,	Viets,
Gordon,	Marshall,	White,
Green,	McCanna,	Wishek.
Haggart,	McGillivray,	

Mr. Davis being absent and not voting.

Messrs. Enger and Sanford being excused.

So the substitute motion was lost.

The question being on the majority report.

The roll being called there were ayes 25, nays 4.

Those who voted in the affirmative were:

Messrs—	Messrs--	Messrs—
Arnold,	Hanna,	McGillivray,
Benedict,	Hanscom,	Rourke,
Brown,	LaMoure,	Strom,
Clark,	Levang,	Tufts,
Creel,	Little,	Valentine,
Davis,	Mansfield,	Viets,
Gordon,	Marshall,	White,
Green,	McCanna,	Wishek.
Haggart,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	McCarten,	Plain.
Dunlap,		

Mr. Enger being excused.

Mr. Sanford not voting.

So the motion prevailed and the majority report was adopted.

Mr. McGillivray moved

That a committee of three be appointed to inform Mr. Fuller that he was entitled to a seat in this body and escort him to his seat,

Which motion prevailed.

The President appointed as such committee Messrs. McGillivray, Haggart and Valentine.

Mr. B. W. Fuller was sworn in by the President as a member of the Senate from the Twenty-third district.

Mr. Fuller addressed the Senate.

Mr. McGillivray moved

That the Senate take a recess of fifteen minutes,

Which motion prevailed, and

The Senate took a recess.

Senate called to order by the President.

The courtesies of the floor were extended to Eugene Frity of Grand Forks, P. McHugh of Langdon, F. Shea and F. V. Farmer of Richland, and Hon. Nels H. Dyste.

Mr. McGillivray moved

That a clerk be appointed for the committee on railroads,

Which motion prevailed.

Mr. Strom moved

That T. S. Norgaard be made janitor of the Senate chamber,

Which motion prevailed.

Mr. Dobie moved

That Judson LaMoure, jr., be made clerk of the Senate,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:



HOUSE OF REPRESENTATIVES,  
January 12, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
A concurrent resolution which has passed the House, and  
Your concurrence therein is respectfully requested.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

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 in 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 like committees 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.

The Senate returned to the eighth order of business.

Mr. Rourke moved

To amend rule 30 by striking out therefrom all after the word "committee" in the sixth line to and including the last word in the ninth line,

Which motion prevailed.

Mr. LaMoure moved

To suspend the rules for the purpose of amending rule 35 by increasing the membership of the railroad committee from nine to eleven,

Which motion prevailed.

Mr. Dunlap moved

To amend rule 35 by adding a committee on tax and taxation, said committee to consist of five members,

Which motion was lost.

## CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Brown moved that the concurrent resolution from the House be laid on the table,

Which motion was lost.

Mr. Haggart moved

That the concurrent resolution be referred to the railroad committee,

Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Benedict introduced

Senate Bill No. 33,

A bill for an act to amend chapter 29, Revised Codes of 1895,

Was read the first and second times, and

Referred to committee on cities and municipalities.

Mr. Little introduced

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,

Was read the first and second times, and

Referred to the committee on appropriations.

Mr. Creel introduced

Senate Bill No. 35,

A bill for an act to compel insurance companies to pay the full amount of loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulations in such policies to the contrary,

Was read the first and second times, and

Referred to the committee on insurance.

Mr. Tufts introduced

Senate Bill No. 36,

A bill for an act entitled an act amending section 179 of the constitution of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on railroads.

The following officers were sworn in by the President:

Clerk—Judson LaMoure, jr.

Janitor of the Senate—T. S. Norgaard.

Mr. Haggart moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. C. GILL,  
Secretary.

## NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 13, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Rourke, Haggart and Viets who were excused.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Benedict, Creel and Davis.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Creel introduced

Senate Bill No. 37,

A bill for an act to encourage the building of terminal elevators or public warehouses at the cities of Grand Forks, Fargo and Wahpeton, and providing a bounty therefor, to regulate such public warehouses, the inspection, weighing and handling of grain, specifying the duties of the railroad commissioners regarding the same, and for other purposes relating thereto,

Was read the first and second times, and

Referred to the committee on warehouses, grain and grain grading.

Mr. Brown introduced

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,

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Wishek introduced

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 of the justices 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.

Mr. Little moved

That the Senate take a recess of fifteen minutes,  
Which motion prevailed, and  
The Senate took a recess.

Senate called to order by the President.

Mr. Gordon asked unanimous consent to return to the ninth order of business, and  
There being no objection,  
The Senate returned to that order of business.

Mr. Gordon introduced  
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 bonds on the basis of the superficial area effected.

Mr. Gordon asked unanimous consent to have the bill read a second time and referred,  
There being no objection,  
The bill was read the second time, and  
Referred to the committee on cities and municipalities.

Mr. Brown moved

That we return to the eighth order of business,  
Which motion prevailed.

The courtesies of the floor were extended to O. H. Gates, superintendent U. S. Indian school, and E. LaBarge of Rolla.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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:

The committee on railroads which reads, Messrs. LaMoure, chairman; Valentine, Rourke, Hanscom, Little, Hanna, Green, McGillivray, Viets and Tufts, should read, Messrs. LaMoure,

chairman; Valentine, Rourke, Hanscom, Hanna, Green, McGillivray, Viets and Tufts.

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

L. B. HANNA,  
Chairman.

Mr. Hanna 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 seventh day was approved.

Mr. LaMoure moved  
That Aruther J. O'Connor be made a page of the Senate,  
Which motion prevailed.

The following officer was sworn in by the President:

Page—Aruther J. O'Connor.

The Senate returned to the sixth order of business.

The committee on elections and privileges reported the contest case of E. C. Chase vs. C. B. Little, as follows:

MR. PRESIDENT:

Your committee on elections and privileges, to whom was referred the matter of the contest case of E. C. Chase vs. C. B. Little, has had the same under consideration and find that no testimony was taken in the case, and that the contestant claimed the answer to be insufficient to constitute a denial of charges made in the notice of contest. Your committee consulted the attorney general in regard to this point, and he gave his opinion that the answer is good and is a sufficient denial of all the allegations contained in the notice of contest. There being no evidence to consider, your committee find that C. B. Little is entitled to retain his seat in this Senate, and recommend that the said contest be dismissed.

Your committee further reports herewith the written opinion of the attorney general, which is as follows:

OFFICE OF ATTORNEY GENERAL,  
BISMARCK, N. D., Jan. 13, 1897 }

*Hon. H. F. Arnold, Chairman Senate Committee on Elections, Bismarck, N. D.:*

DEAR SIR: You submitted to me the notice of contest and answer in the contest of E. C. Chase vs. C. B. Little, with the request that I give you my opinion as to the sufficiency of the answer. I have had the same under

consideration and am of the opinion that the answer is good in law and that it meets all the requirements of the statute as a denial of all the allegations in the notice of contest.

Very truly yours,

JOHN F. COWAN,  
Attorney General.

Respectfully submitted,

H. F. ARNOLD, Chairman,  
JUDSON LAMOURE,  
I. F. MARSHALL,  
R. M. McCARTEN,  
A. C. MCGILLIVRAY,  
L. B. HANNA,  
D. W. McCANNA.

Mr. Arnold moved

The adoption of the report and addressed the Senate.

Roll call demanded on the adoption of the report.

The roll being called there were ayes 26, nays none, not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Green,  
Hanna,  
LaMoure,  
Levang,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Strom,  
Tufts,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Haggart,  
Hanscom,

Messrs—

Little,  
Rourke,

Messrs—

Viets.

Messrs. Haggart and Viets being excused.

So the motion prevailed, and

The report was adopted.

Mr. Arnold asked unanimous consent to have an article read which appeared in The Daily Plaindealer Jan. 12, 1897,

Which consent was granted.

Mr. Arnold addressed the Senate.

Mr. LaMoure addressed the Senate.

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. C. GILL,  
Secretary.

## TENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 14, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Arnold, Rourke and Viets,  
Who were excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with, and a committee appointed to correct the same,  
Which motion prevailed.

The President appointed as such committee Messrs. Gordon,  
White and Plain.

## PETITIONS AND COMMUNICATIONS.

Mr. Haggart presented a communication from the Trades and Labor Protective Union of America of Fargo, N. D., as follows:

FARGO, N. D., Jan. 13, 1897.

*To the Hon. John E. Haggart, State Senator of the Ninth District:*

SIR: The Fargo Federated Trades council, in convention assembled, hereby indorse Senate Bill No. 1, "for an act in relation to the labor of convicts in the state prison of North Dakota."

WHEREAS, We the members of the Federated Trades council, in convention assembled, indorse Senate Bill No. 1, now before the state legislature and pray for its passage.

*Resolved*, That the Hon. John E. Haggart's Senate Bill No. 1, now before the state legislature, is an act, we believe, tending to improve the condition of the commonwealth of North Dakota, by withdrawing from competition with free labor, the products now being manufactured by that institution, as we believe, each day's work by the prison convict deducts one day's livelihood from the skilled and free laborer; be it further

*Resolved*, That the president and secretary of Fargo Federated Trades

council affix their signatures and the seal of the council representing the entire strength of the unions seated in said council and that the chairmen of the various delegations affix their signatures for their respective unions.

CHAS. A. JORDAN,  
President.

CHAS. F. SCHEERS,  
Secretary.

T. E. KEOUGH,  
Cigar Makers' Union No. 109.  
G. J. ECKER,  
T. & L. P. U. No. 1.  
SWAN TAXELIUS,  
Tailors' No. 237.  
E. R. NUNAMAKER,  
F. & H. Job Pressmen No. 36.  
J. M. ROWE,  
Local No 47, Clerks' Union.  
CHAS. F. SCHEERS,  
Fargo Typo. Union 186.

Mr. Haggart moved

That the communication be spread upon the Journal, and  
Referred to the committee who had the bill,  
Which motion prevailed.

The courtesies of the floor were extended to Hon. John D. Black and R. W. Faurer.

#### REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 20,

A bill for an act entitled "an act governing the method of proof of 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 code of 1895,

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

That the title be amended by striking out the words "code of 1895," and inserting in lieu thereof the words "of the Revised Codes of the state of North Dakota,"

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 26,

A bill for an act entitled an act relating to the taking of depositions,



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 actions,

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

C. B. LITTLE,  
Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
January 14, 1897. }

MR. PRESIDENT:

I have the honor to transmit herewith

A concurrent resolution,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

A 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. Hansborough 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; and

WHEREAS, A school of forestry will be of great benefit to the entire north-western 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.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 that it be amended as follows:

On page 1, line 5, should read all members present except Mr. Enger.

On page 5, line 6, should read referred to committee on cities and municipalities.

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

A. V. BENEDICT,  
Chairman.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

The concurrent resolution was read, and  
Referred to the committee on federal relations.

#### INTRODUCTION OF BILLS.

Mr. Creel introduced  
Senate Bill No. 41,

A bill for an act to amend section 3006, article 5, chapter 12, of the civil code of the compiled laws of 1895, entitled "Board of Railroad Commissioners," and prescribing the salary of railroad commissioners and place of office,

Was read the first and second times, and  
Referred to the committee on railroads.

Mr. White introduced  
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.

Mr. Hanna introduced

Senate Bill No. 43,

A bill for an act to require the state treasurer to return the funds in his hands belonging to the Russian cactus and French weed fund to the several counties which have paid money in to the state on account of said fund,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Hanna introduced

Senate Bill No. 44,

A bill for an act to indemnify farmers and others for horses killed by state veterinarian for glanders,

Was read the first and second times, and  
Referred to the committee on agriculture.

Mr. Plain introduced

Senate Bill No. 45,

A bill for an act to amend section 7677, of chapter 72, of the Revised Codes of North Dakota, entitled "Game and Fish,"

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Marshall introduced

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 state affairs.

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,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Strum introduced

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.

Mr. Green introduced

Senate Bill No. 49,

A bill for an act to amend section 502 of the Revised Codes of North Dakota of 1895,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Davis introduced

Senate Bill No. 50,

A bill for an act to amend chapter 2755 of the Revised Codes of 1895 to term of residence,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little moved

That the rules be suspended and Senate Bills Nos. 20, 27 and 26 be read the third time and placed on their final passage,

Which motion prevailed.

Mr. Haggart asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. Haggart introduced

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 first and second times, and

Referred to the committee on appropriations.

#### 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 25, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Plain,  
Strom,  
Tufts,  
Valentine,  
Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Viets,
Brown,	Rourke,	White.

Messrs. Arnold, Rourke and White being excused.

So the bill passed and the title was agreed to.

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.

The roll being called there were ayes 25, nays none, not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McCanna,
Clark,	Hanna,	McCarten,
Creel,	Hanscom,	McGillivray,
Davis,	LaMoure,	Plain,
Dobie,	Levang,	Strom,
Dunlap,	Little,	Tufts,
Enger,	Mansfield,	Valentine,
Gordon,	Marshall,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Viets,
Brown,	Rourke,	White.

Messrs. Arnold, Rourke and Viets being excused.

So the bill passed 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.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Strom,
Dobie,	Levang,	Tufts,
Dunlap,	Little,	Valentine,
Enger,	Mansfield,	White,
Gordon,	Marshall,	Wishek.
Green,	McCanna,	

Absent and not voting:

Messrs—  
Arnold,  
Brown,

Messrs—  
Fuller,  
Rourke,

Messrs—  
Viets.

Messrs. Arnold, Rourke and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the report of the committee on judiciary on Senate Bill No. 25 be adopted,

Which motion prevailed, and

The report was adopted.

Mr. White moved

That the Senate take a recess of fifteen minutes,

Which motion prevailed, and

The Senate took a recess.

Senate called to order by the President.

Mr. Green asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. Green introduced

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 stock.

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,

Was read the first and second times, and

Referred to the committee on stock.

Mr. Little moved

That the rules be suspended and that Senate Bill No. 25 be placed upon its third reading and final passage,

Which motion prevailed.

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 26, nays none. absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Strom,
Dobie,	Levang,	Tufts,
Dunlap,	Little,	Valentine,
Enger,	Mansfield,	White,
Gordon,	Marshall,	Wishek.
Green,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Viets.
Brown,	Rourke,	

Messrs. Arnold, Rourke and Viets being excused.

So the bill passed and the title was agreed to.

Mr. McGillivray asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. McGillivray introduced

Senate Bill No. 54,

A bill for an act to amend sections 1031 and 1033 of the Revised Codes, relating to appropriation in aid of the Volunteer Fireman's association,

Was read the first and second times, and  
Referred to the committee on appropriations.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
JANUARY 14, 1897.

MR. PRESIDENT:

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the rules be suspended and House Bill No. 20 be read the first and second times and referred to its proper committee,  
Which motion prevailed.

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 and second times, and  
Referred to the committee on state affairs.

The President announced changes in the standing committees as follows:

Messrs. Arnold and Dunlap to be additional members of the committee on railroads.

Mr. Fuller's name to take the place of Mr. Sanford in the following committees: Apportionment, cities and municipalities, statistics, mines and mining and state affairs.

Mr. Little moved

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

J. C. GILL,  
Secretary.

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## ELEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 15, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Gordon, Rourke and Viets, who were excused.

The courtesies of the floor were extended George M. Irwin of Ellendale, Matt Walsh of Grand Forks, Ed Nichols, Chas. McDonald, Albert Carlbourn, Harry Cornwell, Dr. S. J. Hill of Fargo, and H. J. Watt:



Mr. Hanna moved

That the reading of the Journal be dispensed with, and a committee appointed to correct the same,  
Which motion prevailed.

The President appointed as such committee Messrs. McCarten, Brown and Hanscom.

Mr. Creel presented the following petition:

PENN, N. D., Jan. 12, 1897.

*To the Senate and House of Representatives:*

We the undersigned, all residents of Penn and vicinity, respectfully petition your honorable branches of the state government for your aid and influence with the Great Northern Railroad company to secure us a depot at Penn, county of Ramsey and state of North Dakota.

C. F. SHONG,  
(And 54 others.)

#### REPORTS OF STANDING COMMITTEES.

The committee on corporations other than municipal made the following report:

MR. PRESIDENT:

Your committee on corporations other than municipal to whom was referred

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, Revised Codes,

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

Also,

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.

D. C. TURTS,  
Chairman.

Mr. Haggart moved

That the report of the committee on corporations other than municipal on Senate Bills Nos. 17, 18 and 19 be adopted,  
Which motion prevailed.

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The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary 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 do pass.

C. B. LITTLE,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
House Bill No. 20,

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

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

J. F. MARSHALL,  
Chairman.

The committee on military affairs made the following report:

MR. PRESIDENT:

Your committee on military affairs to whom was referred  
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,

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

FRANK WHITE,  
Chairman.

The committee on joint rules made the following report:

MR. PRESIDENT:

Your committee on joint rules, in connection with a like committee in the House, have had the same under consideration, and recommend the adoption of the joint rules of the last session with the following additional rules:

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. LaMoure moved  
The adoption of the report of the committee on joint rules,  
Which motion prevailed.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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

On page 3, the name of Aruther J. O'Connor be made to read Arthur J. O'Connor.

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

W. A. GORDON,  
Chairman.

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

Mr. LaMoure moved  
To amend Senate rules by adding the following rule:

Rule 42. No member or officer of the Senate, unless he from illness or other cause, shall be unable to attend, shall absent himself from the session of the Senate 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.

Mr. Strom moved  
As an amendment  
That the rule be referred to the committee on rules.  
There being no second the question was on the original motion.  
The President called for a rising vote.  
The vote being counted, there were 13 ayes and 10 nays, so  
The motion prevailed.

Mr. Hanna moved  
That the Senate take a recess for 20 minutes.  
Senate called to order by the President.

Mr. LaMoure moved

That the apportionment committee be increased two members,  
Which motion prevailed.

Mr. LaMoure moved

That a committee of three from the Senate be appointed by the President of the Senate, to act in conjunction with a like committee from the House, and visit the several public institutions of the state to ascertain their requirements and report to the Legislative assembly at the earliest possible date,

Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Dunlap introduced

Senate Bill No. 55,

A bill for an act providing for the assignment by the state of North Dakota of its rights, title and interest in and to any piece or parcel of land formerly or hereafter acquired by virtue of having been, or being bid in at tax sale by said state, and for the sale at either public or private sale to any purchaser, by the several county treasurers of said state of any piece or parcel of land which has become or shall hereafter become the absolute property of said state and for the execution and delivery of tax deeds by the several county treasurers of said state, to any purchaser or purchasers at either public or private sale of the state title to any piece or parcel of land now or hereafter the property of the state,

Was read the first and second times, and

Referred to the committee on public lands.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 15, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 28, "A bill for an act to forbid and prevent the practice of law by judges of county courts in counties in which said courts have increased jurisdiction," which the House has passed, and your favorable consideration thereof is respectfully requested.

Very respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Haggart moved

That the rules be suspended and Senate Bills Nos. 17, 18 and 19 be placed on their third reading and final passage,

Which motion prevailed.

Mr. Tufts moved

That Senate Bill No. 17 be made a special order for Monday, January 18, 1897, at 2:30 o'clock,

Which motion prevailed.

Mr. Haggart moved

That Senate Bill No. 18 be made a special order for Monday, January 18, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Tufts moved

That Senate Bill No. 19 be made a special order for Monday, January 18, at 3:30 o'clock p. m.,

Which motion prevailed.

Mr. Tufts moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. C. GILL,  
Secretary.

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## TWELFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 16, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll call.

All members present except Messrs. Gordon, Rourke, Tufts and Viets, who were excused.

Mr. Brown moved

That the reading of the journal be dispensed with and a committee be appointed to correct the same.

The President appointed as such committee Messrs. Strom, Wishek and Levang.

The courtesies of the floor were extended to F. A. Wardwell, Prof. E. E. Kaufman, W. F. Murphy of Grand Forks, H. K.

Stearns of Lakota, Hugh Watt of Bathgate, W. J. Carrol of Minot, H. S. Goddard, Chas. Manning of Oberin, Hon. Jacob Field, M. F. Murphy, H. J. Kopperdahl.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands 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 recommend that the same do pass.

D. W. McCANNA,  
Chairman.

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred

A concurrent resolution for a memorial to congress for the granting of thirty thousand acres of land in aid of the school of forestry,

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

A. V. BENEDICT,  
Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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.

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.

C. B. LITTLE,  
Chairman.

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 8, the 17th line should read: "Mr. Green asked unanimous consent to return to the ninth order of business."

On the same page the 19th line should read: "The Senate returned to the ninth order of business,"

And when so amended recommend that the Journal of the tenth day be approved,

R. McCARTEN,  
Chairman.

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

## INTRODUCTION OF BILLS.

Mr. Marshall introduced  
Senate Bill No. 56,

A bill for an act to amend sections 2133 and 2252 of the civil code of the state of North Dakota, relating to the organizations of cities,

Was read the first and second times, and

Referred to the committee on cities and municipalities.

Mr. Creel introduced  
Senate Bill No. 57,

A bill for an act fixing the charges to be paid to the railroad for transporting the North Dakota National Guards and stores, horses, ammunition, equipments and baggage of the same, the terms of transporting the same and prescribing the penalty for the violation of said action,

Which was read the first and second times, and

Referred to the committee on railroads.

Mr. Wishek introduced  
Senate Bill No. 58,

A bill for an act to amend the probate code of the state of North Dakota,

Was read the first time.

Mr. Wishek moved

That Senate Bill No. 58, be given its second reading at once and referred to its proper committee,

Which motion prevailed.

So the bill was read the second time, and  
Referred to the committee on judiciary.

Mr. Strom introduced  
Senate Bill No. 59,

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

Was read the first and second times, and  
Referred to the committee on stock.

Mr. Hanna moved

That the rules be suspended, and all House resolutions and Senate bills that had been reported back by the committees be placed on third reading and final passage,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 16, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith House Bill No. 16, being a concurrent resolution to amend the constitution which the House has passed, and your concurrence therein is respectfully requested.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

#### CONCURRENT RESOLUTION,

*Be it Resolved by the House of Representatives, the Senate Concurring:* That the following amendment to the constitution of the state of North Dakota, be adopted by the Fifth Legislative Assembly of the State of North Dakota and submitted for approval to the Sixth Legislative Assembly, to-wit:

#### AMENDMENT.

Section seventy six (76) of article three (3) of the constitution of the state of North Dakota is amended so as to read as follows:

The Governor shall have power, in conjunction with the board of pardons, of which the governor shall be ex-officio a member, and the other members of which shall consist of the attorney-general of the state of North Dakota, the chief justice of the supreme court of the state of North Dakota, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason, the governor shall have power to suspend the execution of sen-



tence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence or grant further reprieve. The governor shall communicate to the legislative assembly at each regular session, each case of remission of fine, reprieve, commutation or pardon granted by the board of pardon, stating the name of the convict, the crime for which he is convicted, the sentence and its date and the date of the remission, commutation, pardon or reprieve, with their reasons for granting the same.

House Concurrent Resolution,

For a memorial to congress for the granting of 30,000 acres of land in aid of the school of forestry of the state of North Dakota.

Was read the third time:

The question being upon the final passage of the concurrent resolution.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCanna,
Benedict,	Haggart,	McCarten,
Brown,	Hanna,	McGillivray,
Clark,	Hanscom,	Plain,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Valentine,
Dobie,	Little,	White,
Dunlap,	Mansfield,	Wishek.
Enger,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Rourke,	Vie's.
Gordon,	Tufts,	

Messrs. Gordon, Rourke, Tufts and Viets being excused.

So the concurrent resolution passed.

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 time.

Mr. LaMoure moved

To amend the bill by striking out the word "November" in section 1 and inserting in lieu thereof the word "December,"

Which motion prevailed.

Mr. Hanna moved

To amend by striking out the word "December" in section 2 and inserting in lieu thereof the word "January,"

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs--	Messrs—
Arnold,	Green,	McCanna,
Benedict,	Hanna,	McCarten,
Brown,	Hanscom,	McGillivray,
Clark,	LaMoure,	Plain,
Creel,	Levang,	Strom,
Davis,	Little,	Valentine,
Dobie,	Mansfield,	White,
Dunlap,	Marshall,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller.	Rourke,	Viets.
Gordon,	Tufts,	

Messrs. Gordon, Rourke and Viets being excused,  
So the bill passed as amended 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 there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Marshall,
Benedict,	Green,	McCanna,
Brown,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Strom.
Dobie,	Levang,	Valentine,
Dunlap,	Little,	White,
Enger,	Mansie'd,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gordon,	Tufts,	Viets.
Rourke,		

Messrs. Gordon, Rourke, Tufts and Viets being excused.  
So the bill passed and the title was agreed to.

## 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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little.  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
Plain,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Gordon,  
McGillivray,

Messrs—

Rourke,  
Tufts,

Messrs—

Viets.

Messrs. Gordon, Rourke, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

## FIRST READING OF HOUSE BILLS AND MEMORIALS.

## 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 first and second times, and

Referred to the committee on judiciary.

## 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.

Mr. McCarten moved

To amend House Bill No. 20 by striking out the words "Saturday preceding" wherever they occur and substituting the words "Monday following,"

Which motion prevailed.

Mr. Little moved

To amend the bill by striking out the word "decoration" on the eighth line and inserting in lieu thereof the word "Memorial,"

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang.  
Little,  
Mansfield,

Messrs—

Marshall,  
McCauna,  
McCarten,  
McGillivray,  
Plain,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Gordon,  
Rourke,

Messrs—

Tufts,

Messrs—

Viets.

Messrs. Gordon, Rourke, Tufts and Viets being excused.

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

Mr. Little moved

That the Senate do now adjourn.

Mr. Brown asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. Brown introduced

Senate Bill No. 60,

A bill for an act to provide for the elections, appointment and qualifications of county assessors.

Mr. Hanna moved

That Senate Bill No. 60

Be given its first and second reading and referred to its proper committee.

Which motion prevailed,

So the bill was read the first and second times, and

Referred to the committee on judiciary.

Mr. Creel asked unanimous consent to return to the thirteenth order of business.

The question being upon the motion to adjourn,

The motion prevailed, and

The Senate adjourned.

J. C. GILL,  
Secretary..

## FOURTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 18, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Gordon, Tufts and Viets, who were excused.

Mr. Little moved

That the reading of the minutes be dispensed with and a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Strom, Valentine and Creel.

The courtesies of the floor were extended to Messrs. J. C. Thompson and C. F. Merry of Dickinson, Timothy Mahaney, David Denoyer, John C. Leach, Dr. Porter and Dr. Branch.

Mr. Haggart moved

That the special orders for the day be deferred until the same hours Tuesday, January 19, 1897,

Which motion prevailed.

The President announced the following for members of committees:

Messrs. Viets and Benedict to be members of the apportionment committee.

Messrs. Valentine, Tufts and McCanna to be members of the committee to visit state institutions.

Mr. Little moved

The adoption of the concurrent resolution from the House known as House Bill No. 16.

Roll call demanded.

House Bill No. 16,

Being a concurrent resolution to amend the constitution.

The question being upon the final passage of the bill.

The roll being called there were ayes 21, nays 3, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McCarten,
Brown,	Hanna,	McGillivray,
Clark,	LaMoure,	Plain,
Dobie,	Little,	Strom,
Dunlap,	Mansfield,	Valentine,
Fuller,	Marshall,	White.
Green,	McCanna,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Levang,	Rourke.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Tufts,
Davis,	Hanscom,	Viets.
Enger,		

So the bill passed and the title was agreed to.

INTRODUCTION OF BILLS.

Mr. Haggart introduced  
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.

Mr. Hanna introduced  
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.

Mr. Hanna introduced  
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.

Mr. Benedict introduced  
Senate Bill No. 64,

A bill for an act to amend section 37, article 3 of chapter 2, Revised Codes,

Was read the first and second times, and  
Referred to the committee on apportionment.

Mr. Fuller introduced  
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.

Mr. Strom introduced  
Senate Bill No. 66,

A bill for an act entitled an act prescribing the mode of making assessment and the levy and collection of taxes, and for other purposes relative thereto,

Was read the first and second times, and  
Referred to the committee on state affairs.

#### THIRD READING OF SENATE BILLS.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCanna,
Benedict,	Haggart	McCarten,
Brown,	Hanna,	McGillivray,
Clark,	Hanscom,	Plain,
Creel,	LaMoure,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	White,
Enger,	Marshall,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gordou,	Tufts,	Viets.

Messrs. Gordon, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the courtesies of the floor be extended to F. A. Wardwell of Pembina,

Which motion prevailed.

Senate Bill No. 8

Was read the third time.

Mr. Rourke moved

To amend by striking out the words "stockholder in" in line 3 of section 2 and inserting in lieu thereof the words "member of,"

And also by striking out the word "corporation" in line 4 of section 2 of the printed bill and inserting in lieu thereof the words "national guards of the state of North Dakota."

Which motion prevailed.

Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the purpose of erecting buildings for military purposes.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCarten,
Benedict,	Green,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	Levang,	Strom,
Davis,	Mansfield,	Valentine,
Dobie,	Marshall,	White,
Dunlap,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Tufts.
Gordon,	Little,	Viets,
Haggart,		

Messrs. Gordon, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Strom asked unanimous consent to make a report.

There being no objection the committee on correction and revision of the Journal made the following report:

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal



respectfully report that they have carefully examined the Journal of the eleventh day, and find the same correct, and recommend its adoption.

H. H. STROM,  
Chairman.

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

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

C. GILL,  
Secretary.

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## FIFTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll call.

All members present.

Mr. Haggart asked unanimous consent to introduce a resolution.

There being no objection, Mr. Haggart introduced the following resolution:

### CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That when the legislative assembly adjourns on Wednesday, the 20th day of January, it adjourns until Tuesday, the 26th day of January, 1897.

Mr. Haggart moved.  
That the resolution be adopted,  
Which motion prevailed, and  
The resolution was adopted.

The courtesies of the floor were extended to Peter Halverson,

J. S. Metcalf, C. J. Maddux, W. F. Dunlap, John Simons, E. K. Myhre, A. M. O'Conner, collector of customs, Pembina, N. D., D. R. Taylor, Wm. Simpson and Wm. Smith of Mandan, Hon. J. H. Worst, Hon. C. E. Gregory, Hon. W. H. Robinson, A. L. Loomis, C. C. Schuyler, Alex Stern, Chas. E. Wilson of Fargo and Wellington Irysh and Dr. H. G. Fish of Wheatland.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Plain, Dobie and Gordon.

Mr. Little moved

That the Senate do now proceed to the election of a United States senator,

Which motion prevailed.

The President announced that nominations were in order.

Mr. Hanna nominated Henry C. Hansbrough of Ramsey county, as follows:

MR. PRESIDENT:

It becomes a pleasant duty for me at this time to place in nomination for the position of United States senator from the state of North Dakota the Hon. Henry C. Hansbrough. Mr. Hansbrough has served the state in the lower house of congress and in the senate of the United States for the past seven or eight years, and he has served the state ably, faithfully and well. I believe that at this time he is the best qualified of any man in the state to serve the state for the next six years in the United States senate. Mr. Hansbrough was the unanimous choice of the republicans in their caucus and I believe today when this senate and the house cast their ballots every republican in both branches will vote for H. C. Hansbrough for United States senator for the next six years.

Those posted upon legislation will recall that early in the session of the 54th congress, more than a year ago, Senator Hansbrough introduced a measure to provide for a deep canal from the great lakes through Minnesota and the Dakotas. This bill was referred to a committee, of which Senator Nelson, of our sister state, was chairman. It was promptly reported back with a recommendation that it become a law, the report stating that the construction of such a waterway on the route proposed, would save in transportation from 10 to 12 cents per bushel on wheat, which would naturally benefit the producer. The press generally commended our senator for this wise measure in the interest of our farmers. This morning I find the president has made this canal project a matter of a special message to congress and I will ask the clerk to read the following extract from President Cleveland's message:

*To the Senate and House of Representatives:*

I transmit herewith the report of Messrs. James B. Angell of Michigan, John E. Russell of Massachusetts and Lyman E. Cooley of Illinois, who were appointed commissioners under the authority of a law passed March 2, 1895, to make inquiry and report, after conference with such similar commissioners as might be appointed on behalf of Great Britain or the Dominion of Canada, concerning the feasibility of the construction of such canals as will enable vessels engaged in ocean commerce to pass between the great lakes and Atlantic ocean and the most convenient location and probable cost of such canals, together with other facts and information in said act specified relating to the proper construction and use.

The commissioners have prosecuted the work assigned them with great zeal and intelligence, resulting in the collection of a mass of information embodied in their report and its accompanying exhibits, which is of great importance and interest as related to the project subjected to their examination.

The advantages of direct and unbroken water transportation of the products of our western states and territories from convenient ports of shipment to our seaboard ports, are plainly palpable. The report of the commissioners contains, in my opinion, demonstration of the feasibility of securing such transportation and gives ground for the anticipation that better and more uninterrupted commerce through the plan suggested, between the great west and foreign ports with the increase of national prosperity which must follow in its train, will not long escape American enterprise and activity.

It will be observed that the report of the commissioners, though as comprehensive as the time and facilities at their disposal permitted, does not definitely deal with the cost of the work they were called upon to consider, and omits some of the other details related to it. Thus far they have labored without compensation and a part of the small sum appropriated for the payment of their expenses still remains unexpended.

I suggest to the congress the propriety of making economical provision for such further prosecution of this work as will more fully develop the information necessary to a complete understanding of this interesting and important subject.

(Signed)

GROVER CLEVELAND.

Is not this an evidence that the gentleman who has served us for the last six years has evidenced that he is the proper man to return, not only because of this one act, but many others which might be enumerated as proof of his watchful care and untiring work in behalf of the state, he has so faithfully represented in the United States senate.

Mr. Rourke seconded the nomination of H. C. Hansbrough.

Mr. Dobie nominated Dr. Wm. A. Bentley of Burleigh county.

saying "that his nominee was a patriot, who as a citizen stood to-day second to none."

There being no other nominations the roll was called by the secretary.

The roll being called there were 31 votes cast, of which Mr. Hansbrough received 24 votes and Mr. Bentley 7 votes.

Those who voted for Mr. Hansbrough were:

Messrs. Arnold, Benedict, Brown, Clark, Davis, Enger, Fuller, Gordon, Green, Haggart, Hanna, Hanscom, LaMoure, Little, Mansfield, Marshall, McGillivray, Rourke, Strom, Tufts, Valentine, Viets, White and Wishek.—24.

Those who voted for Mr. Bentley were:

Messrs. Creel, Dobie, Dunlap, Levang, McCanna, McCarten and Plain.—7.

Mr. Hansbrough having received a majority of the votes cast, being a majority of the senators elect, was declared the choice of the Senate for United States senator for the term beginning March 4, 1897.

Mr. White moved

That the Senate take a recess of fifteen minutes.

Which motion prevailed.

The Senate reassembled.

#### SPECIAL ORDERS.

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,

Mr. Tufts moved

To amend the bill by inserting the words:

"Section 2898. When meetings held. The meetings of the stockholders and board of directors for the election of officers of a corporation must be held at its office or principal place of business within this state, and the corporate records must be kept at such office or principal place of business. All other meetings of the board of directors may be held at such place within or without the state as may be provided in the by-laws,"

After the word "to-wit" in line 3 of the printed bill and before the word "provided" in line 6 of the printed bill,

Which motion prevailed.

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

The roll being called there were ayes 30, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarten,
Brown,	Haggart,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	Viets,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.

Mr. Strom being absent and not voting.

So the bill passed as amended 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.

Mr. Hanna offered the following amendment to the bill:

Strike out the word "three" in line ten of the printed bill and insert in lieu thereof the word "one."

Mr. Haggart moved.

That the amendment be adopted,  
Which motion prevailed.

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

The roll being called there were ayes 31, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

So the bill passed as amended 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 31, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

So the bill passed and the title was agreed to.

Mr. Haggart presented the following communication from the Bismarck Typographical Union No. 140:

BISMARCK, N. D., Jan. 16, 1897.

At a meeting of the Bismarck Typographical Union No. 140, held on January 16, 1897, the following preamble and resolution were adopted.

WHEREAS, Bismarck Typographical Union No. 140 deprecates the system of employing convicts confined in the penitentiary in the pursuit of labor that comes in competition with the working people of North Dakota, as noxious, and detrimental to the welfare and economic conditions of the state: therefore, be it

*Resolved*, That Bismarck Typographical Union No. 140 endorse the bill of Hon John E. Haggart, now pending before the state legislature, believing that said bill will have a tendency to improve the conditions of the commonwealth.

HARRY LEE,  
Secretary.

W. E. FORDE,  
W. J. CAREY,  
DUNCAN SINCLAIR,  
Committee.

M. L. HANSON,  
President Typo. Union No. 140.

COMMUNICATION FROM STATE TREASURER AND AUDITOR.

The following communication was received from the state treasurer and state auditor:

BISMARCK, Jan. 19, 1897.

To the Honorable Senate, Fifth Legislative Assembly, State of North Dakota:

In compliance with your resolution of January 15th, the following information is herewith transmitted:

1st. There is no money in the general fund.

2nd. The probable income to the credit of said general fund for the years 1897 and 1898 will be \$648,000.

3rd. There will be required for payment on the several accounts as follows:

Fifth Legislative assembly.....	\$ 60,000
Salaries of state officers and employes.....	201,000
Office and traveling expenses, maintenance capitol, and executive mansion.....	77,000

Fire companies.....	\$ 12,000
Care of boys at Plankinton .....	5,000
Transportation of convicts and patients and return of fugitives from justice .....	22,000
Printing .....	55,000
Teachers' institutes, lecturers and conductors.....	4,000
Militia .....	22,000
Resident officers, hospital for insane.....	9,000
Per diem and expense, state boards .....	10,000
<b>Total.....</b>	<b>\$477,000</b>

4th. The query as to the per cent of real estate from which no revenue can be expected by reason of its having been purchased for the state at delinquent tax sales by the counties cannot be answered as there is no record furnished to or kept by the state treasurer's or auditor's office of such sales or purchases, the county officers alone having such records on file.

The interest paid by the state on its bonded indebtedness is provided for by a bond interest fund and does not come out of the general fund.

Respectfully yours,

G. E. NICHOLS,  
State Treasurer.

N. B. HANNUM,  
State Auditor.

Mr. Dobie moved

That the communication be spread upon the Journal, and referred to its proper committee,

Which motion prevailed, and

The communication was referred to the committee on appropriation.

Mr. Strom asked unanimous consent to make a report.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 4, line 8, that the word "their" be stricken out and insert in lieu thereof the word "third."

On page 5, line 29, strike out the figures "35" and insert in lieu thereof the figure "5."

On page 8, last line, strike out the words "J. S. Gill" and insert in lieu thereof the words "J. C. Gill."

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

H. H. STROM,  
Chairman.

Mr. Strom 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 twelfth day was approved.

Mr. Plain asked unanimous consent to make a report.

There being no objection the committee on correction and revision of the Journal made the following report:

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fourteenth day and find the same correct and recommend that the Journal of the fourteenth day be approved.

CHAS. W. PLAIN,  
Chairman

Mr. Plain 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.

Mr. Arnold, as chairman of the committee on elections and privileges, presented the following communications:

State of North Dakota. County of Stutsman. ss.

Samuel Vandenburg, being first duly sworn, deposes and says that he is a resident of the Third ward of the city of Jamestown, county of Stutsman and state of North Dakota; that as such he was appointed and acted as a clerk of elections at an election held in November, 1896; that as such clerk he saw only the ballot prepared and voted by himself at said election; that in all manners and in all respects the polls of said Third ward were properly conducted; that one W. R. Kellogg requested this affiant to sign a certain telegram addressed to the chairman of the election committee of the Senate of the state of North Dakota; representing to this affiant that it would be to his (this affiant's) interest to do so and express a willingness to said committee to appear before them, and by so doing testify in the matter of the Fuller-Sanford contest, and as to the manner of conducting the polls in said Third ward. That this affiant states that he could give the said committee no information of value and only signed the telegram making the request after being requested and urged by said Kellogg.

SAMUEL VANDENBURGH.

Subscribed and sworn to before me this 16th day of January, 1897.

ORMSBY MCHARG,  
Notary Public.

[SEAL.]

State of North Dakota. County of Stutsman. ss.

Harry Post, being first duly sworn, deposes and says that he is a resident of the Third ward, city of Jamestown, county of Stutsman, state of North



Dakota; that as such he was appointed a clerk of the election board of said ward at an election to be held in November, 1896; that he acted in the capacity of clerk as aforesaid; that this affiant signed a certain telegram sent by W. R. Kellogg to the chairman of the election committee of the senate of the state of North Dakota; that he signed same at the special instance and request of the said Kellogg, who represented that the said committee wanted the members of said election board to appear in person before the said committee and that all expenses of travel to and from Bismarck would be paid by the state aforesaid; that this affiant consented to do as he requested; that had he gone to Bismarck and appeared before said committee the only matter he could speak on would be the manner of conducting the polls in said ward, which this affiant now says were conducted in all respects in a proper manner; that this affiant states that he saw none of the ballots in said ward except the ballot prepared and voted by and for himself.

HARRY POST.  
Subscribed and sworn to before me this 16th day of January, 1897.  
[SEAL] ORMSBY MCHARG,  
Notary Public, Stutsman County, N. D.

State of North Dakota. County of Stutsman, ss.

Anton Lange, being first duly sworn, deposes and says that he is a resident of the Third ward of the city of Jamestown, county of Stutsman, state of North Dakota; that as a resident of said ward he was appointed a judge of election at the November elections, 1896, and that he acted in such capacity; that he signed the certain telegram sent to the chairman of the election committee of the Senate of the state of North Dakota; that he signed said telegram at the special instance of W. R. Kellogg, who represented that the said committee wanted the members of said election board to appear before them personally at Bismarck, N. D.; and that if this affiant would consent to going to Bismarck for such purpose all his expenses would be paid by the said state; that this affiant states that had he appeared before said committee he could only state that all matters were properly conducted by said board at the said election.

ANTON LANGE.  
Subscribed and sworn to before me this 16th day of January, 1897.  
[SEAL] ORMSBY MCHARG,  
Notary Public.

State of North Dakota. County of Stutsman, ss.

Joseph Mason, being first duly sworn, deposes and says that he is a resident of the Third ward of the city of Jamestown, county of Stutsman and state of North Dakota; that he has lived in said city and ward for twenty-three years; that as a resident of said ward he was appointed by the democratic central committee to act as a judge of elections for the said ward at the November elections, 1896; that as a member of said election board he was asked to sign a certain telegram to Chairman Arnold of the election committee of the Senate of the state of North Dakota; and that he refused to do so, and did not do so, and if his name appears upon said telegram it was put there without his knowledge or authority.

JOSEPH MASON.  
Subscribed and sworn to before me this 16th day of January, 1897.  
[SEAL] ORMSBY MCHARG,  
Notary Public, Stutsman County.

#### REPORTS OF STANDING COMMITTEES.

{ The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock 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 do pass as amended by adding emergency clause.

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,

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

Line 5, the words "one thousand" be stricken out and insert in lieu thereof "five hundred."

Also by adding the emergency clause.

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

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.

C. B. LITTLE,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs 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 do pass.

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,

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

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 recommend that the same do pass.

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,

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

After the word "county" in line 3 of section 2 of the printed bill add the words "or such other fund as the county commissioners may direct."

After the word "county" in line 4 of section 3 of the printed bill add the words "or such other fund as the county commissioners may direct."

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

Mr. Little moved.

That the reports of the committees on bills Nos. 52, 53 and 47 be adopted.

Which motion prevailed.

Mr. Little moved.

That a committee of three be appointed to investigate the Governor's mansion to ascertain what may be needed.

Which motion prevailed.

The president appointed as such committee Messrs. Little, Haggart and Wisbek.

Mr. Marshall offered the following resolution.

*Be It Resolved*, That the salaries of the employes of the Senate for the present session be fixed as follows:

Chief clerk per day.....	\$6 00
Stenographer per day.....	6 00
Sergeant-at-Arms per day.....	6 00
Pages per day.....	2 00
Chaplain per day.....	3 00
Janitor per day.....	3 00
All other employes per day.....	5 00

Mr. Little moved.

The adoption of the resolution.

Roll call demanded.

The roll being called there were ayes 26, nays 2, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanna,	Rourke,
Creel,	Hanscom,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Little,	Viets,
Enger,	Mansfield,	Wishek.
Fuller,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Levang,	Valentine,	White.

Messrs. Dunlap and McCarten voting in the negative.

Mr. Brown moved

That David Pennoyer be appointed janitor of the engrossing room.

Mr. Little offered as a substitute the following resolution:

*Resolved*, That the following clerks be added to the enrolling and engrossing force: Howard Gordon, James Rowe, Lee Mitchell, Mrs. D. R. Streeter, John Ginn, Claude Turner, Miss Holten, Miss Skeels, Miss McVeagh, W. A. White, C. V. Brown, George Hutchinson, Miss Irma McGinnis and Miss McKenzie.

Mr. McGillivray moved

The adoption of the substitute motion.

Mr. Brown withdrew his motion.

Mr. McCarten moved

That further consideration be deferred until next Tuesday, January 26, 1897.

Mr. Little arose to a point of order that the motion of Mr. McCarten was not in order.

The President declared the point of order well taken.

The question being on the adoption of the resolution.

The motion prevailed.

Mr. Brown renewed his motion to have Mr. Pennoyer appointed janitor of the engrossing room,

Which motion prevailed.

Mr. McGillivray moved.

That the senate do now adjourn.

Mr. Rourke moved.

As a substitute that the senate take a recess until Wednesday at 12 o'clock.

The substitute motion prevailed, and  
The Senate took a recess.

J. C. GILL,  
Secretary

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## SIXTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 20, 1897.

The Senate met at 12 o'clock noon.

The President presiding.

### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 20, 1897.

MR. PRESIDENT:

I have the honor to return herewith  
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.

Also,

Senate Bill No. 25,

A bill for an act to amend section 1325 of the Revised Codes  
of the state of North Dakota,

Which the House has passed.

Very respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 20, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House has 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 of 1895 relating to holidays,

And that the Speaker has appointed Messrs. Hurley, Hawk and Hankinson as a committee with a like committee from the Senate to confer on the same.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That a conference committee be appointed on

House Bill No. 20,

Which motion prevailed.

The President appointed as such committee Messrs. Little, Rourke and Dunlap.

Mr. Rourke moved

That the House be notified that the Senate is now ready to meet them in joint session,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
JANUARY 20, 1897.

MR. PRESIDENT:

I am directed by the House to inform your honorable body that the House is now ready to receive you 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.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate now proceed to the House to meet them in joint session,

Which motion prevailed.

The Senate re-assembled.

The President made the following announcement:

At the session of the joint assembly just held the Journals were compared, and it was ascertained that Henry C. Hansbrough had received a majority of the votes cast by the members of the Senate and the House, and was duly declared elected United States senator for the state of North Dakota for the term beginning March 4, 1897.

Mr. Marshall moved

That we return to the first order of business,  
Which motion prevailed.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Benedict and Brown, who were excused.

Mr. McGillivray moved

That a committee of three be appointed to correct the Journal.  
Which motion prevailed.

The President appointed as such committee Messrs. Gordon, Mansfield and Hanscom.

The courtesies of the floor were extended to Messrs. Ormsby McHarg of Jamestown, G. O. Frank of Minot and S. M. Lockerby of Sargent.

#### REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads to whom was referred  
Senate Bill No. 57,

A bill for an act fixing the charges to be paid to the railroad for transporting the North Dakota National Guards and stores, horses, ammunition, equipments and baggage of the same, the terms of transporting the same and prescribing the penalty for the violation of said action,

Have had the same under consideration and recommend that the same do not pass.

Also,

Senate Bill No. 41,

A bill for an act to amend section 3006, article 5, chapter 12. of the civil code of the compiled laws of 1895, entitled "Board of Railroad Commissioners," and prescribing the salary of railroad commissioners and place of office,

Have had the same under consideration and recommend that the same do not pass.

JUDSON LAMOURE,  
Chairman.

Mr. Tufts moved

That a standing committee of three be appointed to read and correct the Journal.

The motion was lost.

#### INTRODUCTION OF BILLS.

Mr. Green introduced

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 stock.

Mr. Green introduced

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 stock.

Mr. Gordon introduced

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.

Mr. Tufts introduced

Senate Bill No. 70,

A bill for an act to amend section 5577 of the Revised Codes of North Dakota, in relation to the allowance of attorney fees as costs in foreclosure proceedings,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Mansfield introduced

Senate Bill No. 71,

A bill for an act to amend section 37, article 3 of chapter 2, Revised Codes,

Was read the first and second times, and

Referred to the committee on apportionment.

#### THIRD READING OF SENATE BILLS.

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state prison 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 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Clark,	Haggart,	McGillivray,
Creel,	Hanna,	Plain,
Davis,	Hanscom,	Rourke,
Dobie,	LaMoure,	Strom,
Dunlap,	Little,	Tufts,
Enger,	Mansfield,	Valentine,
Fuller,	Marshall,	Viets,
Gordon,	McCanna,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Brown,	Levang.

Mr. Wishek voting in the negative.

So the bill passed and the title was agreed to.

Mr. Haggart 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.

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 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Strom,
Dunlap,	Little,	Tufts,
Enger,	Mansfield,	Viets,
Fuller,	Marshall,	White,
Gordon,	McCanna,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Brown,	Valentine.

So the bill passed and the title was agreed to.

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 third time.

Mr. Rourke moved

To amend the bill by striking out the words "the people" in lines 5 and 6, section 5, and insert in lieu thereof the words "the state of North Dakota,"

Which motion prevailed.

Mr. White moved

That the following amendment be prefixed to section 1: Before the word "every" in line 1, section 1, of the printed bill, to insert the words "the board of county commissioners in any county at their discretion may require."

Mr. McGillivray moved

That the bill be recommitted to the committee on stock,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 20, 1897.

MR. PRESIDENT:

I have the honor to report that the House has concurred in the following concurrent resolution:

#### 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,  
H. E. LAVAYEE,  
Chief Clerk.

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 22, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—  
Clark,  
Creel,  
Davis,  
Dunlap,

Messrs—  
LaMoure,  
Little,  
Mansfield,  
Marshall,

Messrs—  
Rourke,  
Strom,  
Tufts,  
Valentine,

Messrs—  
Fuller,  
Gordon,  
Haggart,  
Hanscom,

Messrs—  
McCanna,  
McGillivray,  
Plain,

Messrs—  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—  
Dobie,  
Enger,

Messrs—  
Hanna,

Messrs—  
McCarten.

Absent and not voting:

Messrs—  
Arnold,  
Benedict,

Messrs—  
Brown,  
Green,

Messrs—  
Levang.

So the bill passed and the title was agreed to.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,  
Green,  
Haggart,

Messrs—  
Hanna,  
Hanscom,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,  
McGillivray,

Messrs—  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Arnold,  
Benedict,

Messrs—  
Brown,  
Fuller,

Messrs—  
LaMoure.

So the bill 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 weed,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Tufts,
Dunlap,	Mansfield,	Valentine,
Enger,	Marshall,	Viets.
Gordon,	McCanna,	White,
Green,	McCarten,	Wishek.
Hagart,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Brown,	LaMoure.
Benedict,	Fuller,	

Messrs. Benedict and Brown being excused.

So the bill passed and the title was agreed to.

#### REPORT OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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.

There being no objection, its title was read and the President affixed his signature.

The secretary announced that the President was about to sign House Bill No. 16,

Being a concurrent resolution to amend section 76 of the constitution of the state of North Dakota.

There being no objection, its title was read and the President affixed his signature.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifteenth day and find it correct,

And recommend that it be approved as read.

W. A. GORDON,  
Chairman.

Mr. Hanna moved

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

Mr. Marshall moved

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

J. C. GILL,  
Secretary.

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## TWENTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 26, 1897.

The Senate met pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Arnold, Brown, Clark, Creel, Dunlap, Fuller, Hanna, Hanscom, LaMoure, McCanna, Plain, Tufts, Valentine and Viets.

Mr. Rourke moved

That all absent members be excused,  
Which motion prevailed.

Mr. Little moved

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

J. C. GILL,  
Secretary.

## TWENTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 27, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Brown, Creel, Fuller, Hanna and Viets.

Mr. Little moved

That all absent members be excused,

Which motion prevailed.

The Journal of the sixteenth day was read and approved.

Mr. Haggart moved

That the courtesies of the floor be extended to Geo. F. Fuller and Maurice Williams,

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 25,

A bill for an act to amend section 1325 of the Revised Codes of the state of North Dakota,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

## INTRODUCTION OF BILLS.

Mr. Haggart introduced

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.

The secretary announced that the President was about to sign Senate Bill No. 25,

A bill for an act to amend section 1325, of the code of 1895.

There being no objection its title was read and the President's signature affixed.

Mr. Little introduced

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,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Rourke introduced

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 and second times, and

Referred to the committee on judiciary.

Mr. Rourke introduced

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.

Mr. Rourke introduced

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,

Was read the first and second times, and

Referred to the committee on appropriations.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

January 27, 1897.

*To the Senate:*

I have the honor to inform you that I have this day approved 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.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,

Governor.

Mr. Wishek introduced

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 and second times, and

Referred to the committee on judiciary.

Mr. Rourke introduced

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.

Mr. Wishek introduced

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 counties.

Mr. Strom introduced

Senate Bill No. 80,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota of 1895, entitled "Sabbath Breaking,"

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Gordon introduced

Senate Bill No. 81,

A bill for an act to amend section 4826 of the Revised Codes, relating to farm laborer's liens and limiting such liens as to landlords and existing chattel mortgages,

Which was read the first and second times, and

Referred to the committee on agriculture.

Mr. Gordon introduced

Senate Bill No. 82,

A bill for an act to amend section 1530 of the Revised Codes of North Dakota, relating to care of the insane,

Was read the first and second times, and

Referred to the committee on public health.

Mr. Green moved

That Senate Bill No. 53 be recommitted to the committee on stock,

Which motion prevailed.

Mr. Davis moved that the Senate do now adjourn,

Which motion prevailed, and the Senate adjourned.

J. C. GILL,  
Secretary.



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 TWENTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 28, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present Messrs. Brown, Creel, Fuller, Hanna, Tufts and Viets.

Mr. Haggart moved

That the absent members be excused,

Which motion prevailed.

The Journal of the twenty-second day was read and approved.

The Journal of the twenty-third day was read and approved.

STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

Senate Bill No. 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 be amended as follows:

By inserting after the figures \$1,485.95 in line 2 of section 1 of the printed bill the following: "Or so much thereof as may be necessary."

By inserting before the first word in line 1 of section 2 the following: "When the bills are audited as in other cases."

By striking out from line 4 in section 2 the words "shown by them," and inserting in lieu thereof the word "found."

By adding after the last word in line 10 the words "provided that no allowance shall be made for keeping vital statistics for the year 1896."

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

Mr. Plain moved

That the report be adopted,

Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 45,

A bill for an act to amend section 7677, of chapter 72, of the  
Revised Codes of North Dakota, entitled "Game and Fish,"

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

In the title strike out the word "section" and insert in lieu thereof the  
word "sections" and after the figures "7677" insert the word and figures  
"and 7679."

After section 1 insert section 2, to read as follows:

SEC. 2. That section 7679 of chapter 72 of the Revised Codes be amended  
to read as follows:

§ 7679. CATCHING FISH RESTRICTED.] Every person who, either

(1). Takes, catches, kills or destroys any fish of any kind in any of the  
lakes, streams or other waters of this state, except the Missouri and Mouse  
rivers in any manner other than by angling with hook and line; or

(2). Between the first day of November and the following first day of  
May in each year takes, catches, kills or destroys in any manner or by any  
device in any of the waters of this state, except the Missouri and Mouse  
rivers, any pike, pickerel, perch, bass or muscalonge for any purpose other  
than for propagating or breeding the same; or

(3). Exposes any such fish for sale during such period is guilty of a mis-  
demeanor and upon conviction thereof is punishable by a fine of not less  
than five and not exceeding twenty-five dollars, and for every subsequent  
offense by imprisonment in the county jail not exceeding thirty days, or by  
a fine of not less than ten and not exceeding one hundred dollars, or by both.

Change the numbering of section 2, making it number 3.

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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 recommend that the  
same be amended as follows:

By adding at the close of section 1 the words following, "Such assessors  
shall each receive as compensation three dollars for each day actually and  
necessarily employed in the discharge of their duties."

By adding at the close of section 2 the words following, "But wherever

such assessors were chosen by ballot at the general election for 1896, such election shall be deemed valid."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 14,

A bill for an act 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 inserting after the word "granted" in line 7 of the printed bill, the words "by the court."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 12,

A bill for an act 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 do pass.

Also,  
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 do pass.

C. B. LITTLE,  
Chairman.

## INTRODUCTION OF BILLS.

Mr. Little introduced

Senate Bill No. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to the state board of canvassers,

Was read the first and second times, and

Referred to the committee on judiciary.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES, }  
January 28, 1897. }

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 39,

A bill for an act to amend section 8166 of the Revised Codes of North Dakota,

Which the House has passed and your favorable consideration of the same is respectfully requested.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Dobie introduced

Senate Bill No. 84,

A bill for an act to repeal sections 1681 and 1682 of the political code of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. LaMoure introduced

Senate Bill No. 85,

A bill for an act amending section 2106 of article 19 of the political code of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Clark introduced

Senate Bill No. 86,

A bill for an act to amend section 2063 of the Revised Codes of North Dakota,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

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 judiciary.

Mr. Rourke moved

That the rules be suspended and that Senate Bill No. 32 be placed upon its third reading and 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.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
Plain,  
Rourke,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Brown,  
Creel,  
Fuller,

Messrs—

Hanna,  
McCanna,  
McGillivray,

Messrs—

Tufts,  
Viets.

Messrs. Brown, Creel, Fuller, Hanna, McCanna, McGillivray, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the rules be suspended and Senate Bill No. 12 be placed on its third reading and final passage,

Which motion prevailed, and

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.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,

Messrs—

Green,  
Haggart,  
LaMoure,

Messrs—

McCarten,  
Plain,  
Rourke,

Messrs—  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,

Messrs—  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Brown,  
Creel,  
Fuller,

Messrs—  
Hanna,  
Hanscom,  
McGillivray,

Messrs—  
Tufts,  
Viets.

Messrs. Brown, Creel, Fuller, Hanna, Hanscom, McGillivray,  
Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. C. GILL,  
Secretary.

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## TWENTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 29, 1897

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Fuller, Gordon, Haggart  
and LaMoure.

Mr. Tufts moved

That all absent members be excused,

Which motion prevailed.

Mr. Valentine moved

That the reading of the Journal be dispensed with and a com-  
mittee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Dunlap, Davis and Wishek.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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,

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

Also,

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 do pass.

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 appointment of the members thereof for the state penitentiary and the state reform school,

Have had the same under consideration and 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:

That the word "hundred" in line 4 of the printed bill be stricken out and the word "thousand" inserted in lieu thereof.

That the word "hundred" in line 21 of the printed bill be stricken out and the word "thousand" inserted in lieu thereof.

That the word "hundred" in the emergency clause, line 34, printed bill, be stricken out and the word "thousand" inserted in lieu thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

Mr. McCanna moved  
That the courtesies of the floor be extended to James B. Eaton  
of Ramsey county,  
Which motion prevailed.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McCanna introduced the following concurrent resolution:

## CONCURRENT RESOLUTION,

*Resolved by the Senate, the House Concurring,* That the secretary of 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.

Mr. McCanna moved  
That the concurrent resolution be adopted,  
Which motion prevailed, and  
The concurrent resolution was adopted.

Mr. Little introduced  
Senate Bill No. 88,  
A bill for an act to amend section 7677 of the Revised Codes of 1895,  
Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Hanna introduced  
Senate Bill No. 89,  
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,  
Was read the first and second times, and  
Referred to the committee on public lands.

Mr. Dobie introduced  
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 agriculture.

## THIRD 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 third time.  
The question being upon the final passage of the bill.  
The roll being called there were ayes 26, absent and not voting 5.



Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Hanna,	Plain,
Brown,	Hanscom,	Rourke,
Clark,	Levang,	Strom,
Creel,	Little,	Tufts,
Davis,	Mansfield,	Valentine,
Dobie,	Marshall,	White,
Dunlap,	McCanna,	Wishek.
Enger,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Haggart,	Viets.
Gordon,	LaMoure,	

So the bill passed and the title was agreed to.

Senate Bill No. 45

Was read the third time.

Mr. Mansfield moved

That Senate Bill No. 45

Be made a special order for Saturday, January 30, at 2:30 o'clock.

Mr. Tufts moved, as a substitute,

That Senate Bill No. 45

Be recommitted to the committee to be compared with other Senate bills of similar nature.

The question being on the substitute motion.

Roll call demanded.

The roll being called there were ayes 10, nays 16, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Hanna,	Tufts,
Clark,	Mansfield,	White.
Davis,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Levang,	Rourke,
Creel,	Marshall,	Strom,
Dobie,	McCanna,	Valentine,
Dunlap,	McCarten,	Viets,
Enger,	Plain,	Wishek.
Hanscom,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Haggart,	Little.
Gordon,	LaMoure,	

Messrs. Fuller, Gordon, Haggart, LaMoure and Little being excused.

So the substitute motion was lost.

The question recurring to the original motion,

The motion prevailed, and

The bill was made a special order for Saturday, Jan. 30, 1897.

Senate Bill No. 60,

A bill for an act to provide for the elections, appointment and qualifications of county assessors,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Plain,
Benedict,	Hanscom,	Rourke,
Brown,	Levang,	Strom,
Clark,	Little,	Tufts,
Creel,	Mansfield,	Valentine,
Dobie,	Marshall,	Viets,
Dunlap,	McCanna,	White.
Enger,	McCarten,	Wishek.
Green,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Gordon,	LaMoure.
Fuller,	Haggart,	

Messrs. Fuller, Gordon, Haggart and LaMoure being excused.

So the bill passed.

The question being upon the title.

Mr. Brown moved

To amend by inserting after the word "qualification" the words "and compensation,"

Which motion prevailed, and

The title was agreed to as read.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
January 29, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House has concurred in the Senate amendment to

House Bill No. 20,  
 A bill for an act to amend sections 5124 and 5125 of the Revised  
 Codes relating to holidays,  
 And have passed the same as amended.

Very respectfully,  
 H. E. LAVAYEA,  
 Chief Clerk.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
 JANUARY 29, 1897.

MR. PRESIDENT:

I have the honor to return herewith  
 A joint memorial to congress,  
 Which the House has passed.

Also,  
 A concurrent resolution,  
 Which has passed the House and your concurrence therein is  
 respectfully requested.

Also,  
 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.

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

Respectfully,  
 H. E. LAVAYEA,  
 Chief Clerk.

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.

The roll being called there were ayes 22, nays none, absent and  
 not voting 9.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Plain,
Brown,	Levang,	Rourke,
Clark,	Little,	Strom,
Dobie,	Mansfield,	Tufts,
Dunlap,	Marshall,	Valentine,
Enger,	McCanna,	Viets,
Green,	McGillivray,	Wishek.
Hanna.		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	LaMoure,
Creel,	Gordon,	McCarten,
Davis,	Haggart,	White.

Messrs. Fuller, Gordon, Haggart and LaMoure being excused.

· So the bill passed and the title was agreed to.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 29, 1897.

*To the Senate:*

I have the honor to inform you that I have this day approved Senate Bill No. 25,  
Entitled an act to amend section 1325 of the Revised Codes of the state of North Dakota

Yours respectfully,  
F. A. BRIGGS,  
Governor.

#### FIRST READING OF HOUSE BILLS.

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 first and second times, and  
Referred to the committee on judiciary.

The secretary announced that the President was about to sign a concurrent resolution, being a memorial to congress asking for a grant of 30,000 acres of land for a school of forestry.

There being no objection, the resolution was read and the President's signature affixed.

Mr. Tufts moved

That the rules be suspended and the courtesies of the floor be extended to Messrs. G. E. Bowers and R. S. Lewis,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and House Bills Nos. 20, 22 and 46, and the two concurrent resolutions messaged from the House be given their first and second readings and referred to their proper committees,

Which motion prevailed.

Mr. McGillivray asked unanimous consent to introduce a bill.

There being no objection,

Mr. McGillivray introduced

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.

House Bill No. 20

Was returned to the House.

The two concurrent resolutions from the House

Were read the first and second times, and

Referred to the committee on federal relations.

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 and second times, and

Referred to the committee on judiciary.

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 and second times, and

Referred to the committee on judiciary,

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal re-

spectfully report that they have carefully examined the Journal of the twenty-fourth day, and recommend it be adopted.

C. DUNLAP,  
Chairman.

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

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

J. C. GILL,  
Secretary.

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## TWENTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present.

The Journal of the twenty-fifth day was read and approved.

### REPORTS OF STANDING COMMITTEES.

The committee on cities and municipalities made the following report:

MR. SPEAKER:

Your committee on cities and municipalities to whom was referred

Senate Bill No. 40,

A bill for an act to provide for the creation of improvement

districts within cities, to pave and otherwise improve the streets within the same, and provide for the issuance of bonds for the payment of the same, and the assessment of the property benefited thereby, for the payment of the bonds on the basis of the superficial area affected.

Have had the same under consideration and recommend the passage of a substitute bill which is herewith reported, and further recommend the bill be printed, and when so printed be referred to the committee of the whole,

And when so amended recommend that the same do pass.

J. S. GREEN,  
Chairman.

Mr. Green moved  
The adoption of the report  
Which motion prevailed,  
And the report was adopted.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 30, 1897.

MR. PRESIDENT:

I have the honor to return herewith

Senate Bill No. 26,

A bill for an act relating to the taking of depositions,

Which the House has amended with with the following amendment:

That the word "shall" be substituted for the word "will" in the sixth line of section 1, between the words "notice" and "be," reference being had to the written bill.

Also,

Senate Bill No. 27,

A bill for an act regulating procedure in civil actions,

Which the House has passed with the following amendment:

That the word "actions" be substituted in place of the word "action" in the title of the bill.

I have also the honor to transmit herewith

A joint memorial to congress, praying for the passage of House File No. 1, now pending in congress, which the House has passed and your concurrence therein is respectfully requested.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

## STANDING COMMITTEES.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred  
Senate Bill No. 16.

A bill for an act entitled an "act providing for the redemption of lands sold for taxes in the state of North Dakota, for the years 1890, 1891, 1892, 1893, 1894 and 1895,

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

D. W. McCANNA,  
Chairman.

The committee on counties made the following report:

MR. PRESIDENT:

Your committee on counties 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.

L. B. HANNA,  
Chairman.

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities to whom was referred

Senate Bill No. 56,

A bill for an act to amend sections 2133 and 2252 of the civil code of the state of North Dakota, relating to the organization of cities,

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

J. S. GREEN,  
Chairman.

## INTRODUCTION OF SENATE BILLS.

Mr. Creel introduced

Senate Bill No. 92,

A bill for an act to declare unlawful and void 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 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 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 corporations other than municipal.

Mr. Viets introduced

Senate Bill No. 93,

A bill for an act entitled an act amending section 842 of the political code of 1895, relating to the issuance of bonds by independent school districts,

Was read the first and second times, and

Referred to the committee on education.

Mr. Gordon introduced

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.

Mr. Gordon introduced

Senate Bill No. 95,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota; providing for reimbursing 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 first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

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 railroads.

## THIRD READING OF SENATE BILLS.

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.

The roll being called there were ayes 31, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine.  
Viets,  
White,  
Wishek.

So the bill passed and the title was agreed to.

## CONSIDERATION OF SPECIAL ORDERS.

Senate Bill No. 45,

A bill for an act to amend section 7677, of chapter 72, of the Revised Codes of North Dakota, entitled "Game and Fish,"

Being under consideration,

Mr. Mansfield moved

To amend Senate Bill No. 45 by striking out the word "plover" in line 3 of section 1 of the printed bill,

Which motion prevailed.

Mr. Dobie moved

To amend the bill by adding the words "Red River" after the words "Mouse River,"

Which motion prevailed.

Mr. McGillivray moved

As a substitute that the bill be recommitted to the committee on state affairs.

The question being on the substitute motion,

The substitute motion was lost.

The question being on Mr. Mansfield's motion to amend,

The motion prevailed.

The question recurring to Mr. Dobie's motion to amend

The motion prevailed.

Mr. Green moved

To amend the bill by striking out all after the word "sheep" in line 2 of section 5, and add the words "five years after the passage of this act or."

Mr. Marshall moved

To amend the amendment by inserting at the end of section 5, line 2, the words "that no man shall shoot more than five of the above named animals in one year."

Mr. McGillivray moved

To make Senate Bill No. 45 a special order for Tuesday, February 2, at 2 o'clock p. m.

Roll call demanded.

The roll being called there were ayes 15, nays 14, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Davis,	Haggart,	Mansfield.
Dobie,	Hanna,	McGillivray,
Gordon,	Hanscom,	Tufts,
Fuller,	LaMoure,	Valentine,
Green,	Levang,	White.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Rourke,
Brown,	Marshall,	Strom,
Clark,	McCanna,	Viets,
Creel,	McCarten,	Wishek.
Dunlap,	Plain,	

Messrs. Benedict and Little were absent.

So the motion prevailed and Senate Bill No. 45 was made a special order for Tuesday, February 2, at 3 o'clock.

Mr. Valentine moved that  
Senate Bill No. 16,

A bill for an act entitled an act providing for the redemption of lands sold for taxes in the state thereof of North Dakota for the years 1890, 1891, 1892, 1893, 1894 and 1895,

Be given its third reading and final passage,  
Which motion prevailed.

Senate Bill No. 16  
Was read the third time.

Mr. Rourke moved

To amend the bill by adding the following after section 3:

Whereas, An emergency exists in this, that there is no existing provisions

of law relating to the subject covered by the foregoing bill; therefore this act shall take effect and be in force from and after its passage and approval,

Which motion prevailed.

Mr. Hanna moved

To amend the bill by striking out all of section 4,

Which motion prevailed.

Mr. Dunlap moved

To make Senate Bill No. 16 a special order for next Wednesday, Feb. 3, at 2:30 o'clock.

The motion was lost.

Mr. Brown moved

To amend by inserting in subdivision 2, line 2, after the word "deeds" the words "and assignments."

Mr. Brown withdrew his motion to amend.

Mr. Brown moved

That the bill be recommitted to the committee on public lands.

Roll call demanded.

The roll being called there were ayes 17, nays 13, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Fulcr,  
Gordon,  
Hanscom,  
LaMoure,  
Levang,

Messrs—

Mansfield,  
McCarten,  
Plain,  
Strom,  
White.

Those who voted in the negative were:

Messrs—

Clark,  
Green,  
Haggart,  
Hanna,  
Little,

Messrs—

Marshall,  
McCanna,  
McGillivray,  
Rourke,

Messrs—

Tufts,  
Valentine,  
Viets,  
Wishiek.

Mr. Benedict being absent.

So the motion prevailed, and

The bill was recommitted.

Mr. Little moved

That the rules be suspended and that the Senate concur in the House amendments to Senate Bills No. 26 and 27,

Which motion prevailed.

Senate Bill No. 26,

A bill for an act entitled an act relating to the taking of depositions,

Was read.

The question being upon concurring in the House amendments.

The roll being called there were ayes 27, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure.	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets.
Enger,	Marshall,	White,
Green,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	McGillivray,
Gordon.		

So the House amendments were concurred in, the bill passed and the title was agreed to.

Senate Bill No. 27,  
A bill for an act regulating procedure in civil actions,  
Was read.

The question being upon concurring in the House amendments.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Green,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Gordon,	McGillivray,
Fuller,		

So the House amendments were concurred in, the bill passed and the title was agreed to.

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.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Ceele,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanua,

Messrs—

McCarten,  
Plain,  
Rourke,  
Strom,  
Tuffs,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Benedict,  
Fuller,

Messrs—

Green,

Messrs—

McGillivray.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 77 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Viets asked unanimous consent to return to the sixth order of business.

The Senate returned to the sixth order of business.

#### STANDING COMMITTEES.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred Senate Bill No. 4,

A bill for an act providing 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.

F. VIETS,  
Chairman.

Mr. Hanna asked unanimous consent to return to the eighth order of business.

The Senate returned to the eighth order of business.

Mr. Hanna moved

That the courtesies of the floor be extended to W. J. Higgins of the "Record,"

Which motion prevailed.

Mr. Fuller moved

That the courtesies of the floor be extended to A. Halstead of Jamestown,

Which motion prevailed

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. C. GILL,  
Secretary.

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## TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 1, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Fuller, Haggart, Hanna, McCanna, Tufts, Valentine and Wishek.

Mr. Little moved

That all absent members be excused,

Which motion prevailed.

The President made official announcement of the death of the secretary of the Senate, Hon. J. C. Gill, and declared a vacancy in said office.

Mr. Little moved

That the reading of the Journal be dispensed with, and that a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Creel, Enger and Davis.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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,

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,

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,

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

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 court,

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

By adding and inserting, immediately after the figures 2059, in line 4 of the bill as printed, the words "of this code."

By striking out all of section 2 of said bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads 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 amended as follows:

Strike out all after the word "state" in section 1, line 17. Reference being had to the written bill.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 36,

A bill for an act entitled an act amending section 179 of the constitution of the state of North Dakota,

Have had the same under consideration and recommend that the same be referred to the committee on judiciary.

JUDSON LAMOURE,  
Chairman.

#### MOTIONS AND RESOLUTIONS.

Mr. White moved

That the assistant secretary be authorized to act as secretary until the vacancy in that office was filled,

Which motion prevailed.

Mr. Green introduced the following resolution:

WHEREAS, The Senate of the state of North Dakota has heard with profound sorrow of the death of Henry S. Parkin, late a member of this body from the 30th senatorial district; and

WHEREAS, Henry S. Parkin was for many years identified with the development of the western part of the territory of Dakota, and the state of North Dakota—a man whose bounty to the poor and unfortunate was a household word in the community where he was known, and whose untimely death was mourned by hundreds who knew him as a good citizen, an honest politician, a man of fixed principles and stable character,

Resolved, That we hereby extend to his widow and other sorrowing relatives the appreciation of his colleagues for his sterling qualities and his noble and unselfish life.

Mr. Green moved

That the resolution be adopted and an enrolled copy be sent to the family of the deceased,

Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Little introduced

Senate Bill No. 97,

A bill for an act to regulate the payment of expenses of removing convicts to the penitentiary and insane persons to the hospital and expenses of extraditing fugitives from justice,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Rourke introduced  
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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 1, 1897.

MR. PRESIDENT:

I have the honor to return herewith  
Concurrent resolution relating to publishing Legislative Manuals,  
Which the House has concurred in.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Marshall,
Benedict,	Gordou,	McCarten,
Brown,	Green,	McGillivray,
Clark,	Hanscom,	Plain,
Creel,	LeMoure,	Rourke,
Davis,	Levang,	Srom,
Dobie,	Little,	Viets,
Dunlap,	Mansfield,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	McCanna,	Valentine,
Haggart,	Tufts,	Wishek.
Hanna,		

Messrs. Haggart, Hanna, McCanna, Tufts and Wishek being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 4 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Senate Bill No. 56,

A bill for an act to amend sections 2133 and 2252 of the civil code of the state of North Dakota, relating to the organization of cities,

Was read the third time.

Mr. Rourke moved

To amend the bill by striking out the words "one thousand" in line 4 of section 1 and insert in lieu thereof the words "seven hundred."

Which motion prevailed.

Mr. Arnold moved

To make the bill a special order for 3 o'clock Wednesday, February 3, 1897.

Which motion prevailed.

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 question being upon the final passage of the bill.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCarten,
Benedict,	Gordon,	McGillivray,
Brown,	Green,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	Levang,	Strom,
Davis,	Little,	Viets,
Dobie,	Mansfield,	White.
Dunlap,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Valentine,
Haggart,	McCanna,	Wishek.
Hanna,	Tufts,	

Messrs. Haggart, Hanna, McCanna, Tufts and Wishek being excused.

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to Col. Grant Hager of Pembina and Geo. Bingenheimer and H. G. Voss of Mandan.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 1, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships.

Also,

House Bill No. 51,

A bill for an act fixing the date when the term of office of county auditor shall commence,

Also,

House Bill No. 59,

A bill for an act to provide for the allowance and payment of witness fees in certain cases.

Which the House has passed and your favorable consideration of the same is respectfully requested.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. White asked unanimous consent to return to the ninth order of business for the purpose of introducing a bill.

Mr. White introduced

Senate Bill No. 99,

A bill for an act to regulate the payment of expenses of maintaining and treating patients in the hospital for the insane.

Mr. White moved

That the bill be given its first and second reading, and referred to its proper committee,

Which motion prevailed, and the bill

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Little moved

That the rules be suspended and the concurrent resolution from the House in regard to the railway mail service be read and placed upon its final passage,

Which motion prevailed, and

The resolution was read as follows:

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 resolution.

The roll being called there were ayes 18, nays 3, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dunlap,	Marshall.
Benedict,	Enger,	McGilvray,
Brown,	Gordon,	Rourke,
Clark,	Hanscom,	Stron,
Creel,	Little,	Viets,
Davis,	Mansfield,	White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	LaMoure,	McCarten.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Levang,	Tufts,
Green,	McCanna,	Valentine,
Haggart,	Plain,	Wishek.
Hanna,		

Messrs. Fuller, Haggart, Hanna, McCanna, Tufts, Valentine and Wishek being excused.

So the resolution passed.

Mr. Dunlap moved

That the vote by which the concurrent resolution was passed be reconsidered,

Which motion prevailed, and

The resolution was referred to the committee on federal relations.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordon,  
Green,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Viets,  
White.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
Hanna,

Messrs—

McCanna,  
Tufts,

Messrs—

Valentine,  
Wishek.

Messrs. Fuller, Haggart, Hanna, McCanna, Tufts, Valentine and Wishek being excused.

So the bill passed and the title was agreed to.

Mr. Rourke moved

The appointment of a committee of three to draft suitable resolutions of sympathy and respect on the death of Hon. J. C. Gill, secretary of the Senate,

Which motion prevailed.

The president appointed as such committee Messrs. Arnold, Marshall and McCarten.

Mr. Little moved

That the Senate take a recess until Wednesday, February 3, at 2 o'clock p. m., out of respect to the memory of Hon. J. C. Gill,

Which motion prevailed, and

The Senate took a recess until Wednesday, February 3, at 2 o'clock.

C. W. GETCHELL,  
Acting Secretary.

## THIRTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 3, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Marshall, McGillivray and Tufts.

Mr. Hanscom moved

That all absent members be excused,

Which motion prevailed.

Mr. Hanna nominated J. O. Smith of Casselton for secretary of the Senate.

There being no other nominations

The roll was called.

Those voting for Mr. Smith were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McCarten,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	Viets,
Enger,	Mansfield,	White,
Fu ler,	McCanna,	Wishek.
Gordon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Davis,	Marshall,	Tufts.

Mr. Smith having received a majority of all the votes cast was declared elected secretary of the Senate.

J. O. Smith was sworn in as secretary of the Senate by the President.

Mr. Little moved

That the reading of the Journal be dispensed with, and a committee be appointed to correct the same,

Which motion prevailed, and  
The President appointed as such committee Messrs. Viets,  
Strom and Enger.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 3, 1897.

MR. PRESIDENT:

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,

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,

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

I also have the honor to return herewith

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,

Which the House has passed.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith a concurrent resolution, instructing the attorney general to appear in conjunction with the states attorneys in 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,

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

The secretary announced that the President 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 President affixed his signature.

Mr. Little moved

That the concurrent resolution in regard to the railway mail service be re-called from the committee on federal relations,

Which motion prevailed, and

The following resolution was re-called:

#### 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.

Mr. Little moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

The courtesies of the floor were extended to C. H. Shields of Edgeley, N. D., and John Mahoney of Jamestown.

Mr. Plain introduced the following petition:

*To the Senate and House of Representatives in Session Assembled at Bismarck, North Dakota:*

We, the undersigned legal voters of Cavalier county and state of North Dakota, hereby humbly petition your honorable body to change the now existing laws regarding the filing of chattel mortgages and other such documents, so they will be similar to the now existing laws upon this subject in the state of Minnesota.

PETER J. HANSON  
(And 30 Others).

Mr. Creel presented the following petition:

We, the undersigned citizens of the state of North Dakota, appeal to the honorable legislative assembly of this state that the laws for protection of game described in sections 7677 and 7683 of the penal code of this state be replaced as per bill attached hereto.

A. W. SCHMIDT  
(And 65 Others).

#### AN ACT FOR PROTECTION OF GAME.

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

That all the laws in force prior to this act, and described in sections 7677 and 7683 of the penal code of this state be replaced as follows:

§ 7677. SHOOTING AND KILLING RESTRICTED.] Every person who either

First. Shoots or kills any prairie chicken, pinnated grouse, sharp tailed grouse, ruffed grouse, woodcock or plover between the 10th day of October and the 20th day of August of the year following, or any wild duck between the 1st day of December and the 15th day of September of the year following, or any song bird at any time; or

Second. At any time kills or shoots any birds mentioned in subdivision 1 with any other gun except such as is commonly shot from the shoulder, or in any way makes use of any artificial light or battery; or

Third. Uses or employs any trap, snare or bird lime, or medicated, drugged or poisoned grain or food to capture or kill any of the birds mentioned in subdivision 1 of this section; or

Fourth. Wantonly destroys any nest of eggs of any of the birds mentioned in subdivision 1 of this section; or

Fifth. Shoots or kills any buffalo, elk, deer, antelope, carribou or mountain sheep between the fifteenth day of December and the first day of November following; or

Sixth. At any time uses or employs any hound or dog in running or driving any of the animals mentioned in subdivision 5 of this section; or

Seventh. Sets any spring or other gun, trap, snare or other device to kill, wound or destroy any of the animals mentioned in subdivision 5 of this section; or

Eighth. Knowingly hurts, in any way, upon the inclosed or cultivated lands of another without the consent of the owner or his agent or tenant; or

Ninth. Shoots or kills in any one day more than twenty-five of the game birds mentioned in subdivision 1, or more than five of the animals mentioned in subdivision 5 of this section, is guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county, is punishable by a fine of \$10 for each of the birds mentioned in subdivision 1 of this section so shot or killed, or nest of eggs so destroyed, and for each violation of subdi-

vision 2, 3 or 8 of this section; and \$100 for each animal mentioned in subdivision 5 of this section so shot or killed, and \$100 for each violation of subdivision 6, 7 or 9 of this section.

§ 7683. SHIPPING OUT OF THE STATE.] Every person who, within this state, ships or receives for shipment beyond the limits of this state any of the game birds or animals mentioned in section 7677 or any of the fish mentioned in 7679, is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of \$10 for each game bird or fish so shipped or received, and \$100 for each animal so shipped or received.

All acts and parts of acts inconsistent and conflicting with this act are hereby repealed.

#### REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture to whom was referred  
Senate Bill No. 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 amended as follows:

In line 2 of printed bill, between the words "and" and "is," insert the words "the same."

And section 1 be inserted before the first section of bill.

And that when so amended recommend that it do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved  
The adoption of the report  
Which motion prevailed,  
And the report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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 do pass.

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,

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

C. B. LITTLE,  
Chairman.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred Senate Bill No. 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 be amended as follows:

By inserting in first line of title, immediately after the figures "3231" the figures "3242" and by striking out the words "civil code" in second line of title and inserting in lieu thereof the word "codes."

By inserting after the title of the bill the words "Be it enacted by the legislative assembly of the state of North Dakota."

By inserting in line 1 of printed bill immediately before the word "section" the word "that," and immediately after the figures "3231" the words "of the Revised Codes of said state"

By striking out of line 24 of the printed bill the word "village."

By inserting in line 56 of the printed bill, immediately after the word "shall" the word "each."

By inserting in line 28 of the printed bill immediately after the figures "3254" the words "of said Revised Codes."

By inserting in line 46 of the printed bill immediately after the figures "2255" the words "of said Revised Codes."

By inserting in line 54 of the printed bill immediately after the figures "3256" the words "of said Revised Codes."

By inserting in line 65 of the printed bill immediately after the figures "3258" the words "of said Revised Codes."

By inserting between lines 27 and 28 of said bill as printed a new 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 association 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.

And when so amended recommend that the same do pass.

F. VIETS,  
Chairman.

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

REPORTS OF SPECIAL COMMITTEES.

BISMARCK, N. D., February 3, 1897.

MR. PRESIDENT:

Your special committee appointed to draft resolutions concerning the demise of the late secretary of the Senate, beg leave to report the following:

WHEREAS, Death hath entered this chamber and removed hence James C. Gill, late secretary of the Senate; and,

WHEREAS, As an officer of this body he rightfully possessed the confidence and friendship of every senator; and,

WHEREAS, In the capacity of representative in the Second Legislative assembly, and of Speaker of the House in the Fourth Legislative assembly, he exerted, as a legislator, a powerful and beneficent influence; therefore, be it

*Resolved*, That in the death of Mr. Gill the Senate lost an able and worthy officer, that wise and good legislation lost an earnest advocate, and that the world lost one of its noblest men. Be it further

*Resolved*, That an engrossed copy of these resolutions be transmitted to the family of the deceased.

H. F. ARNOLD,  
 Chairman of Committee.

Mr. Arnold moved  
 The adoption of the report,  
 Which motion prevailed, and  
 The report was adopted.

Mr. Little in the chair.

Mr. Gordon moved  
 That substitute for Senate Bill No. 40 be made a special order for Saturday, February 6, at 3 o'clock.

Mr. Rourke moved  
 That the treasurer and auditor be instructed to furnish the Senate with the following information:

What sum or sums of money have been paid to the superintendent of irrigation and forestry out of the state treasury during the fiscal year ending June 30, 1896?

2. Out of what fund paid?

3. Under what existing provision of law paid?

Which motion prevailed.

Mr. McCarten offered the following resolution:

*Resolved*, That the state auditor be requested to communicate to the Senate whether or not any license fees have been paid as provided for in sections 1744, 1745 and 1751 of the Revised Codes, and if not to state why such license fees have not been paid.

Mr. McCarten moved  
The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined  
Senate Bill No. 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,  
And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign  
Senate Bill No. 27,  
A bill for an act regulating procedure in civil actions.

There being no objection, its title was read and the President  
affixed his signature.

The secretary announced that the President was about to sign  
Senate Bill No. 26,  
A bill for an act relating to the taking of depositions.

There being no objection its title was read and the President  
affixed his signature.

#### INTRODUCTION OF BILLS.

Mr. Strom introduced  
Senate Bill No. 100,  
A bill for an act entitled an act to provide for the inspection of  
steam boilers and licensing steam engineers,  
Was read the first and second times, and  
Referred to the committee on agriculture.

Mr. Creel introduced  
Senate Bill No. 101,  
A bill for an act to amend sections 7677 and 7683 of the penal  
code of the state of North Dakota, providing more fully for the  
protection of game,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. LaMoure moved

That all matters pertaining to the game law be carried over until tomorrow at 3 o'clock,

Which motion prevailed.

Mr. Rourke introduced

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 first and second times, and

Referred to the committee on state affairs.

The President presiding,

Mr. Rourke introduced

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.

Mr. Creel introduced

Senate Bill No. 104,

A concurrent resolution to amend sub-division 1, 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.

Mr. Dunlap asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. Dunlap offered the following concurrent resolution:

#### CONCURRENT RESOLUTION,

WHEREAS, There have been a large number of bills introduced in both Houses of this legislature in regard to taxes:

*Resolved by the Senate, the House Concurring:*

That the President of the Senate appoint a committee of four and the Speaker of the House a committee of five to act in conjunction with each other as a committee on taxes and tax laws.

Mr. Dunlap moved

That the concurrent resolution be adopted,

Which motion prevailed, and

The concurrent resolution was adopted.

#### GENERAL ORDERS.

Senate Bill No. 56,

A bill for an act to amend sections 2133 and 2252 of the civil code of the state of North Dakota, relating to the organization of cities,

Being under consideration.

Mr. Rourke moved

That Senate Bill No. 56 be recommitted to the committee on cities and municipalities.

Which motion prevailed.

Mr. Haggart moved

That T. S. Nordgaard, Senate janitor, be excused,

Which motion prevailed.

Mr. Little presiding.

THIRD READING OF SENATE BILLS.

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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCanna,
Benedict,	Gordon,	McCarten,
Brown,	Green,	Plain,
Clark,	Hanna,	Strom,
Cecl,	Hanscom,	Valentine,
Davis,	LaMoure,	Viets,
Dobie,	Little,	White,
Dunlap,	Mansfield,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Marshall,	Rourke,
Haggart,	McGillivray.	Tufts.
Levang,		

Messrs. Fuller, Haggart, Levang, Marshall, McGillivray, Rourke and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Creel asked unanimous consent to return to the eighth order of business.

The Senate returned to the eighth order of business.

Mr. Creel moved

That Senate Bill No. 104 be re-referred to the committee on state affairs.



Roll call demanded.

The roll being called there were ayes 9, nays 14, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Creel,	Hanscom,	McCarten,
Dobie,	Levang,	Plain,
Dunlap,	McCanna,	Strom.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Mansfield,
Benedict,	Green,	Valentine,
Clark,	Hanna,	Viets,
Davis,	LaMoure,	Wishek.
Fuller,	Little,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Marshall,	Tufts,
Enger,	McGillivray,	White.
Haggart,	Rourke,	

Messrs. Brown, Enger, Haggart, Marshall, McGillivray, Rourke, Tufts and White being excused.

So the motion was lost.

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

The Senate returned to the seventh order of business.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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:

Strike out on page 1, line 5, the word "twenty-sixth" and insert the word "twenty-fifth."

On page 6, line 11, to strike out the figure "2" and insert the figure "3."

And when so amended recommend that the Journal of the twenty-fifth day be approved.

H. M. CREEL,  
Chairman.

Mr. Creel 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.

Senate Bill No. 31,

Was read the third time.

Mr. Green moved

To amend by striking out the word "November" in line 13 and inserting in lieu thereof the word "December."

Which motion prevailed.

The President presiding.

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.

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

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Leving,  
Little,

Messrs—

Mansfield,  
McCanna,  
McCarten,  
Plain,  
Strom,  
Viets,  
White,  
Wishek

Absent and not voting:

Messrs—

Dunlap,  
Marshall,

Messrs—

McGillivray,  
Rourke,

Messrs—

Tufts,  
Valentine.

Messrs. Dunlap, Marshall, McGillivray, Rourke, Tufts and Valentine being excused.

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

Senate Bill No. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to the 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 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Gordou,	McCanna,
Brown,	Green,	McCarten,
Clark,	Haggart,	Plain,
Creel,	Hanna,	Strom,
Davis,	Hanscom,	Valentine,
Dobie,	LaMoure,	Viets,
Dunlap,	Levang,	White,
Enger,	Little,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Marshall,	Rourke,	Tufts.
McGillivray,		

Messrs. Marshall, McGillivray, Rourke and Tufts being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 86,

A bill for an act to amend section 2063 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 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Gordon,	McCanna,
Brown,	Green,	McCarten,
Clark,	Haggart,	Plain,
Creel,	Hanna,	Rourke,
Davis,	Hanscom,	Strom,
Dobie,	LaMoure,	Viets,
Dunlap,	Levang,	White,
Enger,	Little,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Marshall,	Tufts,	Valentine.
McGillivray,		

Messrs. Marshall, McGillivray, Tufts and Valentine being excused.

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

House Bill No. 51,

A bill for an act fixing date when the term of office of county auditor shall commence,

Was read the first and second times, and  
Referred to the committee on state affairs.

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 and second times, and  
Referred to the committee on judiciary.

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships,

Was read the first and second times, and  
Referred to the committee on cities and municipalities.

Mr. Hanna moved

That all bills in regard to game laws be recalled from the committee and given into the hands of a special joint committee of six, three from the House and three from the Senate,

Which motion prevailed.

Mr. Little moved

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

J. O. SMITH,  
Secretary.

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## THIRTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Marshall and Tufts who were excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The president appointed as such committee Messrs. Valentine, Benedict and Green.

## PETITIONS AND COMMUNICATIONS.

Mr. Dobie presented the following petition:

*To James Dobie, Senator 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)

Mr. Haggart presented the following petition:

FARGO, N. D., Jan. 21, 1897.

*To the Honorable Senator 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, a copy of which is hereto attached.

C. A. JORDAN,  
Pres. F. T. C., Fargo,  
(And 235 others.)

Mr. Hanna presented the following petitions:

*To Hon. L. B. Hanna, Senator Eleventh District:*

We, the undersigned voters of the Eleventh 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 42 others.)

*To L. B. Hanna, Senator 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.)

*To Hon. L. B. Hanna, Senator 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 re-

peal 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.)

Mr. LaMoure presented the following petitions:

*To Hon. Jud LaMoure, Senator 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.

LAWRENCE BUCK,  
(and 15 others.)

*To Hon. Jud LaMoure, Senator 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. THRONSON,  
(and 10 others.)

Mr. Dobie presented the following petition:

*To Mr. Dobie, Senator, 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.)

Mr. Benedict presented the following petition:

*To Hon. A. V. Benedict, Senator 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 RAUGER  
(And 11 others.)

Mr. Strom presented the following petition:

*To Mr. H. H. Strom, Senator 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).

Mr. Fuller presented the following petition:

*To Hon. Bailey Fuller, Senator 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.)

Mr. McCarten presented the following petition:

*To R. McCarten, Senator Thirteenth Legislative 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.)

#### REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Sénate Bill No. 104,

A concurrent resolution to amend sub-division 1, 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 be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the report.

Roll call demanded.

The roll being called there were ayes 16, nays 12, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Bourke,
Benedict,	LaMoure,	Valentine,
Brown,	Little,	Vie's,
Clark,	Mansie'd,	White,
Fuller,	McGillivray,	Wishek.
Gordon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Haggart,	McCanna,
Davis,	Hanna,	McCarten,
Dobie,	Hanscom,	Plain,
Dunlap,	Levang	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Marshall,	Tufts.

So the motion prevailed, and  
The report to indefinitely postpone Senate Bill No. 104 was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 4, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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.

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. 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 House has passed.

Very respectfully,

H. E. LAVAYEA,

Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 4, 1897.

*To the Senate:*

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

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.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,

Governor.

REPORTS OF STANDING COMMITTEES.

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities to whom was referred

House Bill No. 45,

A bill for an act providing for the dissolution of civil townships,

Have had the same under consideration and recommend that the same be returned to the House for engrossment.

J. S. GREEN,

Chairman.

Mr. Green moved

That the report be adopted,

Which motion prevailed, and

The report was adopted, and  
The bill was returned to the House.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 97,

A bill for an act to regulate the payment of expenses of receiving convicts of the penitentiary, and insane persons to the hospital and expenses of extraditing fugitives from justice,

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

Also,

Senate Bill No. 98,

A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895,

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

Also,

Senate Bill No. 2,

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 amended as follows:

First. That the title be amended by striking out the words "civil code," and inserting in lieu thereof the words "Revised Codes."

Second. By striking out the proviso, being lines 12 and 13 of printed bill.

Third. By adding a new section in words following:

"Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed,"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities to whom was referred

Senate Bill No. 33,

A bill for an act to amend chapter 29, Revised Codes of 1895, entitled villages,

Have had the same under consideration and recommend that the bill be rewritten so as to include all parts and subdivisions of the section not sought to be amended so that the bill as rewritten

shall compose a complete section and that the title be amended to read as follows:

A bill for an act to amend section 2365 of chapter 29 of the Revised Codes of North Dakota, relating to the general powers of villages,

And when so amended, rewritten and printed that it be referred to the committee of the whole.

J. S. GREEN,  
Chairman.

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

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred  
A concurrent resolution relating to irrigation.

Have had the same under consideration and report it back without recommendation.

A. V. BENEDICT,  
Chairman.

The courtesies of the floor were extended to Chas. Mitchell, Morris Beck, John Vennum, S. K. McGinnis and Dr. Moore of Jamestown and W. A. McClure of Dickinson.

A sealed communication was received from the governor.

EXECUTIVE SESSION.

Mr. Little moved  
That the Senate do now go into executive session to consider the sealed communication from the governor,  
Which motion prevailed, and  
The Senate went into executive session.

The executive session dissolved.

Mr. Rourke moved  
That Senate Rule No. 39 be amended by striking out all after the word "and" (fourth word from the end in second line as printed in manual) to word "unless" in fourth line and insert the words "then be referred to their appropriate committee,"  
Which motion prevailed.

EXECUTIVE SESSION.

Mr. Haggart moved  
That the Senate do now go into executive session to consider the governor's message,

Which motion prevailed, and  
 The Senate spent some time in executive session.  
 The Senate reconvened in regular session.  
 Mr. McCanna moved  
 That the Senate take a recess for ten minutes,  
 Which motion prevailed.  
 The Senate reassembled.

REPORTS OF STANDING COMMITTEES.

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred  
 A Joint Memorial,  
 Have had the same under consideration and recommend that the  
 same do pass.

A. V. BENEDICT,  
 Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Green introduced  
 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,  
 Was read the first and second times, and  
 Referred to the committee on judiciary.

Mr. Haggart asked unanimous consent to return to the ninth  
 order of business.

The Senate returned to the ninth order of business.

Mr. Green introduced  
 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 appropriations.

Mr. Davis introduced  
 Senate Bill No. 107,  
 A bill for an act to amend section 37, article 3, of chapter 2, Re-  
 vised Codes of 1895,  
 Was read the first and second times, and  
 Referred to the committee on apportionment.

Mr. Rourke introduced  
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.

Mr. Haggart introduced  
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.

Mr. Little asked unanimous consent to return to the eighth order of business.

The Senate returned to the eighth order of business.

Mr. Little moved

That the opinion of the attorney general be requested as regards the status of the appointment of trustees to the state penitentiary,

Which motion prevailed.

Mr. Haggart asked unanimous consent to return to the fifth order of business.

The Senate returned to the fifth order of business.

Mr. Haggart presented the following petition:

FARGO, N. D., Jan. 27, 1897.

*To the Members of the Senate and House of Representatives from Cass County:*

We, the undersigned citizens of North Dakota, being convinced by actual knowledge, or reliable hearsay, of the great benefits of osteopathic treatment, respectfully petition that you secure the passage of a bill legalizing the practice of osteopathy in this state.

J. S. WALLON,  
(And 34 others.)

#### THIRD 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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McGillivray,
Benedict,	Fuller,	Plain,
Brown,	Gordon,	Rourke,
Clark,	Hanscom,	Strom,
Creel,	Levang,	Valentine,
Davis,	Little,	Viets,
Dobie,	Mansfield,	White,
Dunlap,	McCarten,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	LaMoure,	McCanna,
Haggart,	Marshall,	Tufts.
Hanna,		

So the bill passed and the title was agreed to.

Mr. Valentine moved

That the rules be suspended and that Senate Bills Nos. 2 and 22 be put on their third reading and final passage,  
Which motion prevailed.

Mr. Creel moved

That Senate Bill No. 57 be referred back to the committee on railroads for amendments,  
Which motion prevailed.

#### FIRST AND SECOND 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 first and second times, and  
Referred to the committee on insurance.

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 first and second times, and  
Referred to the committee on banks and banking.

#### CONCURRENT RESOLUTION.

WHEREAS, There is a large amount of delinquent taxes on lauds 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 lauds 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 ag-

gregate 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.

*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,

Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Haggart asked unanimous consent to return to the eighth order of business.

The Senate returned to the eighth order of business.

Mr. Haggart moved

That Mr. Tufts be excused in view of the following telegram:

GARDNER, N. D., Feb. 4, 1897.

*John E. Haggart:*

I have got a very sick boy and will not be out this week.

D. C. TUFTS.

Which motion prevailed, and  
Mr. Tufts was excused.

Mr. McGillivray moved  
That Mr. Marshall be excused,  
Which motion prevailed, and  
Mr. Marshall was excused.

Mr. Fuller moved

That the courtesies of the floor be extended to Rev. S. E. Ryan of Jamestown,  
Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 4, 1897.

MR. PRESIDENT,

I have the honor to return herewith  
Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judges  
thereof to employ a stenographer,

Which the House has amended as follows:

In line 8, section 2, of engrossed bill, the word "no" be inserted before the  
word "more."

And passed as amended.

Also,

Senate Bill No. 46,

A bill for an act to repeal article 17, of chapter 22, of the polit-  
ical code of the Revised Codes of North Dakota, relating to the  
eradication of Russian thistles and French weeds,

Which the House has passed.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Rourke moved

That the Senate concur in the House amendments to  
Senate Bill No. 13,

A bill for an act to authorize the supreme court or the judges  
thereof to employ a stenographer.

The question being upon the final passage of the bill.

The roll being called there were ayes 29, nays none, absent and  
not voting 2.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Lit le,  
Mansfield,  
McCanna.

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.



Messrs. Marshall and Tufts being excused.

So the House amendments were concurred in, the bill passed and the title was agreed to.

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 third time.

Mr. Rourke moved

To amend the title by adding after the figures "4681" the words "entitled creation of liens," and to amend the bill by inserting the words "or leased" after the word "sold" in line 5, and by inserting after the word "sold" in line 6 add the words "or stated cash payments,"

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Messrs. Marshall and Tufts being excused.

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

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirtieth day and find the same correct and recommend that the Journal of the thirtieth day be approved.

C. N. VALENTINE,  
Chairman.

Mr. Valentine 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.

The secretary announced that the President was about to sign  
Concurrent resolution relating to Legislative Manuals.

There being no objection, the resolution was read and the President affixed his signature.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined  
Senate Bill No. 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,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be adopted.

F. VIETS,  
Chairman.

Mr. Viets 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 approved.

The President announced Messrs. Hanna, Green and Plain to be members of the joint conference committee on game laws.

Mr. Brown asked unanimous consent to return to the ninth order of business.

The Senate returned to the ninth order of business.

Mr. Brown introduced  
Senate Bill No. 110,  
A bill for an act to amend section 4817 of the Revised Codes.

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

J. O. SMITH,  
Secretary.

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## THIRTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 5, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Marshall, Tufts and Rourke.

Mr. Haggart moved  
That all absent members be excused,  
Which motion prevailed.

Mr. Hanna moved  
That the reading of the Journal be dispensed with, and a committee be appointed to correct the same,  
Which motion prevailed.

The President appointed as such committee Messrs. Creel, McCanna and Brown.

Mr. Haggart presented a petition favoring resubmission signed by Alex Stern and 900 others.

Also one opposing resubmission signed by J. F. Motters and 19 others.

Mr. Hanna presented the following petition:

*To L. B. Hanna, Senator 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. JAS. E. VANCE,  
(And 5 others.)

Mr. Hanscom presented the following petition:

*To A. L. Hanscom, Senator 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 70 others.)

The secretary announced that the President was about to sign Senate Bill No. 7,

A bill for an act to appropriate moneys to reimburse Drs. McLachlan and Montgomery for services rendered.

There being no objection, its title was read and the President affixed his signature.

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.

There being no objection, its title was read and the President affixed his signature.

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 its title was read and the President affixed his signature.

REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture to whom was referred  
Senate Bill No. 81,

A bill for an act to amend section 4826 of the Revised Codes, relating to farm laborer's liens and limiting such liens as to landlords and existing chattel mortgages,

Have had the same under consideration and recommend that the same do not pass.

H. H. STROM,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 101,

A bill for an act to amend sections 7677 and 7683 of the penal code of the state of North Dakota, providing more fully for the protection of game;

Have had the same under consideration and recommend that the same be referred to general orders.

P. H. ROURKE,  
Acting Chairman.

There being no objection, the report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
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.

P. H. ROURKE,  
Acting Chairman,

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture to whom was referred

Senate Bill No. 44,

A bill for an act to indemnify farmers and others for horses killed by state veterinarian for glanders,

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

In section 1, line 1, strike out the word "state" and insert the word "county;" also strike out the words "from funds not otherwise appropriated" and insert the words "by order of the county commissioners."

In line 3 strike out the words "this state" and insert the words "that county."

In line 7 add after the word "state" the words "and county."

In line 8 strike out the word "state" and insert the word "county."

In line 9 add after the word "veterinarian" the words "and in no case to exceed forty dollars for any one horse."

In section 2, line 3, strike out the word "state" and insert the word "county;" in line 4 strike out the word "state" and insert the word "county;" also after the word "shall" insert the words "upon order of the county commissioners "

In line 5 strike out the word "state" and insert the word "county."

And when so amended recommend that the same do pass.

H. H. STROM,  
Chairman.

Mr. Hanna moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

A concurrent resolution offered by Mr. Williams and passed by the House Feb. 3, 1897, relating to the appearance of the attorney general in certain cases,

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

Also,

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. 59,

A bill for an act to provide for the allowance and payment of witness fees in certain cases,

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

By striking out after the word "committed" in line 6 of printed bill and before the word "under," in line 7, the words "to and confined in prison."

And when so amended recommend that the same do pass.

Mr. Little moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

C. B. LITTLE,  
Chairman.

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads to whom was referred  
Senate Bill No. 96,

A bill for an act to amend section 4242 of the Revised Codes, re-  
lating to the liability of common carriers,

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

JUDSON LAMOURE,  
Chairman.

The committee on insurance made the following report:

MR. PRESIDENT:

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 com-  
panies,

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

W. A. GORDON,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

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 Re-  
vised 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 all of line 5 in section 10 after the word "rooms" to and  
including the word "treasury" in line 7.

And when so amended recommend that the same do pass.

P. H. ROURKE,  
Acting Chairman.

Mr. Little moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 99,

A bill for an act to regulate the payment of expenses of maintaining and treating patients in the hospital for the insane,

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

By inserting in line 1, section 11, after the word "person" the following words "legally liable for his support."

And when so amended recommend that the same do pass.

P. H. ROURKE,  
Acting Chairman.

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

#### EXECUTIVE SESSION.

Mr. McGillivray moved

That the Senate do now go into executive session to consider the reports of the committees on the appointments made by the governor,

Which motion prevailed, and  
The Senate went into executive session.

The Senate reconvened in regular session.

In open session it was announced that the following appointments had been confirmed:

Hilmar A. Langlie of Traill county to be state examiner for the term of two years from and after Thursday, March 11, 1897, agreeable to the provisions of section 136 of the Revised Codes of North Dakota.

William C. Badger of Morton county to be state oil inspector for the term of two years from and after Tuesday, April 6, 1897, agreeable to the provisions of sections 1759 of the Revised Codes of North Dakota.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 5, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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. 41,

A bill for an act to provide for the arrest and conviction of horse thieves.

Which the House has passed and your favorable consideration of the same is respectfully requested.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. White moved

That the courtesies of the floor be extended to C. K. Bassett of Valley City,

Which motion prevailed.

#### FIRST READING OF SENATE BILLS.

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.

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

Mr. White introduced

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,

Was read the first and second times, and

Referred to the committee on appropriations.

Mr. Benedict introduced

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 statistics.

## COMMITTEE OF THE WHOLE.

Mr. Benedict moved  
 That the Senate do now resolve itself into a committee of the whole to consider  
 Substitute for Senate Bill No. 33,  
 Which motion prevailed, and  
 The Senate resolved itself into a committee of the whole.  
 Mr. LaMoure in the chair.  
 The President in the chair.

## REPORT OF THE COMMITTEE OF THE WHOLE.

The committee of the whole made the following report:

MR. PRESIDENT:

Your committee of the whole 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:

By striking out the words "and the sale of intoxicating liquors," in lines 10 and 11 of subdivision 4 of the printed bill.

By adding the "word "bicycles" after the word "vehicles" in line 16, subdivision 11, of the printed bill.

And when so amended recommend that the same do pass.

JUDSON LAMOURE,  
 Chairman.

Mr. Little moved  
 The adoption of the report,  
 Which motion prevailed, and  
 The report was adopted.

Mr. Benedict moved  
 That the rules be suspended and Substitute for Senate Bill No. 33 be placed upon its third reading and final passage.

Roll call demanded.

The roll being called there were ayes 17, nays 7, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanna,	Strom,
Brown,	Little,	Viets,
Clerk,	Mansfield,	White,
Gordon,	McCarten,	Wishek.
Green,	McGillivray,	

Those who voted in the negative were:

Messrs— Creel, Davis, Dobie,	Messrs— Dunlap, Enger,	Messrs— Levang, McCanna.
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Absent and not voting:

Messrs— Fuller, Hanscom, LaMoure,	Messrs— Marshall, Rourke,	Messrs— Tufts, Valentine.
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So the motion prevailed, and the rules were suspended.

Mr. LaMoure moved

To amend Substitute for Senate Bill No. 33 by striking out the word "peddlers" in line 9 subdivision 4 of the printed bill,

Which motion prevailed.

Mr. McCarten moved

To amend the bill by striking out all of subdivision 6 up to the word "to" in line 7 of the printed bill.

Roll call demanded.

The question being upon the motion to amend.

The roll being called there were ayes 13, nays 14, absent and not voting 4.

Those voting in the affirmative were:

Messrs— Arnold, Clark, Davis, Dobie, Dunlap,	Messrs— Enger, Hanna, Hanscom, Levang,	Messrs— McCarten, McCanna, Plain, Strom.
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Those voting in the negative were:

Messrs— Benedict, Brown, Creel, Fuller, Gordon,	Messrs— Green, Haggart, LaMoure, Little, Mansfield,	Messrs— McGillivray, Viets, White, Wishek.
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Absent and not voting:

Messrs— Marshall, Rourke,	Messrs— Tufts,	Messrs— Valentine.
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Messrs Marshall, Rourke and Tufts being excused.

So the motion was lost.

Mr. Strom moved

To amend by striking out the words "to license, regulate, tax or" in line 1 of subdivision 6 of printed bill,

Which motion was lost.

Substitute 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.

The question being upon the final passage of the bill.

The roll being called there were ayes 19, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Plain,
Benedict,	Haggart,	Strom,
Brown,	LaMoure,	Valentine,
Clark,	Little,	Viets,
Creel,	Mansfield,	White,
Davi-	McGillivray,	Wishek.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Enger,	McCanna,
Dunlap,	Levang,	McCarten.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gordon,	Hanscom,	Rourke,
Hanna,	Marshall,	Tufts.

Messrs. Marshall, Rourke and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That Senate Bill No. 97 be made a special order for Tuesday, Feb. 9, 1897, at 3 o'clock,

Which motion prevailed.

Mr. Little in the chair.

#### THIRD READING OF SENATE BILLS.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordou,  
Green,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Strom,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
Hanna,

Messrs—

Marshall,  
McCanna,  
Rourke,

Messrs—

Tufts,  
Valentine.

Messrs. Marshall, Rourke and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 22 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

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 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Gordon,  
Green,  
Hanscom,  
Levang,  
Little,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Strom,  
Viets,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Fuller,  
Haggart,

Messrs—

Hanna,  
LaMoure,  
Marshall,  
Rourke,

Messrs—

Tufts,  
Valentine,  
White.

Messrs. Marshall, Rourke and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. McGillivray asked unanimous consent to return to the ninth order of business.

The Senate returned the ninth order of business.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. McGillivray introduced

Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

Was read the first and second times, and

Referred to the committee on stock.

Mr. Benedict introduced

Senate Bill No. 114,

A bill for an act to amend section No. 267 of political code,

Was read the first and second times, and

Referred to the committee on public health.

Mr. McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

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THIRTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Tufts and Viets, who were excused.

Mr. Valentine moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same.

Which motion prevailed.

The president appointed as such committee Messrs. Creel, Hanscom and Levang.

#### PRESENTATION OF PETITIONS.

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator First District:*

We, the undersigned citizens 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 90 others.)

Mr. Benedict presented the following petition:

*To Dr. A. V. Benedict, Senator 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.

W. H. COX,  
(and 28 others.)

Mr. McCarten presented the following petition:

*To R. McCarten, Senator Thirteenth Legislative 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.

REV. R. LUNIS,  
(And 31 others.)

All of which were referred to the committee on temperance.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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.

Also,

Senate Bill No. 18,

A bill for an act to amend section 2889 of the Revised Codes.

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. 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.

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,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred

Senate Bill No. 89,

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,

Have had the same under consideration and recommend that the same be returned without recommendation.

Also,

Senate Bill No. 16.

A bill for an act entitled an "act providing for the redemption of lands sold for taxes in the state of North Dakota, for the years 1890, 1891, 1892, 1893, 1894 and 1895,



And when so amended recommend that the same do pass.  
D. W. McCANNA,  
Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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,

Have had the same under consideration and 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  
North Dakota of 1895,

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

Also,

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,

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

By adding a repealing clause as follows: "All acts or parts of acts are  
hereby repealed."

C. B. LITTLE,  
Chairman.

There being no objection the report was adopted,

The committee on public health made the following report:

MR. PRESIDENT:

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 refer it back with-  
out recommendation.

A. V. BENEDICT,  
Chairman.

Mr. Creel introduced the following resolution:

RESOLUTION.

*Be it Resolved by the Senate of the State of North Dakota:*

That the state auditor be requested to furnish a complete statement, showing all monies paid to the railroad commissioners other than the annual salary of two thousand (\$2,000) dollars each, for the years 1895 and 1896, and from what funds paid and by what authority.

INTRODUCTION OF BILLS.

Mr. Marshall introduced  
Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Was read the first and second times, and  
Referred to the committee on banks and banking.

Mr. Gordon introduced  
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.

Mr. Plain introduced  
Senate Bill No. 118,

A joint memorial to congress in regard to school lands,  
Was read the first and second times, and  
Referred to the committee on public lands.

Mr. Plain introduced  
Senate Bill No. 119,

Being a concurrent resolution for a constitutional amendment in regard to school lands,

Was read the first and second times, and  
Referred to the committee on public lands.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 recommend it be amended as follows:

On page 10, line 34, after the name "J. S. Wallon" there should be added the names "G. Q. Erskine, W. H. White, S. S. Lyon, C. E. Robins, Geo. H. Phelps and C. A. Pollock."

On page 3, immediately after line 17, there should be added:

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

And when so amended recommend that the Journal of the thirty-first day be approved.

H. M. CREEL,  
Chairman.

Mr. Creel 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.

Mr. Haggart moved  
That the courtesies of the floor be extended to Mrs. Helen deLendrecie for the purpose of explainning Senate Bill No. 109,  
Which motion prevailed.

Mr. Gordon moved  
That the courtesies of the floor be extended to E. C. Carruth of Grand Forks,  
Which motion prevailed.

Mr. Haggart moved  
That the courtesies of the floor be extended to A. C. Rankin and R. A. Lewis of Fargo,  
Which motion prevailed.

Mr. Haggart moved  
That the rules be suspended and that Senate Bill No. 109 be placed upon its third reading and final passage,  
Which motion prevailed.

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 22, nays 5, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Brown,  
Clark,  
Creel,  
Davis,  
Fuller,  
Gordon,  
Green,

Messrs—  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,  
Marshall,

Messrs—  
McCanna,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
White,  
Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	Levang.
Dobie,	Enger,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
McCarten,	Valeutine,	Vie's.
Tufts,		

So the bill passed and the title was agreed to.

Mr. Haggart 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.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
Feb. 6, 1897.

*To the Senate:*

GENTLEMEN: I have the honor to report to you that there has been received and filed in this office reports from the sheriffs in the following counties in the state of North Dakota, to-wit: Barnes, Burleigh, Billings, Benson, 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.

I have the honor to be,

Yours respectfully,  
F. A. BRIGGS.  
Governor.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1897.

*To the Senate:*

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

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.

I have the honor to be,

Yours, respectfully.

F. A. BRIGGS,

Governor.

Mr. Green asked unanimous consent to return to the sixth order of business.

The Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred

Senate Bill No. 8,

A bill for an act relating to the duty of sheep inspectors,

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

By striking out the word "dip" in line 2 of section 1 of the printed bill and inserting in lieu thereof the words "cause to be dipped"

Also by striking out the words "in transit through the state," and inserting in lieu thereof the words "while on railway cars or in railway stockyards" in line 6 of section 1 of the printed bill.

By making section 2 to read as follows: "Section 2. For his services under the provisions of the foregoing section the inspector shall receive the same compensation as in other cases, which compensation, together with the costs of dipping shall be a charge upon the sheep so inspected and dipped, and shall be collectible as such in an action before any court of competent jurisdiction; also that the emergency clause in the printed bill shall be numbered section 3."

And when so amended recommend that the same do pass.

A. L. HANSCOM,

Chairman.

Mr. Green moved

That the report be adopted,

Which motion prevailed, and

The report was adopted

Mr. Green moved

That the rules be suspended and that Senate Bill No. 105 be placed upon its third reading and final passage,

Which motion prevailed, and

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,

Was read the third time.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 6, 1897.

MR. PRESIDENT:

I 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,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Arnold moved

That Senate Bill No. 105 be referred to the committee on elections and privileges.

Roll call demanded.

The roll being called there were ayes 21, nays 8, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Creel,	Green,	McGillivray,
Davis,	Haggart,	Plain,
Dobie,	Hanna,	Rourke,
Dunlap,	LaMoure,	Strom,
Enger,	Mansfield,	Valentine,
Fulier,	McCanna,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Marshall,
Brown,	Levang,	White.
Clark,	Little,	

So the motion prevailed, and the bill was referred to the committee on elections and privileges.

Mr. Haggart moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

## SENATE REASSEMBLED.

Mr. Gordon moved

That substitute for Senate Bill No. 40 be given its first and second readings and referred back to the committee on cities and municipalities with a request that they do not report until Saturday, February 13,

Which motion prevailed.

## FIRST READING OF SENATE BILLS AND MEMORIALS.

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 first and second times, and

Referred to the committee on cities and municipalities.

Mr. Rourke asked unanimous consent to return to the fifth order of business.

The Senate returned to the fifth order of business.

Mr. Rourke presented the following communication and asked it be referred to the attorney general for his opinion:

BISMARCK, N. D., Feb. 6, 1897.

*Hon. P. H. Rourke:*

DEAR SIR: It is proper and right for you and other members of the legislative assembly to understand the status of the law creating the office of the state superintendent of irrigation and forestry. If you desire to be fully informed upon the matter, I respectfully suggest: In addition to the information which you may secure from the state treasurer and state auditor, you can obtain all other needed light from Hon. J. F. Cowan, who claims said law has never been repealed nor its validity impaired in any manner.

The department of irrigation, forestry and fish is one of importance, and its working is proving most advantageous to the state and the people. In a few days I will make known in print the work performed by that branch of state service. And I trust you will wait until the facts are published before forming a definite opinion or taking any definite action in the matter. You know a wise judge needs to have the reliable facts before pronouncing judgment.

Yours truly,  
W. W. BARRETT.

Mr. LaMoure moved

That Mr. Rourke's desire be granted and the communication be referred to the attorney general for his opinion,

Which motion prevailed.

Mr. LaMoure moved

To amend Rule 18 by adding the following words: "And such objection may be made at any time on or before the first reading is completed.

Roll call demanded.

The roll being called there were ayes 22, nays 4, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCanna,
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	LaMoure,	Rourke,
Dobie,	Little,	Valentine,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.
Gordon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Levang,	McCarten.
Dunlap,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Strom,	Viets.
Hanscom,	Tufts,	

So the motion prevailed, and

The amendment to Senate Rule 18 was adopted.

Mr. Green moved that

Senate Bill No. 49,

A bill for an act to amend section 502 of the Revised Codes of North Dakota of 1895,

Be withdrawn from the committee on judiciary and referred to the committee on elections and privileges.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 6, 1897.

MR. PRESIDENT:

I have the honor to transmit 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 House has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Senate Bill No. 44,

A bill for an act to indemnify farmers and others for horses killed by state veterinarian for glanders,



The question being upon the final passage of the bill.

The roll being called there were ayes 8, nays 20, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Dunlap,	Haggart,	McCarten,
Enger,	Hanna,	Strom.
Fuller,	Hanscom,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordou,	McGillivray,
Benedict,	Green,	Plain,
Brown,	LaMoure,	Rourke,
Clark,	Levang,	Valentine,
Creel,	Mansfield,	White,
Davis,	Marshall,	Wishek.
Dobie,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Little,	Tufts,	Viets.

So the bill did not pass.

Mr. Little in the chair.

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.

Mr. Rourke moved

To amend the title by inserting after the figures "8159" the words "of chapter 10 of the code of criminal procedure" entitled "proceedings after the commencement of the trial and before judgment,

Which motion prevailed, and

The amendment was anopted.

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

The roll being called there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarten,
Brown,	Haggart,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	LaMoure,	Strom,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	White,
Enger,	Mansfield,	Wishek.
Fuller,	Marshall,	

Messrs. Tufts and Viets absent and not voting.

Messrs. Tufts and Viets being excused.

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

Mr. Rourke moved

That Senate Bill No. 102 be made a special order for Tuesday, Feb. 9, 1897, at 2:30 o'clock,

Which motion prevailed.

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 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray.  
Plain,  
Rourke,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Green,  
Haggart,

Messrs—

Tufts,

Messrs—

Viets.

Messrs. Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure in the chair.

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 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,

Messrs—

Marshall,  
McCanna,  
McCarten,  
Plain,  
Rourke,  
Strom,

Messrs— Dobie, Dunlap, Enger, Fuller,	Messrs— Levang, Little, Mansfield,	Messrs— Valentine, White, Wishek.
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Absent and not voting:

Messrs— McGillivray,	Messrs— Tufts,	Messrs— Viets.
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So the bill passed and the title was agreed to.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the attorney general:

OFFICE OF ATTORNEY GENERAL,  
BISMARCK, Feb. 5, 1897.

*To the Senate:*

GENTLEMEN: I am in receipt of your communication of the 4th instant, in which you ask me to inform your honorable body as to the status of the law in regard to the appointment of trustees of the state penitentiary:

The original provision of law for the appointment of trustees of the state penitentiary is contained in section 2, chapter 30 of the laws of 1883, which was superseded, and by implication repealed by provisions contained in chapter 93 of the laws of 1889.

The present trustees of the state penitentiary were appointed while this law was in force and under its provisions; this law was expressly repealed by the Revised Codes of 1895 which became operative on the 2nd day of January, 1896, and hence chapter 93 of the laws of 1889 has not been in force since that date.

Section 2684 of the Revised Codes of 1895 reads as follows:

"All persons who, at the time this code takes effect, hold office under any of the acts repealed, to hold office under any of the acts continue to hold the same according to the tenure thereof, except those offices which are not continued by one of the codes adopted at this session of the legislative assembly, and excepting offices filled by appointment."

It follows, therefore, that the tenure of office of the present trustees of the state penitentiary, they being officers holding by appointment, under chapter 93 of the laws of 1889, did not continue after the second day of January, 1896, when the repealing law took effect, and they have been since that time holding their offices without any warrant or authority in law.

Sections 8518 and 8519 of the Revised Codes of 1895, being a part of chapter 17 of the code of criminal procedure, contain provisions for the appointment of trustees of the state penitentiary, but did not take effect until January 2, 1896; these provisions are not the same as existing statutes, and cannot, therefore, under the rule of construction contained in section 8689 of the Revised Codes be construed as continuations of the provisions on the subject contained in chapter 93 of the laws of 1889, and must be construed as new enactments. Section 8519 above referred to, provides for the appointment of five trustees for the state penitentiary, to be made by the governor during the regular session of the legislative assembly held in 1895. This time had passed long before those sections took effect, viz: January 2, 1896, and this law, therefore, did not furnish authority under which the trus-

tees of the penitentiary held their office in 1896, and is no authority under which the present trustees, appointed under a law now repealed, may continue to hold their office.

Even if the law of 1895 should be treated as a continuation of the act of 1889 I find that there is an erroneous succession in the office of trustees of the state penitentiary arising in this way: On April 4, 1889, under the law of 1889 two trustees were appointed for two years and three trustees for four years each. The terms of the first two expired in the session of 1891 and of the other three in 1893. However, in 1891 three trustees were appointed for four years each, which, of course, could not have been done under the law, and thus an erroneous succession was inaugurated which still continues. According to the terms of office of trustees as shown by the certificates of their appointments and as confirmed by the Senate, only two trustees should be nominated by the governor at this session of the legislature, while, as a matter of fact, if the law of 1895 should be treated as a continuation of the act of 1889, there are three vacancies on the board of trustees to be filled at this session.

In view of the foregoing I am of the opinion that there is no adequate law now in force governing the appointment of trustees of the state penitentiary, and therefore the legislature should pass appropriate legislation upon the subject.

Very truly yours,  
JOHN F. COWAN,  
Attorney General.

The President in the chair.  
Mr. Valentine moved  
That the Senate do now adjourn,  
Which motion prevailed,  
And the Senate adjourned.

J. O. SMITH,  
Secretary.

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### THIRTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Arnold, Gordon, Haggart, LaMoure, Tufts, Viets and White.

Mr. Hanna moved  
That all absent members be excused,  
Which motion prevailed.

Mr. Little moved  
That the reading of the Journal be dispensed with and a committee be appointed to correct the same,  
Which motion prevailed, and  
The President appointed as such committee Messrs. Dobie, Enger and Mansfield.

#### REPORTS OF STANDING COMMITTEES.

The committee on elections made the following report:

MR. PRESIDENT:

Your committee on elections to whom was referred  
Senate Bill No. 105,

A bill for an act to amend section 491 of the Revised Codes of North Dakota, relative to how ballots shall be prepared and the arrangement of names thereon,

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

Insert after the word "ballot" as the same appears in line 14 of the printed bill the words "of the party casting the next highest number of votes in the second column."

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Little moved  
The adoption of the report  
Which motion prevailed, and  
The report was adopted.

#### INTRODUCTION OF BILLS.

Mr. Green introduced  
Senate Bill No. 119.

A bill for an act defining express companies, and providing for the assessment of their property and the taxation of the same,

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

Mr. McCanna introduced  
Senate Bill No. 120,

A bill for an act to establish a board of examiners for barbers and to regulate the occupation of a barber in this state,

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Clark introduced

Senate Bill No. 121,

A bill for an act entitled an act to provide for garnishment procedure in justice court,

Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Rourke introduced

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.

Mr. Valentine introduced

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 judiciary.

Mr. Valentine introduced

Senate Bill No. 124 (by request,)

A bill for an act requiring all chattel mortgage sales to be made by the sheriff or some constable of the county in which the sale is made,

Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Little introduced

Senate Bill No. 125,

A bill for an act making an appropriation for the payment for services of the chaplain of the state penitentiary from March 1, 1895, to February 28, 1897,

Was read the first and second times, and  
Referred to the committee on state affairs.

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 third time.

Mr. Rourke moved

A call of the Senate,  
Which motion prevailed.

Mr. Hanna moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were, ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	McCarten,
Brown,	Green,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Valentine,
Dunlap,	Marshall,	Wishek.
Enger,	McCann,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Viets,
Gordon,	Mansfield,	White.
Haggart,	Tufts,	

Messrs. Arnold, Gordon, Haggart, LaMoure, Mansfield, Tufts, Viets and White being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 16,

A bill for an act entitled an act providing for the redemption of lands sold for taxes in the state therefor of North Dakota for the years 1890, 1891, 1892, 1893, 1894 and 1895,

Was read the third time.

Mr. Valentine moved

That the bill be returned to the engrossment committee,

Which motion prevailed, and

The bill was returned.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 8, 1897.

MR. PRESIDENT:

I have the honor to return herewith

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,

Which the House has passed unchanged.

Also,

Senate Bill No. 86,

A bill for an act to amend section 2063 of the Revised Codes of North Dakota,

Which the House has indefinitely postponed.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors,  
Was read the third time.

Mr. McGillivery moved

To amend the bill by striking out the word "sixty" in line 8, section 1, of the printed bill and inserting in lieu thereof the words "forty-eight,"

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Green,  
Hanna,  
Hanscom,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Fuller,  
Gordon,

Messrs—

Haggart,  
LaMoure,  
Tufts,

Messrs—

Viets,  
White.

Messrs. Arnold, Fuller, Gordon, Haggart, LaMoure, Tufts, Viets and White being excused.

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

Senate Bill No. 89,

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,

Was read the third time.

Mr. Hanna moved

That the bill be indefinitely postponed,

Which motion prevailed.

Mr. Little moved

That Senate Bill No. 99 be made a special order for Wednesday, February 10 at 3 o'clock p. m.,

Which motion prevailed.

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

The Senate returned to the seventh order of business.



## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 that it be amended as follows :

On page 2, 11th line and 10th word, after the letter "de" insert the letter "f."

H. M. CREEL,  
Chairman.

Mr. Creel moved

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.

## FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

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,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships,

Was read the first and second times, and

Referred to the committee on judiciary.

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves,

Was read the first and second times, and

Referred to the committee on stock.

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 first and second times, and

Referred to the committee on education.

House Bill No. 24,

A bill for an act providing fees for sheriff in cases of re-

demption of property from sale under execution or mortgage foreclosure,

Was read the first and second times, and  
Referred to the committee on judiciary.

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 and second times, and  
Referred to the committee on state affairs.

Mr McGillivray moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

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## THIRTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Tufts and Arnold.

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Strom, Marshall and Clark.

Mr. Haggart moved

That the absent members be excused,

Which motion prevailed.

Mr. Little moved

That the resolution introduced by Mr. Creel on Saturday in relation to the railroad commissioners be referred to the committee on railroads,

Which motion prevailed, and  
The resolution was so referred.

The courtesies of the floor were extended to Col. W. H. Robinson, J. F. Treat, Fred Whiting, Prof. L. P. Prichard, Grant Murphy of Jamestown and W. F. Dunlap of Valley City.

Mr. Dobie presented the following petition:

*To Hon. Jas. Dobie, Senator 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. FENNEL,  
(and 37 others.)

Referred to committee on temperance.

Mr. White presented the following petition:

*To Hon. Frank White, Senator Fifteenth Legislative 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 STEENBORGH,  
(And 29 others.)

Referred to committee on temperance.

#### STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
House Bill No. 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 do pass.

T. F. MARSHALL,  
Chairman.

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

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred  
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 do pass.

A. L. HANSCOM,  
Chairman.

Mr. Hanscom moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred  
Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

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

Amend line 9 by inserting "Edward Swenson" in place of "Edward Severson."

Amend line 14 by inserting name of "W. C. Heron" in place of "W. C. Harmon."

Amend line 24 by inserting name of "F. O. Getchell" in place of "T. O. Getchell."

Amend line 25 by inserting name of "G. L. Fornham" in place of "G. L. Farrington."

Add after line 31 name of George L. Barrett of Nelson county.

Amend section 22, line 16, by striking out all of the section after the word "not" and insert the following: "Less than one hundred dollars nor more than one thousand dollars, either or both in the discretion of the court."

Section 25 amended to read "one-tenth of a mill" instead of "one-eighth of a mill."

Amend section 28 to read section 27.

Amend section 29 to read section 28.

Amend section 30 to read section 29.

Amend section 31 to read section 30.

Amend line 26, section 1 by inserting "O. T. Fryar" in place of "O. Fryar."

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman,

Mr. McGillivray moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

After the word "enrolled" in line 18, page 3, insert the following:

"Senate Bill No. 13,

"A bill for an act to authorize the supreme court or the judges thereof to employ a stenographer."

In line 16, page 4, after the word "acts" and before the word "are" insert the words "in conflict with this act."

After the word "glanders" in line 30, page 11, insert the words "was read the third time."

And when so amended recommend that the Journal of the thirty-third day be approved.

JAMES DOBIE,  
Chairman.

Mr. Dobie 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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 9, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

A concurrent resolution instructing superintendents of public instruction to take steps necessary to secure the celebration of Lincoln's birthday in the public schools of the state.

Also,

A concurrent resolution reciting existing circumstances between

Spain and Cuba; and that the government of the United States should use its influences and good offices to restore peace and to give independence to the island.

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Green introduced  
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 stock.

Mr. Creel introduced  
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 education.

Mr. Marshall introduced  
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 first and second times, and  
Referred to the committee on judiciary.

Mr. Enger introduced  
Senate Bill No. 129,

A bill for an act to amend section 37, article 3, of chapter 2, Revised Codes of 1895,  
Was read the first and second times, and  
Referred to the committee on apportionment.

Mr. Dunlap introduced  
Senate Bill No. 130,

A bill for an act providing for the repeal of article 23 of the political code of the state of North Dakota, relating to oil inspection,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Strom introduced  
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.

Mr. Dunlap introduced  
Senate Bill No. 133,

A bill for an act providing for the sale of illuminating oils and the standard of tests thereof, and prescribing a penalty for selling illuminating oils in this state below the standard of tests prescribed,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Haggart introduced  
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 first and second times, and  
Referred to the committee on appropriations.

Mr. Valentine moved that  
Senate Bill No. 16,

A bill for an act entitled an act providing for the redemption of lands sold for taxes in the state of North Dakota, for the years 1890, 1891, 1892, 1893, 1894 and 1895,

Be made a special order for Saturday, February 13, 1897, at 2:30 o'clock,

Which motion prevailed, and  
The bill was made a special order.

Mr. LaMoure moved that  
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,

Be made a special order for Wednesday, February 10, 1897, at 2:30 o'clock,

Which motion prevailed, and  
The bill was made a special order.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1897.

*To the Senate:*

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

Senate Bill No. 46,

A bill for an act to repeal article 17, of chapter 22, of the polit-

ical code of the Revised Codes of North Dakota, relating to the eradication of Russian thistles and French weed.

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.

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.

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 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.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,

Governor

#### THIRD 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, relating to how ballots shall be prepared and the arrangement of names thereon,

Was read the third time.

Mr. Marshall moved

That all election bills be referred to a joint committee on elections, four from each body, to be reported back by them within four days.

Mr. Green moved

As a substitute motion that the bill be given its final passage.

Mr. Green's substitute motion was declared out of order.

The question being on Mr. Marshall's motion to refer the bill

The motion prevailed, and

The bill was referred.



## THIRD READING OF HOUSE BILLS.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	Plain,
Brown,	Haggart,	Rourke,
Clark,	Hanscom,	Strom.
Creel,	Levang.	Valentine,
Dobie,	Mansfield,	Vie's,
Dunlap,	Marshall,	White,
Enger,	McCanna,	Wishek

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCarten,
Davis,	LaMoure, -	McGillivray,
Fuller,	Little,	Tufts.
Gordon,		

Messrs. Arnold and Tufts being excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

February 9, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 89,

A bill for an act to regulate the entry of judgments in civil actions, and the stay of execution thereon and appeals therefrom,

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

I have also the honor to return herewith  
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 the House has amended as follows:

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."

And passed as amended.

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,

Which the House has 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 passed the same as amended.

Very respectfully,

H. E. LAVAYEA,  
Chief Clerk.

#### SPECIAL ORDERS.

Senate Bill No. 97,

A bill for an act to regulate the payment of expenses of removing convicts to the penitentiary and insane persons to the hospital and expenses of extraditing fugitives from justice,

Was read the third time.

Mr. LaMoure moved

To amend the bill by striking out the word "county" in line 5 of section 1 of the printed bill, and insert in lieu thereof the word "state."

Which motion prevailed, and  
The amendment was adopted.

Mr. Rourke moved that  
Senate Bill No. 97,

A bill for an act to regulate the payment of expenses of receiving convicts to the penitentiary, and insane persons to the hospital and expenses of extraditing fugitives from justice,

Be indefinitely postponed,  
Which motion prevailed, and  
Senate Bill No. 97 was indefinitely postponed.

President pro tem Little in the chair.

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. Rourke moved

To amend 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,"

Which motion prevailed, and  
The amendment was adopted.

#### THIRD READING OF HOUSE BILLS.

House Bill No. 59,

A bill for an act to provide for the allowance and payment of witness fees in certain cases.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Benedict,  
Brown,  
Clark,  
Coel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—  
McCanna,  
McCarten,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Arnold,  
LaMoure,

Messrs—  
McGillivray.

Messrs—  
Tufts.

Messrs. Arnold and Tufts being excused.

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

The House concurrent resolution asking for a hydrographic and irrigation survey,

Was read the third time.

The question being upon the final passage of the resolution.

The roll being called there were ayes 16, nays 10, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	McCanna,
Brown,	Haggart,	McCarten,
Clark,	Hanna,	Plain,
Creel,	Little,	Rourke,
Davis,	Mansfield,	Strom.
Dobie,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dunlap,	Levang,	Viets,
Gordou,	Marshall,	White.
Hanscom,	Valentine,	Wishek.
LaMoure,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Tufts.
Fuller,	McGillivray,	

Messrs. Arnold and Tufts being excused.

So the resolution passed and the title was agreed to.

Mr. Rourke moved

That the vote by which the concurrent resolution was passed be reconsidered,

Which motion prevailed.

Mr. Rourke moved

That further consideration of the concurrent resolution be indefinitely postponed,

Which motion prevailed, and

The resolution was indefinitely postponed

Mr. Creel asked unanimous consent to return to the eighth order of business.

There being no objection the Senate returned to the eighth order of business.

Mr. Creel moved

That the Senate do not concur in the House amendments to 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,

Which motion prevailed.

Mr. Creel moved

That a conference committee of three be appointed to confer with a like committee from the House in regard to the amendments to Senate Bill No. 108,

Which motion prevailed.

The President announced as such committee Messrs. Creel, White, LaMoure.

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.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gordon,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	Levang,	Strom,
Davis,	Little,	Valentine,
Dobie,	Mansfield,	Viets,
Dunlap,	Marshall,	White,
Enger,	McCanna,	Wishek.
Fuller,	McCarten.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Tufts.
Green,	LaMoure,	

Messrs. Arnold and Tufts being excused.

So the bill passed and the title was agreed to.

The following concurrent resolution from the House in regard to the Northern Pacific taxes was read the third time:

#### CONCURRENT 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.

*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,

The question being upon the final passage of the resolution.

The roll being called there were ayes 21, nays 3, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	Marshall,
Brown,	Fuller,	McCanna,
Clark,	Hanna,	McCarten,
Creel,	Hanscom,	McGillivray,
Davie,	Levang,	Plain,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
LaMoure,	Rourke,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Tufts,
Gordon,	Strom,	White.
Green,		

Messrs. Arnold and Tufts being excused.

So the bill passed and the title was agreed to.

Substitute for House Bill No. 15,

A bill for an act providing for 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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	Marshall,
Brown,	Gordon,	McCanna,
Clark,	Hanna,	McCarten,
Creel,	Hanscom,	Plain,
Davis,	La Moure,	Rourke,
Dobie,	Levaug,	Strom,
Dunlap,	Little,	Viets,
Enger,	Mansfield,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McGillivray,	Valentine,
Green,	Tufts,	White.
Haggart,		

Messrs. Arnold and Tufts being excused.

So the bill passed 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.

Mr. Green moved

To strike out the word "March" and insert in lieu thereof "January" in line 2 of section 1 of the printed bill,

Which motion was lost, and

The amendment was not adopted.

House Bill No. 51,

A bill for an act fixing date when the term of office of county auditor shall commence,

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays 5, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gordon,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	Levaug,	Strom,
Davis,	Mansfield,	Valentine,
Dobie,	Marshall,	Viets,
Dunlap,	McCanna,	White,
Enger,	McCarten,	Wishek.

Those who voted in the negative were:

Messrs—  
Green,

Messrs—  
LaMoure,

Messrs—  
Little.

Absent and not voting:

Messrs—  
Arnold,  
Fuller,

Messrs—  
Haggart,

Messrs—  
Tufts.

Messrs. Arnold and Tufts being excused.

So the bill passed and the title was agreed to.

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.

Mr. Rourke moved

To recommit the bill to the judiciary committee for further consideration,

Which motion prevailed, and

The bill was recommitted.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. O. SMITH,  
Secretary.

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## THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 10, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Brown and Tufts.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Dunlap Mansfield and McGillivray.



Mr. Hanna moved

That all absent members be excused,  
Which motion prevailed.

The courtesies of the floor were extended to R. J. Turner of Gladstone, and J. A. Morrow, Rev. W. L. Van Horn, F. D. Hall, and Mayor Patterson of Bismarck:

Mr. Rourke presented the following petition:

*To Hon. P. H. Rourke, Senator 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. CANNELL,

(And 17 others.)

Mr. Gordon presented the following petition:

*To Hon. W. A. Gordon, Senator 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. F. SMITH,

(And 88 others.)

Mr. Levang presented the following petition:

*To Hon. Knud Levang, Senator Third District:*

We, the undersigned citizens of the 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.

T. N. LARSEN,

(And 33 others.)

All of which were referred to the committee on temperance.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock 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:

That the title be amended to read as follows:

An act to require butchers and slaughterers of horned cattle to keep for inspection the hides and horns of all cattle slaughtered, to keep a record of the animals purchased and slaughtered and to file a bond, and providing penalties for the violation thereof, and when and how this act shall be in effect."

That the bill be amended by striking out all of section 6 and inserting in lieu thereof the following: Section 6 How this act shall be placed in effect. The board of county commissioners of each county shall upon petition of legal voters of the county to the number of one-tenth of the votes cast at the last preceding general election, by resolution, declare that this act shall thereafter be in force in such counties, and this act shall take effect and be in force in each county from and after the passage of such resolution and not otherwise."

A. L. HANSCOM,  
Chairman

Mr. McGillivray moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred  
Senate Bill No. 59,

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

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

A. L. HANSCOM,  
Chairman.

Mr. Hanscom moved  
The adoption of the report  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

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 do pass.

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.

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 recommend that the same do pass.

C. B. LITTLE,  
Chairman.

There being no objection,

The report was adopted.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on 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 do pass.

Also,

Senate Bill No. 118,

Being a concurrent resolution,

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

D. W. McCANNA,  
Chairman.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred

House Bill No. 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,

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

F. VIETS,  
Chairman.

There being no objection,  
The reports were adopted.

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture to whom was referred  
Senate Bill No. 100,

A bill for an act entitled an act to provide for the inspection of  
steam boilers and licensing steam engineers,

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

That the words "and licensing of steam engineers" of the enacting clause  
be stricken out.

Also, that all after the word "safe" in line 6, section 1, of printed bill, to  
and including the word "district" in line 9, section 1, be stricken out.

In section 2, line 8, strike out the word "engineer" after the word "an"  
and insert in lieu thereof the word "boilermaker."

In section 8, line 2, after the word "time," strike out the words "when in  
his opinion such examination is necessary," and insert in lieu thereof the  
words "upon application of the owner of any."

In line 3, section 8, strike out the word "he" and insert in lieu thereof the  
words "the owner."

In line 4, section 8, strike out the word "to" and insert in lieu thereof the  
words "the inspector shall then."

Also to strike out sections 11, 12, 13, 14, 15 and 16.

In section 18 strike out all after the word "attachment" to the word "or"  
in line 3, same section.

In line 4, after the word "grant," strike out all to the word "a" in line 5,  
section 18

In section 19, line 4, strike out all after the word "inspection" to the word  
"said" in line 6, section 19.

And renumber the sections.

And when so amended recommend that the same do pass.

H. H. STROM,  
Chairman.

Mr. Strom moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred  
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 dis-  
trict veterinarians,

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

First. By striking out in line 23 of the printed bill the words "the man-

ner and upon the notice provided upon" and insert in lieu thereof the words "in the same manner as other liens upon."

Second. By striking out of line 26 the words "a space of one mile square" and insert in lieu thereof the words "a reasonable space."

Third. By striking out all of section 5 after the word "shipped" in line 52 of the printed bill and insert in lieu thereof the words following "or which he has reason to believe have contracted any infectious or contagious disease or have been exposed thereto, and such veterinarian shall be entitled to charge therefor the per diem and mileage prescribed in subdivision 2 of this section and enforce collection thereof as is therein provided "

"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 the inspector shall be entitled to charge and collect only the fees specified in the next section."

Fourth. By striking out of lines 9 and 10, pages 4 and 5, of printed bill, the words "fifty cents" and insert in lieu thereof the words "one dollar."

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman.

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

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 find the same correct and recommend that the Journal of the thirty-fifth day be approved.

H. H. STROM,  
Chairman.

Mr. Strom 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.

The secretary announced that the President was about to sign Joint memorial to congress praying for the passage of the bill House File No. 1, to reclassify and prescribe the salaries of postal clerks.

There being no objection, its title was read and the President affixed his signature.

The secretary announced that the President was about to sign Concurrent Resolution of the Senate to the House of Repre-

representatives of the state of North Dakota, to the senate and house of representatives of the United States, praying for an act for the relief of settlers on lands of the United States formerly embraced in the Indian reservations.

There being no objection, its title was read and the President affixed his signature.

Mr. Wishek introduced the following resolution:

WHEREAS, The condition of the public revenues is such as to require retrenchment in every quarter wherein retrenchment is practicable and render it necessary that the utmost economy should be practiced in all the fiscal affairs of the state; therefore, be it

*Resolved*, That a committee of five senators be named by the President of the Senate to make as careful an examination as may be concerning the expenditures during the past two years, in and on account of the several branches of the executive and administrative department of the state government: that said committee be requested to proceed as soon as practicable with such examination, and to that end be empowered to hold daily sittings at such time and place as they shall deem most convenient to send for persons and papers, and to examine such records as they shall deem proper, and be furnished with a clerk from the number now on the rolls of the Senate; and that such committee be requested to report to the Senate within the next five days such conclusions as they shall reach in the progress of their investigation.

First. As to what, if any, or unnecessary or other expenses have been incurred in any branch of said department that may be curtailed or avoided in the future.

Second. What, if any, moneys have been paid for or on account of the services or doings of state officers, or their subordinates, over and above the compensation expressly fixed or authorized by law; and

Third. Wherein the committee shall deem it practicable and advisable to effect any retrenchment in the premises, and what legislation it may deem necessary or proper to that end.

Mr. Wishek moved

That further action in regard to the resolution be deferred until tomorrow,

Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Arnold introduced

Senate Bill No. 134,

A bill for an act concerning land titles,  
Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. McCarten introduced

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.

The following concurrent resolutions from the House were read:

## 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. Little moved

The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.

Also,

*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. Little moved

The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.

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,

Was read the third time.

Mr. McCanna moved

To amend the bill by adding after the words "vacancy" in section 2, line 14, the following words: "Resulting from death, resignation, expiration of term fixed by law or otherwise."

Which motion did not prevail, and  
The amendment was not adopted.

Mr. Davis moved

To amend the bill by striking out the word "2" and insert in lieu thereof the word "1" in section 2, line 19 of the printed bill.

Which motion prevailed, and  
The amendment was adopted.

Mr. Creel moved

To make the bill a special order for Thursday, February 11, at 2 o'clock,

Which motion was lost

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,

Was read the third time.

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

The roll being called there were ayes 20, nays 8, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCanna,
Benedict,	Hanna,	McGillivray,
Clark,	Hanscom,	Rourke,
Davis,	LaMoure,	Valentine,
Fuller,	Little,	Viets,
Gordon,	Mansfield,	Wishek.
Green,	Marshall,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Enger,	Plain,
Dobie,	Levang,	White.
Dunlap,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Strom,	Tufts.

Messrs. Brown and Tufts being excused.

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

Mr. Little moved

That the vote by which

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 appointment of the members thereof, for the state penitentiary and the state reform school,

Was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

#### SPECIAL ORDERS.

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.



Mr. LaMoure moved

To make Senate Bill No. 102 a special order for Saturday at 2:30 o'clock p. m.,

Which motion was lost.

Mr. McGillivray moved

To make the bill a special order for Monday, February 15, at 2:30 o'clock.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 10, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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. 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. 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,

Which the House has passed and your favorable consideration of the same is respectfully requested.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

The question being upon Mr. McGillivray's motion to make Senate Bill No, 102 a special order for Monday, February 15 at 2:30 o'clock,

Which motion was lost.

Mr. White moved

To amend the title by adding after the word "Dakota" the words "relating to the salary and expenses of the state board of railroad commissioners,

Which motion prevailed, and

The title was so amended.

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 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanua,  
Hanscom,  
LaMonre,  
Levang,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White.  
Wishek.

Absent and not voting:

Messrs—

Brown,  
Davis,

Messrs—

Little,

Messrs—

Tufts.

Messrs. Marshall and McGillivray voting in the negative.

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

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 4,

A bill for an act to provide for refunding the outstanding bonded and other indebtedness of the state of North Dakota,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

## SPECIAL ORDER.

President, pro tem, Little in the chair.

Senate Bill No. 99,

A bill for an act to regulate the payment of expenses of maintaining and treating patients in the hospital for the insane,

Was read the third time.

Mr. Haggart moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Arnold asked unanimous consent to return to the eighth order of business.

There being no objection,

The Senate returned to the eighth order of business.

Mr. Arnold moved

That 200 extra copies of Senate Bill No. 134 be printed,

Which motion prevailed.

Mr. Viets asked unanimous consent to return to the sixth order of business.

There being no objection,

The Senate returned to the sixth order of business.

## REPORTS OF STANDING COMMITTEES.

A majority of your committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred

Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

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

After word "fund" in line 13, section 5 of printed bill add the words "provided further, that if the board of control shall deem it expedient in order to either conserve the assets of the bank or protect the interests of the depositors, they may cause to be used the funds provided for in this act prior to the final settlement of the affairs of the bank, but nothing herein shall be construed so as to relieve the stockholders of an insolvent bank from their liability as provided by law."

In line 20 of section 5 strike out figures "10" and insert figure "7."

Your committee recommend that the bill as amended be printed.

And when so amended recommend that the same do pass.

F. VIETS,  
Chairman.

A minority of your committee on banks and banking made the following report:

MR. PRESIDENT:

A minority of your committee on banks and banking to whom was referred

Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Have had the same under consideration and recommend that the same do not pass.

L. B. HANNA,  
Minority.

Mr. Viets moved

The adoption of the majority report,

Which motion prevailed, and

The majority report was adopted.

Mr. Hanna moved

That the bill be reprinted so as to include all of the amendments and that 200 extra copies be printed,

Which motion prevailed.

Mr. Hanna moved

That Senate Bill No. 115 be made a special order for Wednesday, February 17, 1897, at 3 o'clock, †

Which motion prevailed, and

The bill was made a special order.

Mr. LaMoure moved

To recommit Senate Bill No. 99 to the committee on state affairs,

Which motion prevailed, and

The bill was recommitted.

The President announced

Messrs. Marshall, Hanna, Wishek and McCarten to be members of the joint committee on election bills.

Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

Was read the third time.

Mr. Rourke moved

To amend the bill by striking out section 25 of the printed bill,

Which motion prevailed, and

The amendment was adopted.

Mr. McGillivray moved

That Senate Bill No. 113 be made a special order for Saturday, February 13, at 2:15 o'clock p. m.,

Which motion prevailed.

Mr. Rourke asked unanimous consent to return to the tenth order of business.

There being no objection the Senate returned to the tenth order of business.

Mr. Rourke moved

That the Senate concur in the House amendments 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.

The question being upon the concurrence to the House amendments.

The roll being called there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Benedict,	Haggart,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	LaMoure,	Strom,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	Viets,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.
Gordon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	McCanna.	Tufts.

Messrs. Brown and Tufts being excused.

So the House amendments were concurred in, the bill passed as amended, and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

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 and second times, 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 first and second times, and  
Referred to the committee on judiciary.

## THIRD 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 third time.

Mr. McCanna moved.

A call of the Senate.

Roll call demanded.

Messrs. Haggart, McGillivray and Wishek were found to be absent without an excuse, and the sergeant-at-arms was notified to bring the absentees before the senate.

Mr. LaMoure moved

That the absent senators be excused,

Which motion prevailed.

Mr. McCanna moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

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,

The question being upon the final passage of the bill.

The roll being called there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Messrs. Brown and Tufts absent and not voting.

Messrs. Brown and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Marshall 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.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 10, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 6,

A bill for an act to amend section 4064 of the Revised Code of  
North Dakota, relating to usury,

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

The secretary announced that the President was about to sign  
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.

There being no objection its title was read and the President  
affixed his signature.

Mr. Haggart moved that  
House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse  
thieves,

Be made a special order for Tuesday, February 16, 1897, at 2  
o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

Mr. Rourke asked unanimous consent to return to the eighth  
order of business.

There being no objection the Senate returned to the eighth order  
of business.

Mr. Rourke moved

That the rules be suspended and that House Bill No. 44 be  
given its first and second reading and referred,

Which motion prevailed, and

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,

Was read the first and second times, and

Referred to the committee on cities and municipalities.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

## THIRTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Mr. Brown, who was excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Gordon, Tufts and McCanna.

## PRESENTATION OF PETITIONS.

Mr. Arnold presented the following petition:

*To Hon. Horace F. Arnold, Senator Fifth District:*

We, the undersigned citizens 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.

CHAS. H. BOBB,  
(And 16 others.)

Mr. McGillivray presented the following petition:

*To Hon. A. C. McGillivray, Senator 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 18 others.)

Mr. Plain presented the following petition:

*To Hon. C. W. Plain, Senator 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. HELGENSEN,  
(And 63 others.)

All of which were referred to the committee on temperance.

#### STANDING COMMITTEES.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was referred  
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,  
Have had the same under consideration and recommend that the same do pass.

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,

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

By adding immediately at the close of section (1) after the word "person" the words following: "At any time within such period unless such hide shall have been sold, after exhibiting with the carcass, to a person duly authorized to carry on the business of butchering or slaughtering horned cattle, and in case of such sale it shall be the duty of the purchaser to keep and exhibit such hide and keep a record thereof as in other cases."

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman.

Mr. Hanscom moved  
 The adoption of the reports,  
 Which motion prevailed, and  
 The reports was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
 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 do pass.

Also,

House Bill No. 24,  
 A bill for an act providing for fees for sheriff in cases of re-  
 demption of property from sale under execution or mortgage fore-  
 closure,  
 Have had the same under consideration, and recommend that  
 the same do pass.

Also,

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. 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 do pass.

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

By inserting in line 1, as appears in printed bill, immediately after the  
 words "pledges may" the words following, "collect, when due, any evidence  
 of debt pledged to him; he may also."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
 Chairman.

Mr. Little moved  
That the reports be adopted,  
Which motion prevailed, and  
The reports were adopted.

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads to whom was referred  
Senate Bill No. 57.

A bill for an act fixing the charges to be paid to the railroad for transporting the North Dakota National Guards and stores, horses, ammunition, equipments and baggage of the same, the terms of transporting the same and prescribing the penalty for the violation of said action.

Have had the same under consideration and recommend that the same do not pass.

JUDSON LAMOURE,  
Chairman.

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

The committee on railroads made the following report:

MR. SPEAKER:

Your committee on railroads to whom was referred

A resolution asking the state auditor for a complete statement of all moneys paid to the railroad commissioners other than their regular salary.

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

By including all money paid to the secretary of the railroad commissioners.

And when so amended recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

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

Mr. LaMoure moved  
That the resolution in regard to the railroad commissioners be adopted,  
Which motion prevailed, and  
The resolution was adopted.

Mr. McGillivray moved

That the committee report on Senate Bill No. 57 be not adopted.

Mr. Little moved

That the motion of Mr. McGillivray be laid on the table.

Roll call demanded.

The question being upon Mr. Little's motion.

The roll being called there were ayes 10, nays 17, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Little,
Enger,	Hanscom,	Marshall,
Green,	LaMoure,	Wishek.
Haggart,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	McGillivray,
Clark,	Gordon,	Rourke,
Creel,	Levang,	Strom,
Davis,	Mansfield,	Valentine,
Dobie,	McCanna,	White.
Dunlap,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Tufts,	Viets,
Plain,		

Mr. Brown being excused.

So the motion was lost.

The question recurring to Mr. McGillivray's motion,  
The motion was lost.

The committee on state affairs made the following report

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 120,

A bill for an act to establish a 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.

T. F. MARSHALL,  
Chairman.

Mr. McCanna moved  
That Senate Bill No. 120 be recommitted to the committee on state affairs,  
Which motion prevailed.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 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.

Also,  
Senate Bill No. 125,  
A bill for an act making an appropriation for the payment for services of the chaplain of the state penitentiary from March 1, 1895, to February 28, 1897,  
Have had the same under consideration and recommend that the same be indefinitely postponed.

T. F. MARSHALL,  
Chairman.

Mr. Marshall moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs 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 be amended as follows:

In section 2 of the printed bill lines 3 and 4 be stricken out, and in line 5 "seven dollars and fifty cents" be inserted in lieu of "ten dollars," and in line 6 the words "less than five hundred dollars nor" be stricken out.

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

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

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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 find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

Your committee on the revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-seventh day, and recommend it be adopted.

W. A. GORDON,  
Chairman.

Mr. Gordon moved  
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.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

On page 11, line 3 from bottom the figures "108" should read "8." Also strike out the two bottom lines on same page and

two top lines on page 12. In line 7, same page, the figures "108" should read "8."

And when so amended recommend that the Journal of the thirty-sixth day be approved.

CHAS. DUNLAP,  
Chairman.

Mr. Dobie 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.

#### MOTIONS AND RESOLUTIONS.

Mr. Little introduced the following concurrent resolution:

#### 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 \$100,000, at such discount as will allow a reasonable rate of interest. Such indebtedness to become 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.

Mr. Little moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

Mr. Rourke moved

That the report of the governor on reform schools on page 7 of his report be referred to an appropriate committee,

Which motion prevailed.

The secretary announced that the President 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 brief and abstracts.

There being no objection its title was read and the President affixed his signature.

The courtesies of the floor were extended to John Melstead, F. Baldwin, J. J. Clarey and L. C. L. Moore.

## INTRODUCTION OF BILLS.

Mr. Creel introduced

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 Senate and House joint committee on game introduced

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.

Mr. Valentine introduced

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 first and second times, and

Referred to the committee on judiciary.

Mr. Arnold introduced

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 836, 641, 642, 646, 649, 651, 652, 667, 671, 676, 682, 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.

Mr. Little asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

The following communication was received from the board of trustees of public property.

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 honor-



able body of the "appropriation 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, Sec'y of State.

Board of Trustees of Public Property.

Mr. Little moved

That the communication be referred to the committee on appropriations,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

February 11, 1897.

MR. PRESIDENT:

I have the honor to return herewith

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.

Also,

House Bill No. 56,

A bill for an act to amend section 5577 of the compiled laws of 1895.

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. 68.

A bill for an act regulating the disposition of road work and taxes by the board of township supervisors.

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.

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

H. E. LAVAYEA,  
Chief Clerk.

## THIRD READING OF SENATE BILLS.

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 third time.

Mr. Green moved

To amend the bill by inserting the words "one-half of" before the word "all" in line 10, section 2 of the printed bill,

Which motion prevailed, and  
The amendment was adopted.

Mr. Green moved

To further amend the bill by inserting in line 12, section 2, after the word "inspection" the words "the other half to be retained by the inspector to defray expenses and compensate him for each inspection,"

Which motion prevailed, and  
The amendment was adopted.

Mr. Green moved

To further amend the bill in line 36, page 3, strike out the words "going to the place of such" and insert in lieu thereof the words "making such,"

Which motion prevailed,  
The amendment was adopted.

Mr. Green moved

That Senate Bill No. 67 be made a special order for Tuesday, February 16, at 3 o'clock p. m.,

Which motion prevailed, and  
The bill was made a special order.

Mr. Little asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Little introduced  
Senate Bill No. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils.

Mr. Little moved

That the bill be given its first and second reading,

Which motion prevailed, and

The bill was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Arnold moved

That 300 hundred extra copies of Senate Bill No. 140 be printed,

Which motion prevailed.

Mr. Hanna moved

That a stenographer and typewriter be appointed for the use of members in taking care of their correspondence.

Mr. Marshall moved as an amendment

That if there be any stenographer or typewriter on the force of the Senate at present, the President appoint such clerk to act in that capacity, otherwise the President appoint some one else,

Which motion prevailed.

Mr. Arnold moved that

Senate Bill No. 105,

A bill for an act to amend section 491 of the Revised Codes of North Dakota, relative to how ballots shall be prepared and the arrangement of names thereon,

Be recalled from the special committee and placed on its third reading and final passage,

Which motion prevailed.

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,

Was read the third time.

Mr. Marshall moved

To amend Senate Bill No. 105 by inserting the following words after the word "diameter" in section 1, line 6, "provided there shall be only one circle before each group of presidential electors,"

Which motion prevailed, and

The amendment was adopted.

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.

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

The roll being called there were ayes 16, nays 12, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Davis,  
Enger,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,

Messrs—

Little,  
Mansfield,  
Tufts,  
Viets,  
White.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Marshall,	Rourke,
Dobie,	McCanna,	Strom,
Dunlap,	McCarten,	Valentine,
Levang,	Plain,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Fuller,	McGillivray.

Mr. Brown being excused.

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

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 17, nays 1, absent and not voting 13.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Strom,
Clark,	Mansfield,	Tuffs,
Enger,	Marshall,	Valentine,
Green,	McCanna,	White,
Hanna,	McCarten,	Wishek.
Hanscom,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	Levang,
Brown,	Fuller,	McGillivray,
Creel,	Gordon,	Plain,
Davis,	Haggart,	Viets.
Dobie,		

Mr. LaMoure voting in the negative.

Mr. Brown being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the Senate take a recess of fifteen minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Little asked unanimous consent to return to the ninth order of business,

There being no objection the Senate returned to the ninth order of business.

Mr. Little introduced  
Senate Bill No. 141, (by request)

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leok & Leck, for labor and work done and materials furnished for the North Dakota Agricultural college at Fargo, N. D.

Mr. Little moved

That the bill be given its first and second readings and referred to its proper committee,

Which motion prevailed, and

The bill was read the first and second times, and

Referred to the committee on appropriations.

Mr. Green moved

That Senate Bill No. 67 be recommitted to the committee on stock,

Which motion prevailed, and

The bill was recommitted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 11, 1897.

MR. PRESIDENT,

I have the honor to transmit herewith

Senate concurrent resolution relating to disposing of state funding warrants by state treasurer,

Which the House has concurred in.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Senate Bill No. 30,

A bill for an act authorizing persons haviog liens upon real estate to pay the taxes upon the same, and to maintain actions to test the validity thereof,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Levang,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,

Messrs— Dobie, Dunlap, Enger, Fuller,	Messrs— Little, Mansfield, Marshall, McCarten,	Messrs— Valentine, Viets, White, Wishek.
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Absent and not voting:

Messrs— Brown, Hanscom,	Messrs— LaMoure,	Messrs— McCanna.
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Mr. Brown being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 117,

A joint memorial to congress in regard to school lands,  
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent  
and not voting 6.

Those who voted in the affirmative were:

Messrs— Arnold, Benedict, Clark, Creel, Davis, Dobie, Dunlap, Enger, Gordon,	Messrs— Green, Hanna, Hanscom, LaMoure, Levang, Mansfield, Marshall, McCarten,	Messrs— Plain, Rourke, Strom, Tufts, Valentine, Viets, White, Wishek.
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Absent and not voting:

Messrs— Brown, Fuller,	Messrs— Haggart, Little,	Messrs— McCanna, McGillivray.
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Mr. Brown being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 118,

A constitutional amendment in regard to school lands,  
Was read the third time.

Mr. Rourke moved

To amend by inserting in line 9 between the words "pay" and "one-fifth"  
the words "at least."

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 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—  
 Arnold,  
 Benedict,  
 Clark,  
 Creel,  
 Davis,  
 Dobie,  
 Dunlap,  
 Enger,  
 Fuller,

Messrs—  
 Gordon,  
 Green,  
 Hanna,  
 Hanscom,  
 LaMoure,  
 Levang,  
 Mansfield,  
 Marshall,

Messrs—  
 McCarten,  
 Plain,  
 Rourke,  
 Strom,  
 Valentine,  
 Viets,  
 White,  
 Wishek.

Absent and not voting:

Messrs—  
 Brown,  
 Haggart,

Messrs—  
 Little,  
 McCanna,

Messrs—  
 McGillivray,  
 Tufts.

Mr. Brown being excused.

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

Mr. Wishek moved

That Senate Bill No. 58 be made a special order for Monday, Feb. 15, 1897, at 2:30 o'clock p. m.,

Which motion prevailed, and

The bill was made a special order.

Senate Bill No. 59,

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

Was read the third time.

Mr. Enger moved to amend the bill by striking out the word "one" in line 5, section 2, and insert in lieu thereof the word "two,"

Which motion was lost,

So the amendment was not adopted.

Mr. Rourke moved

To amend the bill by inserting after the word "shall" in section 5, line 13, the words "after five days' notice to the states attorney, whose duty it shall be to appear and cross-examine the witness;" and to further amend by inserting after the word "cases" in section 5, line 17, the words "from which an appeal may be taken as in other cases,"

Which motion prevailed, and

The amendments were adopted.

Mr. McCanna moved

To further amend the bill by adding after the word "sheep" wherever it appears the words "hogs, calves and colts."

Mr. Wishek moved

That Senate Bill No. 59 be indefinitely postponed,  
Which motion prevailed, and  
Senate Bill No. 59 was indefinitely postponed.

Senate Bill No. 100,

A bill for an act entitled an act to provide for the inspection of  
steam boilers and licensing steam engineers,  
Was read the third time.

Mr. Hanna moved

That Senate Bill No. 100 be indefinitely postponed,  
Which motion prevailed, and  
Senate Bill No. 100 was indefinitely postponed.

Mr. Tufts moved

That when the Senate adjourn it take a recess until Monday,  
Feb. 15, 1897, at 2 o'clock p. m.

Roll call demanded.

The question being upon the motion to take a recess.

The roll being called there were ayes 18, nays 10, absent and  
not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Clark,  
Davis,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanscom,  
Little,  
Mansfield,  
Plain,

Messrs—

Rourke,  
Tufts,  
Valentine,  
Viets,  
Wishek.

Those voting in the negative were:

Messrs—

Creel,  
Dobie,  
Dunlap,  
Hanna,

Messrs—

Levang,  
Marshall,  
McCarten,

Messrs—

McGillivray,  
Strom,  
White.

Absent and not voting:

Messrs—

Benedict,  
Brown,

Messrs—

LaMoure,

Messrs—

McCanna,

Mr. Brown being excused.

So the motion prevailed.

Mr. Wishek moved

That the resolution introduced February 9 in regard to a com-  
mittee to investigate the executive and administrative depart-  
ments of the state be adopted,

Which motion prevailed, and  
The resolution was adopted.



## 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. 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,

Was read the first and second times, and  
Referred to the committee on judiciary.

House Bill No. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota,

Was read the first and second times, and  
Referred to the committee on judiciary.

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 first and second times, and  
Referred to the committee on banks and banking.

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 and second times, and  
Referred to the committee on public lands.

House Bill No. 32,

A bill for an act to amend sub-division 4, of section 5252, of the Revised Codes,

Was read the first and second times, and  
Referred to the committee on judiciary.

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 first and second times, and  
Referred to the committee on stock.

Mr. Rourke moved

That the rules be suspended and that House Bill No. 44 be given its third reading and final passage,

Which motion prevailed, and

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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Clark,  
Creel,  
Dobie,  
Dunlap,  
Enger,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Rourke,  
Tufts,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Benedict,  
Brown,  
Davis,

Messrs—

Fuller,  
Plain,

Messrs—

Strom,  
Valentine.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House Bill No. 44 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

The President announced Messrs. Wishek, Rourke, White, Green and McCanna to be members of the joint committee called for in Mr. Wishek's resolution.

Mr. Hanna moved

That all bills in the hands of the joint committee on elections be returned and that the committee be discharged.

Mr Little moved

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

J. O. SMITH,  
Secretary.

## FORTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Clark, Creel and Davis.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Enger, Arnold and Tufts.

Mr. Haggart moved

That all absent members be excused,

Which motion prevailed.

UNFINISHED BUSINESS—SPECIAL ORDERS OF SATURDAY.

Mr. McGillivray moved that

Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

Be made a special order for Wednesday, February 17, at 2:30 o'clock,

Which motion prevailed.

Mr. Valentine moved

That further consideration of

Senate Bill No. 16,

A bill for an act entitled an act providing for the redemption of lands sold for taxes in the state of North Dakota, for the years 1890, 1891, 1892, 1893, 1894 and 1895,

Be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 16 was indefinitely postponed.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. LaMoure presented the following petitions:

*To Hon. Judson LaMoure, Senator First District:*

We, the undersigned citizens 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.

A. EDINGTON,  
(And 29 others.)

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator 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.)

Mr. McCarten presented the following petition:

*To Hon. Richard McCarten, Senator 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.

STEPHEN WILLIAMS,  
(And 11 others.)

Mr. Wishek presented the following petition:

*To Hon. J. H. Wishek, Senator Twenty-sixth District:*

We, the undersigned voters of the Twenty-sixth 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 C. TAYLOR,  
(And 25 others.)

All referred to committee on temperance.

## REPORTS OF STANDING COMMITTEES.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock to whom was re-referred  
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,

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

By striking out so much thereof as appears on lines 22 and 23 of engrossed bill and inserting in lieu thereof the words following: "And they are found free from any infectious or contagious disease the inspection shall be made free of charge to the owner.

By striking out the word "all" in line 5, page 4, of engrossed bill and inserting in lieu thereof the words "one-half of the."

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman.

Mr. Green moved

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

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads to whom was referred  
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,

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

JUDSON LAMOURE,  
Chairman.

Mr. Green moved that  
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, •

Be reprinted as amended and that 200 extra copies of the same be printed,

Which motion prevailed.

Mr. Hanna moved that  
Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Be taken from special orders and put on its third reading and final passage.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart introduced

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.

Mr. Haggart introduced

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.

Mr. Marshall introduced

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.

Mr. Marshall introduced

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 cities and municipalities.

Mr. Arnold introduced

Senate Bill No. 146,

A bill for an act amending sections six thousand nine hundred and thirty-two (6932) and six thousand nine hundred and thirty-three (6933) of the Revised Codes of 1895, relating to the punishment of persons neglecting and refusing when summoned to attend as witnesses before the legislative assembly or either house thereof, or a committee of either house or a joint committee of such houses, and the punishment of such persons for refusing to be sworn or affirmed, or to answer when present before such assembly or house or committee,

Was read the first and second times, and

Referred to the committee on elections.

Mr. Strom introduced  
Senate Bill No. 147,

A bill for an act to amend section 1765 of the Revised Codes relating to inspection of illuminating oils,  
Was read the first and second times, and  
Referred to the committee on state affairs.

The special committee on expenditure introduced  
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.

The committee on public expenditure introduced  
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 agriculture.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 15, 1897.

MR. PRESIDENT.

I have the honor to transmit herewith  
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.

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. 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.

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

I have also the honor to return herewith

Senate Bill No. 109,

A bill for an act relating to the practice of osteopathy in 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.

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. 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. 83,

A bill for an act to amend section 536 of the Revised Codes, relating to the state board of canvassers.

Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

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.

The roll being called there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,

Messrs—

Haggart,  
Hanna,

Messrs—

McCarten,  
McGillivray,



Messrs—	Messrs—	Messrs—
Brown,	Hinscom,	Plain,
Dobie,	LaMoure,	Rourke,
Enger,	Levang,	Valentine,
Fuller,	Little,	Vie's,
Gordon,	Mansfield,	Whit,
Green,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Davis,	Marshall,
Creel,	Dunlap,	Tufts.

Mr. Strom voting in the negative.

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

Mr. Haggart asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Haggart introduced

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota.

Mr. Haggart moved

That Senate Bill No. 150 be given its first and second readings and referred,

Which motion prevailed, and

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.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

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 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Benedict,	Hanna,	McGillivray.
Brown,	Hanscom,	Plain,
Dobie,	LaMoure,	Rourke,
Dunlap,	Levang,	Strom,
Enger,	Little,	Viets,
Fu ler,	Mansfield,	White,
Gordon,	McCanna,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Davis,	Tufts.
Creel,	Marshall,	

Mr. Valentine voting in the negative.

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Was read the third time.

Mr. Hanna moved

To amend the bill by striking out the words "on the first day of April, 1897," in line 2,

Which motion prevailed, and

The amendment was adopted.

Mr. Hanna moved

To further amend the bill by striking out the words "except that the payment above provided for, on the first day of April, shall be based on the statement made next previous to said date," and insert in lieu thereof the words: "After deducting funds belonging to the state of North Dakota, or any county thereof according to law," in lines 6, 7 and 8 of section 1 of the printed bill,

Which motion prevailed, and

The amendment was adopted.

Mr. Hanna moved

To further amend the bill by inserting after the word "depositors" in lines 4, 8, 11 of section 5 of the printed bill the words, "other than the state of North Dakota or any county thereof,"

Which motion prevailed, and

The amendments were adopted.

Mr. Hanna moved

To further amend the bill by striking out all of section 5 after the word "law" in line 19 and inserting in lieu thereof the words: "Provided, further, that each depositor having been paid in full the amount due him from the safety fund herein provided, shall assign his claim against such insolvent banking institution to the state treasurer in trust for such safety fund,"

Which motion prevailed, and

The amendment was adopted.

Mr. Hanna moved

That Senate Bill No. 115 be reprinted as amended, and that 200 extra copies be printed,

Which motion prevailed.

Mr. Hanna moved

That Senate Bill No. 115 be made a special order for Thursday, Feb. 17, 1897, at 2 o'clock.

The secretary announced that the President 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.

There being no objection, its title was read and the President affixed his signature.

The secretary announced that the President was about to sign

A concurrent resolution authorizing the treasurer to dispose of \$100,000 of the state funding warrants.

There being no objection its title was read and the President affixed his signature.

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 21, nays 1, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Hanna,  
LaMoure,  
Levang,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Plain,  
Strom,  
Tufts,  
Vie's,  
White,  
Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Davis,	Marshall,
Clark,	Haggart,	Rourke,
Creel,	Little,	Valentine.

Mr. Hanscom voting in the negative.

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That Senate Bill No. 108 be laid over for another day,  
Which motion prevailed.

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 22, nays none, absent and  
not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Benedict,	Hanna,	Plain,
Brown,	LaMoure,	Rourke,
Dobie,	Little,	Tufts,
Dunlap,	Mansfield,	Viets,
Fuller,	McCanna,	White,
Gordon,	McCar en,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Enger,	Marshall,
Creel,	Hanscom,	Strom,
Davis,	Levang,	Valentine.

Messrs. Clark, Creel and Davis being excused.

So the bill passed.

Mr. Rourke moved

To amend the title of Senate Bill No. 75 by inserting "of article 9 of  
chapter 10, entitled educational and charitable institutions" after the figures  
"1015,"

Which motion prevailed, and

The title was agreed to as amended.

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes,  
Was read the third time.

Mr. Brown moved

That Senate Bill No. 110 be recommitted to the committee on stock,

Which motion prevailed, and  
The bill was recommitted.

Mr. Strom moved

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,

Be made a special order for Friday, Feb. 19, 1897, at 3 o'clock,

Which motion prevailed.

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 third time.

The question being upon the final passage of the bill

The roll being called, there were ayes 20, nays 4, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold.	Green,	McGillivray,
Benedict,	Hanscom,	Rourke,
Brown,	LaMoure,	Tufts,
Dobie,	Levang,	Viets,
Dunlap,	Little,	White,
Fuller,	Mansfield,	Wishek.
Gordon,	McCarten,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Haggart,	Plain,	Strom.
Hanna,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Enger,	McCanna,
Creel,	Marshall,	Valentine,
Davis,		

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

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 third time.

Mr. Rourke moved

To amend the bill by inserting after the word "sale" in line 2, of section 1, of the printed bill, the following words, "in counties where chapter . . . of the laws of 1897, 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, shall be in force."

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 20, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Hanna,	Rourke,
Brown,	Hanscom,	Valentine,
Dobie,	LaMoure,	Viets,
Dunlap,	Mansfield,	White,
Fuller,	McCanna,	Wishek.
Gordou,	McCarten,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Levang,	Plain,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Enger,	Marshall,
Creel,	Haggart,	Tufts.
Davis,	Little,	

Messrs. Clark, Creel and Davis being excused.

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

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES.

February 15, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

A Concurrent Resolution,

Instructing the state treasurer to proceed against bondsmen of suspended banks having state funds on deposit to indemnify the state for the amount of money on deposit.

Also,

A Concurrent Resolution,

Directing the state board of equalization to assess railroad property at just and fair valuation, which in no case in the future shall be less than \$5,000 a mile,

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 56,

A bill for an act to amend section 5577 of the Revised Code of North Dakota,

Was read the first and second times and

Referred to the committee on judiciary.

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. 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 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, bridges and ferries.

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.

Mr. Green asked unanimous consent to return to the fifth order of business.

There being no objection the Senate returned to the sixth order of business.

Mr. Green presented the following report:

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities 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.

J. S. GREEN,  
Chairman.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 16, nays 6, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Strom,
Benedict,	Haggart,	Valentine,
Brown,	LaMoure,	Viets,
Dobie,	Little,	White,
Dunlap,	McGillivray,	Wishek.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gordon,	Levang,	Rourke,
Hanscom,	Plain,	Tufts.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Green,	Marshall,
Creel,	Hanna,	McCanna,
Davis,	Mansfield,	McCarten.

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

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,

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.



Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Plain,
Benedict,	Hanscom,	Rourke,
Brown,	LaMoure,	Strom,
Dobie,	Levang,	Tufts,
Dunlap,	Little,	Valentine,
Enger,	Mansfield,	Viets,
Gordon,	McCanna,	White,
Green,	McCarten,	Wishek.
Haggart,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Davis,	Marshall.
Creel,	Fuller,	

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Plain,
Brown,	Hanscom,	Rourke,
Dobie,	LaMoure,	Strom,
Dunlap,	Levang,	Tufts,
Enger,	Little,	Valentine,
Fuller,	Mansfield,	Viets,
Gordon,	McCanna,	White,
Green,	McGillivray,	Wishek.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Creel,	McCarten,
Clark,	Davis,	Marshall,

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

Tht the courtesies of the floor be extended to Major R. E. Fleming,

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 said section 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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanna,	Rourke,
Brown,	Hanscom,	Strom,
Dobie,	LaMoure,	Tufts,
Dunlap,	Levang,	Valentine,
Enger,	Little,	Viets,
Fuller,	Mansfield,	White,
Gordon,	McGillivray,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Green,	McCanna,
Creel,	Marshall,	McCarten.
Davis,		

Messrs. Clark, Creel and Davis being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which

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 passed be reconsidered for the purpose of revising the bill,  
Which motion prevailed.

Mr. White moved that

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,

Be recommitted to the committee on banks and banking for the purpose of rewriting the bill,

Which motion prevailed.

Mr. Dobie asked unanimous consent to return to the eighth order of business.

There being no objection the Senate returned to the eighth order of business.

Mr. Dobie moved

That the secretary be instructed to prepare a list of general orders to be published each day in the Journal.

Roll call demanded.

The roll being called there were ayes 12, nays 14, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	Plain,
Dobie,	Leving,	Strom,
Dunlap,	McCanna,	White,
Enger,	McCarten,	Wishek.

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Rourke,
Fuller,	LaMoure,	Valentine,
Gordon,	Little,	Viets.
Green,	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Davis,	Tufts.
Creel,	Marshall,	

Messrs. Clark, Creel and Davis being excused.

So the motion was lost.

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

There being no objection the Senate returned to the seventh order of business.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 adopted.

F. G. ENGER,  
Chairman.

Mr. Enger moved

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.

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

J. O. SMITH,  
Secretary.

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## FORTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Creel and Marshall.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Brown, Davis and Benedict.

Mr. Hanna moved

That all absent members be excused,

Which motion prevailed.

### SPECIAL ORDERS FOR 2 O'CLOCK.

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves,

Was read the third time.

Mr. Enger moved

To amend the bill in line 3, section 1, of the printed bill, after the word "horses" the words "wheat, oats, barley and corn."

Which motion did not prevail,

So the amendment was not adopted.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 6, absent and not voting none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,  
McCanna,  
McGil ivray,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White.  
Wishek.

Those who voted in the negative were:

Messrs—

Dobie,  
Dunlap,

Messrs—

Enger,  
Levang,

Messrs--

McCarten,  
Plain.

Messrs. Creel and Marshall being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 41 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

#### PETITIONS AND COMMUNICATIONS.

Mr. McCanna presented the following petition:

*To the North Dakota Senate:*

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 state Sabbath laws.

The above petition was endorsed by a vote of twenty-four out of a church membership of forty at a meeting held at Maza on February 7, 1897.

F. C. ROBESON,  
Pastor.

Referred to committee on state affairs.

Mr. Valentine presented the following petition:

*To Hon. C. N. Valentine, Senator Fourth District:*

We, the undersigned voters of the Fourth 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. W. DAVIS,  
(And 44 others.)

Referred to committee on temperance.

Mr. Tufts presented the following petition:

*To Hon. D. C. Tufts, Senator Tenth District:*

We, the undersigned voters of the Tenth 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. BALDWIN,  
(And 11 others.)

Referred to committee on temperance.

Mr. Tufts presented the following petition:

*To Hon. D. C. Tufts, Senator Tenth District:*

We, the undersigned voters of the Tenth 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. J. ROWE,  
(and 70 others.)

Referred to committee on temperance.

Mr. Tufts presented the following petition:

*To Hon. D. C. Tufts, Senator Tenth District:*

We, the undersigned voters of the Tenth 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. M. OSTBY,  
(And 50 others.)

Referred to committee on temperance.

Mr. Dobie presented the following petition:

*To Hon. James Dobie, Senator 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 18 others.)

Referred to committee on temperance.

Mr. McCanna presented the following petition:

*To Hon. D. W. McCanna, Senator Nineteenth District:*

We, the undersigned voters of the Nineteenth 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.

FRANK C. ROBESON,  
(and 59 others.)

Referred to committee on temperance.

Mr. Gordon presented the following petition:

*To the Senate:*

The undersigned society and individuals hereby earnestly petition your honorable body to increase the penalty clause of Sabbath observance law.

W. C. L. CORRELL,  
(And 25 others.)

Referred to committee on state affairs.

The courtesies of the floor were extended to Franklin Potter of Casselton, G. M. Barnes and Mr. Hancock of Hancock Bros., Fargo; Alex Davis, Mayor Trueman of Grafton, Mayor Makee of Portal, Mayor Black of Valley City, Thomas Harrison, Mayville; R. A. Pollock of Fargo, and Sheriff Jacobson of Grafton.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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."

Also,

Senate Bill No. 19,

A bill for 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 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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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."

There being no objection its title was read and the President affixed his signature.

Also,

Senate Bill No. 19,

A bill for an act entitled an act to regulate domestic corporations.

There being no objection its title was read and the President affixed his signature.

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 its title was read and the President affixed his signature.

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.



There being no objection its title was read and the President affixed his signature.

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.

There being no objection its title was read and the President affixed his signature.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

Senate Bill No. 28,

A bill for an act to amend section 491 of the political code of the state of North Dakota, relating to ballots,

Have had the same under consideration and recommend that the same be indefinitely postponed.

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.

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 do pass.

Also,

House Bill No. 39,

A bill for an act to amend section 8166 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 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 recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the reports be adopted,  
Which motion prevailed, and  
The reports were adopted.

The committee on public health made the following report:

MR. PRESIDENT:

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 do pass.

Also,

Senate Bill No. 114,

A bill for an act to amend section No. 267 of political code,

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

A. V. BENEDICT,  
Chairman.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred

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,

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

D. W. McCANNA,  
Chairman.

The special committee appointed to investigate the public insti-  
tutions of the state, made the following report:

BISMARCK, N. D., Feb. 15, 1897.

*To the Senate and House of Representatives of the Fifth Legislative As-  
sembly, 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 legis-  
lature. 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 \$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 appropriation:

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 crematory. 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.

Mr. LaMoure moved

That the report of the select committee be spread upon the Journal and referred to the committee on appropriations,

Which motion prevailed.

The special committee to inquire into expenditures of the several branches of the state government made the following report:

MR. PRESIDENT:

Your committee appointed to inquire into the expenditure of the several branches of the state government respectfully report since their appointment that they have held daily sessions in the prosecution of their duties and have extended their inquiries to several branches of the state government, but with the time at their disposal have not yet secured sufficient data on which to found a report generally. At this time, however, your committee wish to submit it as their opinion, based on the inquiries already made, that the office of superintendent of irrigation and forestry ought to be abolished and the law creating said office and defining the duties thereof to-wit Chapter 76, of the laws of 1891, ought to be repealed.

The reasons which have impelled your committee to make this recommendation are briefly as follows:

The duties which the superintendent can perform in the absence of appropriation of considerable amount are now in the main fulfilled and discharged by the experimental station maintained pursuant to act of congress in connection with the agricultural college, and the continuation of said office does not promise any result of practical ability to the people of the state, which at the present or in the near future is likely to prove in any degree commensurate to the expense of maintaining the office and printing the reports emanating therefrom.

Your committee has not seen fit in the connection with this recommendation to submit any bill in accordance therewith for the reason that there is a bill to the same effect now well on its way to third reading in the House, namely, House Bill No. 100, the passage of which in case it should come to the Senate is herewith recommended.

Your committee further recommend that the passage of the bill introduced yesterday known as Senate Bill No. 148, repealing certain provisions of the present law defining the duties of the commissioner of agriculture and labor because in their opinion the matters therein required involve the expenditure of a large amount of money without any corresponding public benefit. Also the passage of Senate Bill No. 149, introduced yesterday, reducing the salary of said office for the reason that if relieved of the duties to which Senate Bill No. 148 relates, it will be unnecessary to continue the present rate of compensation.

J. H. WISHEK,  
Chairman.

Mr. Wishek moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The secretary announced that the President 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.

There being no objection its title was read and the President affixed his signature.

Also,

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.

There being no objection its title was read and the President affixed his signature.

The committee on railroads presented the following:

Services.

BISMARCK, North Dakota,  
January 4, 1897.

State of North Dakota.

To J. E. Phelan, Dr.,  
Sec. Com. of R. Rs.

Jan. 31. For expenses incurred during Jan., 1897, while traveling on state's business.....\$ 41 75.

Mr. LaMoure moved

That the copies of the vouchers showing expenditures of the commissioners of railroads be referred to the special committee on retrenchment,

Which motion prevailed.

Mr. Rourke asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

Mr. Rourke presented the following report:

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

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,

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

P. H. ROURKE,  
Acting Chairman.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following House concurrent resolution was read:

#### 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.

Mr. Strom moved

That the resolution be adopted,

Which motion prevailed, and

The resolutions were adopted.

The following House concurrent resolution was read:

#### 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. Strom moved

The adoption of the resolution.

Mr. Fuller moved

A call of the Senate.

The roll being called Messrs. White, Tufts, McGillivray and Little were found absent.

Mr. Haggart moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The question recurring to Mr. Strom's motion to adopt the resolution the motion was lost and the resolution was not adopted.

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

Mr. Hanna introduced

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.

Mr. Little introduced

Senate Bill No. 152,

A bill for an act to amend section 2060 of the Revised Codes of North Dakota, providing an office and assistant for states attorney,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Little introduced

Senate Bill No. 153 (by request),

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.

Mr. White asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. White introduced

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors.

Mr. White moved

That the bill be given its first and second readings and reference,

Which motion prevailed, and

The bill was read the first and second times, and referred to the committee on judiciary.

Mr. Davis asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Davis introduced the following

#### CONCURRENT RESOLUTION.

*Be It Resolved by the Senate of the Fifth Legislative Assembly of North Dakota, 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

Mr. White moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

#### THIRD READING OF SENATE BILLS.

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.

Mr. Haggart moved

To amend the bill by striking out the word "three-fourths" and insert in lieu thereof the word "five-sixths" in lines 4 and 5 of section 2, page 2, of the printed bill,

Which motion prevailed, and

The amendment was adopted.

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

Mr. Haggart moved

To further amend the bill by striking out all of section 18 of the printed bill,

Which motion prevailed, and

The amendment was adopted.

Mr. Haggart moved

To further amend the bill by renumbering sections 19, 20 and 21.

The roll being called there were ayes 23, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gordon,	Plain,
Brown,	Green,	Rourke,
Creel,	Haggart,	Strom,
Davis,	Hanna,	Tufts,
Dobie,	Little,	Viets,
Dunlap,	Mansfield,	White,
Enger,	McCanna,	Wishek.
Fu'ler,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	McGillivray,
Clark,	Marshall,	Valentine.
Hanscom,		

Mr. Levang voting in the negative.

Mr. Marshall being excused.

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

Mr. Haggart 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.

Mr. Hanna moved

That the photographer be permitted to take a picture of the Senate,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 16, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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,

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

I have also the honor to return herewith  
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,"

Which the House has amended

By adding to the title the words "relating to challenges in criminal cases,"

And passed the same as amended.

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,

Which the House has passed unchanged.

Also,

Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota,

Which the House has 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 passed as amended.

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,"

Which the House has 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 passed the same as amended.

Also,

Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice,

Which the House has passed unchanged.

Very respectfully,

H. E. LAVAYEA,  
Chief Clerk.

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 24, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Creel,	Hanna,	Rourke,
Davis,	Hanscom,	Strom,
Dobie,	LaMoure,	Tufts,
Dunlap,	Little,	Valentine,
Enger,	Mansfield,	Viets,
Fuller,	McCanna,	White,
Gordon,	McCarten,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Clark,	Marshall.

Mr. Levang voting in the negative.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill No. 128 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Brown,	Hanna,	Rourke,
Creel,	Hanscom,	Tufts,
Davis,	LaMoure,	Valentine,
Dunlap,	Levang,	Viets,
Fuller,	Little,	White,
Gordon,	Mansfield,	Wishek.
Green,	McCanna,	

Those voting in the negative were:

Messrs— McCarten,	Messrs— Plain,	Messrs— Strom.
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Absent and not voting:

Messrs— Benedict, Clark,	Messrs— Dobie, Enger,	Messrs— Marshall.
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Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. McCanna 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. Rourke asked unanimous consent to return to the eighth order of business.

There being no objection the Senate returned to the eighth order of business,

Mr. Rourke moved

That the Senate concur in the House amendments to Senate Bill No. 98.

The question being upon the House amendments to Senate Bill No. 98.

The roll being called there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs— Brown, Creel, Davis, Dobie, Dunlap, Enger, Fuller, Gordon,	Messrs— Hanna, Hanscom, LaMoure, Levang, Little, Mansfield, McCanna, McCarten,	Messrs— McGillivray, Plain, Rourke, Tufts, Valentine, Viets, White, Wishek.
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Absent and not voting:

Messrs— Arnold, Benedict,	Messrs— Clark, Green,	Messrs— Haggart, Marshall.
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Mr. Strom voting in the negative.

Mr. Marshall being excused.

So the Senate concurred in the House amendments.

Mr. Rourke moved

That the Senate concur in the House amendments to Senate Bill No. 14.

The question being upon the concurrence in the House amendments to Senate Bill No. 14.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Rourke.
Dobie,	Levang,	Strom,
Enger,	Little,	Tufts,
Fuller,	Mansfield,	Viets,
Gordon,	McCanna.	White,
Haggart,	McCarten,	Wishck.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Dunlap,	Marshall,
Benedict,	Green,	Valentine.
Clark,		

Mr. Marshall being excused.

So the House amendments were concurred in.

Mr. Little moved

That House Bills Nos. 111, 113, 108 and 13 be given their first and second readings and references,

Which motion prevailed.

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

There being no objection the Senate returned to the seventh order of business.

Mr. Brown made the following report:

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 find the same correct and recommend that the Journal of the forty-second day be approved.

C. G. BROWN,  
Chairman.

Mr. Brown 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.

## FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

## 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,

Was read the first and second times, and

Referred to the committee on cities and municipalities.

## 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 first and second times, and

Referred to the committee on appropriations.

## 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. 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 62 of the Revised Codes of 1895,

Was read the first and second times, and

Referred to the committee on education.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.



## FORTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 17, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Clark and Marshall, who were excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Arnold, Benedict and Brown.

## REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

Senate Bill No. 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 inserting in line 5 of section 2 after the word "state" the following: "And executed by not less than seven freeholders of the state as sureties, and shall be for such an amount as such board shall direct, not less than double the amount of funds to be deposited in such bank; provided if the bank shall give a bond executed by a surety company it shall be."

And when so amended recommend that the same do pass.

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,

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

By inserting in line 11 of section 2 after the word "banks" the following: "Which bond shall be signed by not less than five freeholders of the county as sureties, said bond to be in the sum required by the board, but in no case less than double the probable amount of funds to be deposited in such bank; provided, however, if the bank shall give a bond executed by a surety company then."

And when so amended recommend that the same do pass.

P. H. ROURKE,  
Acting Chairman.

Mr. Hanna moved  
The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred  
Senate Bill No. 72,

A bill for an act to 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.

JOHN E. HARGART,  
Chairman.

The committee on corporations other than municipal made the following report:

MR. PRESIDENT:

Your committee on corporations other than municipal to whom was referred

Senate Bill No. 119,

A bill for an act defining express 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 do pass.

D. C. TUFES,  
Chairman.

The committee on statistics made the following report:

MR. PRESIDENT:

Your committee on statistics to whom was referred

Senate Bill No. 112,

A bill for an act to provide for the collection of vital statistics,

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

By inserting after the word "dollars" in section 7 of the written bill, "or such amount thereof as is absolutely necessary to pay for blanks, books and postage."

And when so amended recommend that the same do pass.

CHARLES W. PLAIN,  
Chairman.

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

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock 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 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:

Strike out all of section 1 after the word "certificates" in line 16 and insert in lieu thereof the words "fifty cents for the first certificate and twenty-five cents each for all other certificates on the same sire."

And when so amended recommend that the same do pass.

A. L. HANSCOM,  
Chairman.

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

#### INTRODUCTION OF BILLS.

Mr. Green introduced  
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,  
Was read the first and second times, and  
Referred to the committee on judiciary.

## THIRD READING OF SENATE BILLS.

Senate Bill No. 114,

A bill for an act to amend section No. 267 of political code,  
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 20, nays 1, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanna,	Plain,
Dobie,	Hanscom,	Rourke,
Dunlap,	LaMoure,	Strom,
Enger,	Levang,	Tufts,
Fuller,	Mansfield,	Viets,
Gordon,	McCarten,	Wishek.
Haggart,	McGillivray,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Davis,	Marshall,
Brown,	Green,	McCanna,
Clark,	Little,	White.
Creel,		

Mr. Valentine voting in the negative.

Messrs. Clark and Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Wishek asked unanims consent to return to the seventh order of business.

There being no objection the Senate returned to the seventh order of business.

Mr. Wishek presented the following report:

Of the committee on public expenditure in the executive branches of the state government.

MR. PRESIDENT:

Your committee on public expenditures in the executive branches of the state government respectfully report:

That in their opinion the commission created by article 24 of the revenue law is no longer conducive of any use or benefit to the state, for the reason that the duties which are contemplated properly devolve on the officers constituting the commission in connection with the county officers, without the aid of its provisions, and therefore it results only in an additional expenditure of \$1,000 or upwards each year by way of extra compensation.

Your committee therefore recommend its entire repeal and have

accordingly introduced a bill for that purpose known as senate bill No. 156.

J. H. WISHEK,  
Chairman.

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

Mr. Wishek asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

The special committee on public expenditure introduced  
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.

Mr. Wishek moved  
That the bill be given its first and second reading and proper reference,

Which motion prevailed, and

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 judiciary.

#### CONSIDERATION OF SPECIAL ORDERS.

Mr. McGillivray moved that

Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

Be made a special order for Saturday, Feb. 20, 1897, at 3 o'clock,

Which motion prevailed, and  
The bill was made a special order.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1897.

*To the Senate:*

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

Senate Bill No. 109,

A bill for an act relating to the practice of osteopathy in the state of North Dakota.

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. 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.

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. 19,

A bill for an act entitled an act to regulate domestic corporations.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,

Governor

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. LaMoure moved

To amend the bill by striking out the word "swan" and transpose the words "wi'd" and "or" in section 3. line 11.

Which motion prevailed, and  
The amendment was adopted.

Mr. LaMoure moved

To further amend the bill by inserting the words "wild swan" immediately after the word "pheasant" in line 7, section 7 of the printed bill.

Which motion prevailed, and  
The amendment was adopted.

Mr. LaMoure moved

To further amend the bill by striking out the figures "1899" and inserting in lieu thereof the figures "1905" on page 6, section 2.

Which motion prevailed, and  
The amendment was adopted.

Mr. Hanna moved

To amend the bill on page 3, section 1644, line 8 by striking out the word "until" and insert "from August 20th to."

Which motion prevailed, and  
The amendment was adopted.

Mr. Rourke moved

To amend the bill by striking out all after the word "not" in line 9, page 3 of the printed bill.

Which motion prevailed, and  
The amendment was adopted.

Mr. Rourke moved

To further amend by striking out the words "or cultivated" in line 35 on page 8.

Roll call demanded.

The roll being called there were ayes 12, nays 15, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McGillivray,
Davis,	Haggart,	Rourke,
Fuller,	LaMoure,	Valentine,
Gordon,	Mausfield,	Viets.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Plain,
Brown,	Hanscom,	Strom,
Dobie,	Levaug,	Tufts,
Dunlap,	McCanna,	White.
Enger,	McCarten,	Wishek.

Absent and not voting:

Messrs— Clark, Creel,	Messrs— Little,	Messrs— Marshall.
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Messrs. Clark and Marshall being excused.

So the motion was lost and the amendment did not prevail.

Mr. Plain moved

To amend the bill by striking out the words "20th day of August and inserting in lieu thereof the words "September first" in line 5, page 6,

Which motion did not prevail,

So the amendment was not adopted.

Mr. LaMoure moved the previous question.

Roll call demanded.

The roll being called there were ayes 15, nays 13, absent and not voting 3.

Those who voted in the affirmative were:

Messrs— Arnold, Benedict, Brown, Fuller, Green,	Messrs— Haggart, Hanna, Hanscom, LaMoure, Little,	Messrs— Mansfield, McCarten, McGillivray, Valentine, Viets.
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Those voting in the negative were:

Messrs— Davis, Dobie, Dunlap, Enger, Gordon,	Messrs— Levang, McCanna, Plain, Rourke,	Messrs— Strom, Tufts, White, Wishek.
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Absent and not voting:

Messrs— Clark,	Messrs— Creel,	Messrs— Marshall,
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Messrs. Clark and Marshall being excused.

So the motion prevailed, and the question recurred to the passage of the bill.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays 4, absent and not voting 3.

Those who voted in the affirmative were:



Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCanna,
Benedict,	Haggart,	McCarten,
Brown,	Hanna,	McGillivray,
Dobie,	Hanscom,	Plain,
Dunlap,	LaMoure,	Strom,
Enger,	Levang,	Valentine,
Fuller,	Little,	White,
Gordou,	Mansfield,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Tufts,	Viets.
Rourke,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Creel,	Marshall.

Messrs. Clark and Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill No. 138 was passed be re-considered.

Mr. LaMoure moved

To lay Mr. Hanna's motion on the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 17, 1897.

MR. PRESIDENT:

I have the honor to return herewith

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 House has amended

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 passed as amended.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. LaMoure presented the following concurrent resolution:

CONCURRENT RESOLUTION.

WHEREAS, A delegation of prominent citizens of Omaha, Neb., 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., February 18, or such other hour as may be convenient.

Mr. Little moved  
The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President 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,

House Bill No. 59,

A bill to provide for the allowance and payment of witness fees in certain cases.

Also,

Concurrent Resolution,

Instructing the attorney general to appear in conjunction with the states attorney in relation to Northern Pacific railroad tax suits.

Also,

Concurrent Resolution,

Requesting the superintendent of public instruction to have Lincoln's birthday properly celebrated.

There being no objection their titles were read and the President affixed his signature.

Senate Bill No. 135,

A bill for an act to amend section 1615, article 8, of chapter 22, Revised Codes,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 20, nays none, absent not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Rourke,
Benedict,	Hanscom,	Strom,
Brown,	Levang,	Tufts,
Davis,	Mansfield,	Valentine,
Dobie,	McCanna,	White,
Dunlap,	McCarten,	Wishek.
Enger,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Green,	Marshall,
Creel,	Haggart,	McGillivray,
Fuller,	LaMoure,	Valentine.
Gordon,	Little,	

Messrs. Clark and Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Wishek moved that the Senate concur in the House amendments to

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

Senate Bill No. 77,

A bill for an act to amend section 371 of the penal code of the state of North Dakota,

The question being upon the concurrence in the house amendments to Senate Bill No. 77.

The roll being called there were ayes 21, nays none, absent and voting 10.

Those who voted in the affirmative were:

Messrs.—  
 Arnold,  
 Benedict,  
 Brown,  
 Davis,  
 Dobie,  
 Dunlap,  
 Enger,

Messrs.—  
 Hanna,  
 Hanscom,  
 Mansfield,  
 McCanna,  
 McCarten,  
 McGillivray,  
 Plain,

Messrs.—  
 Rourke,  
 Strom,  
 Tufts,  
 Valentine,  
 Veits,  
 White,  
 Wishek.

Absent and not voting:

Messrs.—  
 Clark,  
 Creel,  
 Fuller,  
 Gordon,

Messrs.—  
 Green,  
 Haggart,  
 LaMoure,

Messrs.—  
 Levang,  
 Little,  
 Marsha'l,

Messrs. Clark and Marshall being excused.

So the house amendments were concurred in.

The secretary announced that the President was about to sign Senate Bill No. 103,

A bill for an act to define the subjects of which the courts of this state will take judicial notice.

There being no objection its title was read and the President affixed his signature.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 18, nays 4, absent and not voting 9.

Those who voted in the affirmative were:

Messrs.—  
 Arnold,  
 Benedict,  
 Davis,  
 Dobie,  
 Dunlap,  
 Enger,

Messrs.—  
 Gordon,  
 Hanna,  
 Mansfield,  
 McCanna,  
 McCarten,  
 McGillivray,

Messrs.—  
 Rourke,  
 Strom,  
 Valentine,  
 Veits,  
 White,  
 Wishek,

Those who voted in the negative were:

Messrs.—  
 Brown,  
 Hanscom.

Messrs.—  
 Plain,

Messrs.—  
 Tufts,

Absent and not voting:

Messrs.—  
 Clark,  
 Creel,  
 Fuller,

Messrs.—  
 Green,  
 Haggart,  
 LaMoure,

Messrs.—  
 Levang,  
 Little,  
 Marshall.

Messrs Clark and Marshall being excused.

So the bill passed and the title was agreed to.

The President announced that he had referred the matter of the governor's message in relation to the reform school to the committee on state affairs, and that he had appointed the standing apportionment committee of the Senate to act as the special committee called for in Mr. Davis' resolution of Feb. 16, 1897.

The President also announced that Miss Hattie Bly was sworn in as Senate stenographer on Feb. 13, 1897.

### THIRD READING OF HOUSE BILLS.

House Bill No. 39,

A bill for an act to amend section S166 of the Revised Codes of the state 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 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Benedict,	Hanna,	Plain,
Brown,	Hanscom,	Rourke,
Davis,	LaMoure,	Viets,
Dobie,	Levang,	White,
Dunlap,	Mansfield,	Wishek.
Enger,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Haggart,	Strom,
Creel,	Little,	Tufts,
Fuller,	Marshall,	Valentine.
Green,	McGillivray,	

Messrs. Clark and Marshall being excused.

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

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.

Mr. Dunlap moved that House Bill No. 40 be made a special order for Feb. 17, 1897, at 2:30 o'clock,

Which motion did not prevail.

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.

The question being upon the final passage of the bill.

The roll being called there were ayes 17, nays 5, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Levang,	Rourke,
Brown,	Little,	Strom,
Creel,	Mansfield,	Valentine,
Davis,	McCanna,	Viets,
Dobie,	McGillivray,	Wishek.
Hanna,	Plain,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	LaMoure.
Dunlap,	Hanscom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Green,	McCarten,
Fuller,	Haggart,	Tufts,
Gordon,	Marshall,	White.

Messrs. Clark and Marshall being excused.

So the bill passed and the title was agreed.

Mr. Arnold moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

## FORTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 18, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Mr. Marshall, who was excused.

Mr. Valentine moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Clark, Creel and Davis.

## PRESENTATION OF PETITIONS.

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator 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.

S. DOUGLAS,  
(And 15 others.)

Referred to committee on temperance.

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator 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.

W. H. TAIT,  
(And 13 others.)

Referred to committee on temperance.

Mr. Enger presented the following petition:

*To Hon. G. Enger, Senator 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. F. ULREDDE,  
(and 41 others.)

Referred to committee on temperance.

Mr. Enger presented the following petition:

*To the Senate and House of Representatives of the Fifth Legislative Assembly, North Dakota:*

We, the undersigned citizens of the county of Steele, state of North Dakota, believing our prohibition law to be a blessing to our people, earnestly ask your honorable body to use your influence and vote its preservation.

H. O. HAUGENSON,  
(And 176 others.)

Referred to committee on temperance.

Mr. Hanna presented the following petition :

*To Hon. L. B. Hanna, Senator 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.

B. H. MALLOUGH,  
(And 14 others.)

Referred to the committee on temperance.

Mr. Strom presented the following petition:

*To Hon. H. H. Strom, Senator 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.

D. McCULLOCH,  
(And 29 others.)

Referred to committee on temperance.



Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 73 by the Presbyterian church representing a membership of — at a meeting held at Cavalier on February 14, 1897.

J. S. HAMILTON,  
Pastor.

Referred to committee on state affairs.

Mr. LaMoure presented the following petition:

*To the North Dakota Senate:*

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 law.

The above petition was endorsed by vote unanimously by M. E. church, representing a membership of 225, at a meeting held in Drayton on Sabbath morning, Feb. 14, 1897.

C. W. COLLINGE,  
Pastor.

Referred to the committee on state affairs.

Mr. LaMoure presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 53 by the Methodist church, representing a membership of — at a meeting held in Bruce, Pembina county, on Feb. 14, 1897.

E. B. ROBESON,  
Pastor in Charge.

Referred to the committee on state affairs.

Mr. LaMoure presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 47 by the Methodist church, representing a membership of — at a meeting held in Neche on Feb. 14, 1897.

E. B. ROBESON,  
Pastor in Charge.

Referred to the committee on state affairs.

Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

The undersigned society of the Evangelical church of Cavalier earnestly

petition your honorable body to favor the bill which provides for the increase of the penalty clause of our Sabbath laws.

The above petition was endorsed by a vote of thirty-four at the regular evening meeting of the Evangelical church on Sunday evening, Feb. 14, 1897.

R. W. TERCHMAN,  
Pastor.

Referred to the committee on state affairs.

Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of thirty-one members representing the Baptist church and congregation of this town of Cavalier on Sunday, Feb. 14, 1897.

H. B. COOK,  
Church Clerk.

Referred to committee on temperance.

Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 53 by the Methodist church representing a membership of — at a meeting held at Bruce, Pembina county, on Feb. 14, 1897.

E. B. ROBESON,  
Pastor in Charge.

Referred to committee on temperance.

Mr. Hanna presented the following petition:

*To the Honorable Senate and House of Representatives of the Legislative Assembly of North Dakota:*

We the undersigned citizens of Tower City, North Dakota, and members of the fire department of Tower City, North Dakota, respectfully petition your honorable body to use every honorable means to pass the measure known as Senate Bill No. 54, being a bill for an act to amend sections 1031 and 1033 of the Revised Codes.

E. YOUNG,  
(And 29 other members fire department.)

Referred to the committee on temperance.

Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 63 by the Methodist church,

representing a membership of — at a meeting held in Cavalier on Feb. 14, 1897.

E. B. ROBESON,  
Pastor in Charge.

Referred to committee on state affairs.

#### REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 43,

A bill for an act to require the state treasurer to return the funds in his hands belonging to the Russian cactus and French weed fund to the several counties which have paid money in to the state on account of said fund.

Have had the same under consideration and report the same back without recommendation.

Also,

Senate Bill No. 120,

A bill for an act to establish a board of examiners for barbers and to regulate the occupation of a barber in this state,

Have had the same under consideration and report the same back without recommendation.

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.

P. H. ROURKE,  
Acting Chairman.

Mr. Rourke moved

That the reports be adopted,

Which motion prevailed, and

The reports were adopted.

The committee on highways, bridges and ferries made the following report:

MR. PRESIDENT:

Your 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 the Revised Codes of 1895, entitled "Highways, bridges and ferries,"

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

R. McCARTEN,  
Chairman.

The committee on public health made the following report:

MR. PRESIDENT:

Your committee on public health to whom was referred  
Senate Bill No. 82,

A bill for an act to amend section 1530 of the Revised Codes of  
North Dakota, relating to care of the insane,

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

Line 6 of printed bill, after the word "office" insert the words "the examining physician shall be entitled to five dollars for each case examined, and mileage at the rate of ten cents per mile each way."

And that when so amended recommend that it do pass.

A. V. BENEDICT,  
Chairman.

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

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

By striking out the third line from the bottom of page 8 of the printed "Journal the figures "23,000" and insert in lieu thereof the figures "35,000."

Also,

Strike out the word "Senate" in the first line, page 21, and insert in lieu thereof the word "House,"

And when so amended recommend that the Journal of the forty-third day be approved.

H. F. ARNOLD,  
Chairman.

Mr. Haggart presented the following resolution:

WHEREAS, The Senate learns with regret that the most flourishing and best known suburb of the city of Grand Forks has been visited by destroying flames which swept away buildings and business interests that were regarded by the citizens of Grand Forks as being peculiarly essential to their happiness and well being; and

WHEREAS, We learn with regret that the owners of the property destroyed are disheartened, and decline to rebuild and again enter the business arena; therefore.

*Resolved*, That we extend to Grand Forks our sincere sympathy in the loss it has sustained, and trust that the sadness it now experiences in the destruction of its suburb may give place to rejoicing at the near return of prosperity.

Mr. Haggart moved  
The adoption of the resolution.

Mr. McCarten moved  
That it be laid on the table,  
Which motion prevailed, and  
The resolution was laid on the table.

The courtesies of the floor were extended to E. Jones, F. E. Rice, E. Lein, E. A. Munger and E. K. Serley of Richland county.

#### INTRODUCTION OF BILLS.

Mr. Clark introduced  
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 first and second times, and  
Referred to the committee on federal relations.

Mr. McCarten introduced  
Senate Bill No. 158,

A bill for an act to amend sections 1360, 1377 and 1378, of chapter 19, of the Revised Codes of the state of North Dakota, and to suspend the operation of said chapter for a period of four years,

Was read the first and second times, and  
Referred to the committee on military affairs.

Mr. Rourke introduced  
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 judiciary.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 18, 1897.

MR. PRESIDENT.

I have the honor to request 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 returned to the House for the purpose of correcting an error in the amendment adopted by the House.

I have also the honor to return herewith

#### 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.

Also,

#### 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 House has concurred in.

I also have the honor to transmit herewith

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate concurring:*

That no bill shall be introduced into either branch of this Fifth Legislative assembly of the state of North Dakota after the 25th day of February instant, unless both Houses, by a two-thirds vote of the members of each, shall consent thereto,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Little asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 152,

A bill for an act to amend section 2060 of the Revised Codes of North Dakota providing an office of assistant for states attorneys,

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

By striking out the word "shall" where it appears immediately after the words "five thousand" in line—of printed bill and inserting in lieu thereof the word "may."

And when so amended recommend that the same do pass.

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,

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

By striking out of line 5 of section 5 as appears in printed bill the word "two" and inserting in lieu thereof the word "fourteen."

And when so amended recommend that the same do pass.

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 when so amended recommend that the same do pass.

Also,

House Bill No. 111,

A bill for an act to amend sections 6020, 6046, 6031, 6039, 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 be amended as follows:

By striking out all of section 6089 following the words "purpose" as appears on page 5, lines 16 and 17, of 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 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,

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 50,

A bill for an act to amend chapters 2755 of the Revised Codes of 1895 to term of residence,

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

That the title be amended to read as follows:

"A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to time of residence in actions for divorce.

And herewith report the same back without recommendation as to its passage.

Also,

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 the same be amended as follows:

By striking out the words "county court" in line 5 as appears in printed bill, and inserting in lieu thereof the words "district court or county court having increased jurisdiction."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

Mr. Rourke asked unanimous consent to return to the fourth order of business.

There being no objection the Senate returned to the fourth order of business.

Mr. Rourke moved

That the Senate comply with the wishes of the House and return Senate Bill No. 32 for correction,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 98,

A bill for an act to amend sections 8158 and 8159 of the Revised Codes of 1895.



Also,

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 4542 of the Revised Codes, relating to the liability of common carriers.

And find the same correctly enrolled.

C. N. VALENTINE,

Chairman.

The secretary announced that the President was about to sign 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 its title was read and the President affixed his signature.

Also,

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.

There being no objection its title was read and the President affixed his signature.

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.

There being no objection its title was read and the President affixed his signature.

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.

The roll being called there were ayes 27, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,

Messrs—

Fuller,  
Gordon,  
Haggart,  
Hanna,  
Hanscom,  
La Moure,  
Levang.

Messrs—

McCarten.  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,

Messrs—  
Dunlap,  
Enger.

Messrs—  
Mansfield,  
McCanna,

Messrs—  
White,  
Wishok.

Absent and not voting:

Messrs—  
Green,  
Marshall,

Messrs—  
Little,

Messrs—  
Viets.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

The secretary announced that the President was about to sign  
A concurrent resolution relating to Cuban independence.

There being no objection its title was read and the President  
affixed his signature.

Also,

House Bill No. 51,

A bill for an act fixing date when the term of office of county  
auditor shall commence.

There being no objection its title was read and the President  
affixed his signature.

Also,

House Bill No. 24,

A bill for an act providing for fees for sheriff in cases of re-  
demption of property from sale under execution or mortgage fore-  
closure.

There being no objection its title was read and the President  
affixed his signature.

Also,

House Bill No. 15,

A bill for an act providing for the taxation of insurance com-  
panies.

There being no objection its title was read and the President  
affixed his signature.

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.

There being no objection its title was read and the President  
affixed his signature.

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 third time.

Mr. White moved

To amend the bill by amending line 15, section 1, by striking

out the word two and inserting the words "three nor less than two" in lieu thereof,

Which motion did not prevail, and  
The amendment was not adopted.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McCarten,
Benedict,	Gordon,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Marshall,	Viets.
Haggart,		

Messrs. McCanna and White voting in the negative.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 110,

A bill for an act to amend section 4817 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 23, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McCanna,
Benedict,	Gordon,	McCarten,
Brown,	Haggart,	Plain,
Clark,	Hanna,	Rourke,
Creel,	Hanscom,	Strom,
Davis,	LaMoure,	Viets,
Dobie,	Levang,	White,
Dunlap,	Mansfield,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Green,	Marshall,	Tufts,
Little,	McGillivray,	Valentine.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 112,

A bill for an act to provide for the collection of vital statistics,  
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 19, nays 6, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McGillivray,
Benedict,	Hanscom,	Plain,
Brown,	Little,	Rourke,
Clark,	Mansfield,	Viets,
Davis,	McCanna,	White,
Dobie,	McCarter,	Wishek.
Fuller,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dunlap,	Gordon,	Levang,
Enger,	LaMoure,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Haggart,	Tufts,
Green,	Marshall,	Valentine.

Mr. Marshall being excused.

So the bill passed.

Mr. Benedict moved

To amend the title by striking out the word "fifth,"

Which motion prevailed.

Mr. White moved

To further amend the title by adding after the word "statistics" the words "and appropriating money therefor,"

Which motion prevailed, and

The title was agreed to as amended.

Mr. Rourke moved that

Senate Bill No. 144 be placed upon its third reading and final passage,

Which motion prevailed.

Mr. Little moved

That the Senate do now go into executive session to consider the sealed message from the governor,

Which motion prevailed, and

The Senate went into executive session.

The Senate convened in regular session.

The following nominations by the governor were confirmed:

For the Agricultural college at Fargo, Roger Allin of Walsh county, Henry J. Rusch of Cass county, A. G. Clark of Kidder county, for a term of four years each from and after February 18, 1897, agreeable to the provisions of section 936 of the Revised Codes.

C. H. Shiels of LaMoure county, John Milstead of Stutsman county, as trustees of the state hospital for the insane at Jamestown, for a term of four years each from and after Tuesday, April 6, A. D. 1897, according to the provisions of section 985 of the Revised Codes.

A. O. Whipple of Ramsey county, D. C. McLeod of Ramsey county, L. A. Larson of Pierce county, as trustees of the deaf and dumb asylum at Devils Lake, for the term of four years each from and after Tuesday, April 6, 1897, agreeable to the provisions of section 952 of the Revised Codes.

E. C. Geary of Cass county, M. F. Brown of Ransom county, as trustees of the soldiers' home at Lisbon; the former for a term expiring Wednesday, March 2, A. D. 1898, and the latter for a term of four years from and after Tuesday, March 2, A. D. 1897, agreeable to the provisions of section 1013 of the Revised Codes.

J. T. Blacklock of Pembina county, J. T. Mager of Pembina county, as trustees of the North Dakota blind asylum at Bathgate, for the term of four years each, from and after Tuesday, March 23, 1897, agreeable to the provisions of section 968 of the Revised Codes.

N. D. Nelson of Traill county, C. M. Johnson of Richland county, as trustees of the State Normal school at Mayville.

A. P. Peake of Barnes county, Nels Larson of Barnes county, M. B. Cassel of Steele county, as trustees of the state normal school at Valley City, each for the term of four years, from and after Tuesday, April 6, 1897, agreeable to the provisions of section 909 of the Revised Codes.

The President announced that Messrs. LaMoure, Haggart and McGillivray as a committee on reception to meet the delegation from Omaha, known as the Trans-Mississippi Continental Exposition delegation.

#### 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 19, nays 8, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Rourke,
Brown,	LaMoure,	Strom,
Clark,	Little,	Tufts,
Fuller,	Mansfield,	Valentine,
Gordon,	McCanna,	Viets,
Green,	McGillivray,	Wishek.
Hanna,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Haggart,	Plain,
Dunlap,	Levang,	White.
Enger,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Davis,	Marshall.
Creel,		

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Green moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. O. SMITH,  
Secretary.

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## FORTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 19, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Marshall, who was excused.

Mr. McCarten moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Dobie Dunlap and Enger.

## UNFINISHED BUSINESS—SPECIAL ORDERS OF THURSDAY.

Mr. Hanna moved that

Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Be laid over until Tuesday, Feb. 23, 1897,

Which motion prevailed.

A majority of the committee on insurance made the following report:

MR. PRESIDENT:

A majority of your committee on insurance to whom was referred

Senate Bill No. 35,

A bill for an act to compel insurance companies to pay the full amount of loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulations in such policies to the contrary,

Have had the same under consideration and recommend that the same do not pass.

FRANK WHITE,  
F. G. ENGER,  
W. A. GORDON,  
Majority.

A minority of your committee on insurance made the following report:

MR. PRESIDENT:

A minority of your committee on insurance to whom was referred

Senate Bill No. 35,

A bill for an act to compel insurance companies to pay the full amount of loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulations in such policies to the contrary,

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

D. W. McCANNA,  
C. W. PLAIN,  
Minority.

Mr. Little moved

The adoption of the majority report,

Which motion prevailed, and

The majority report was adopted.

The committee on highways, bridges and ferries made the following report:

MR. PRESIDENT:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 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 report the bill without recommendation.

R. McCARTEN.

Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

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 be amended as follows:

By inserting in blank space in section 2, line 5, as appears in printed bill the word "ten."

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 various counties,

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

Also,

Senate Bill No. 151,

A bill for an act relating to the probate of foreign wills,

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,

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,

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 do pass.

Also,

Senate Bill No. 153 (by request),

A bill for an act to prevent the adulteration of candy,

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

By striking out all of section 3, and renumbering the emergency clause.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the reports,

Which motion prevailed, and

The reports were adopted.

#### REPORTS OF SPECIAL COMMITTEES.

The special committee on public expenditure made the following report:

MR. PRESIDENT:

Your committee on public expenditures to whom was referred the vouchers of the railroad commissioners for expenses during the past two years have had the same under consideration and find that the vouchers in question are for traveling and other expenses of the commissioners and their clerk, reported and audited monthly and aggregating a large sum, for the payment of which your committee has been unable to find any express warrant of law. Your committee find further that the vouchers extend to travel both in and out of the state, and the bills therefor are in general so imperfectly stated as, for example, "expenses while traveling during the month of March," as in no manner to disclose what expenses are included.

In so reporting, however, your committee deem it due to the commissioners to state that the questionable practices above referred to are by no means confined to the branch of the state government under consideration, but prevail to a certain extent in other branches. Nor are they by any means limited to the administration of 1895 and 1896, but prevailed in a more marked degree during the administrations immediately preceding. Your committee is also of the opinion that the prevalence of such practices.

is due in no small degree to the failure of our laws to provide the requisite safeguards against extravagance in the management of state affairs in many particulars, such as will require the heads of the different departments to apply and enforce in the expenditure of public money the same business methods and economical expenditures that they would apply in their own private affairs. And your committee deem it highly desirable in order that unnecessary expenditures in the several branches of the state government be so reduced as to enable the public institutions of the state to be maintained without resorting to extraordinary taxation that such defect in our laws be immediately remedied by appropriate legislation. To that end your committee recommend the enactment of laws:

1. Strictly limiting the various state officers to the compensation provided by law.

2. Expressly prohibiting traveling expenses and other perquisites or limiting them to certain well defined cases.

3. Limiting the amount of expenses that may be incurred in each department for ordinary office stationery and for printing reports and making appropriation therefor accordingly.

Your committee is of the opinion that the enactment of judicious laws of the above nature will result in a saving sufficient to enable the various public institutions to be maintained on an economical basis without injury to the credit of the state or a material increase of taxation. And in furtherance of these views, your committee has in preparation a bill covering the points suggested, so far as they are able at this time to do so advisedly, which bill will be presented in due course.

J. H. WISHEK,  
Chairman.

Mr. Wishek moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The courtesies of the floor were extended to S. K. McGinnis, Thos. Pettigrew, J. M. Olmstead, Chas. Ferrier of Jamestown; D. J. Drummond, W. W. Tousley and A. S. McKean of Wahpeton.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 77,

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 find the same correctly enrolled.

C. N. VALENTINE,  
Chairman

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 find the same correct and recommend that the Journal of the forty-fourth day be approved.

GEO. CLARK,  
Chairman.

Mr. Clark 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.

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be corrected as follows:

On page 3 "Mr. Plain" should read "Mr. Dobie."

On page 3 "Mr. Clark" should read "Mr. LaMoure."

On page 4 on the second petition "Mr. Plain" should read "Mr. LaMoure."

On page 4 wherever "Mr. Plain" appears again it should read "Mr. Dobie."

On page 5 where the name of "Mr. Plain" appears it should read "Mr. Dobie."

On page 15 where the words "Valley City" appear in the sixth line of the bottom it should read "Mayville."

And when so amended recommend that the Journal of the forty-fifth day be approved.

JAMES DOBIE,  
Chairman.

Mr. Dobie 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.

## CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following House concurrent resolution was read:

## CONCURRENT RESOLUTION.

*Be it Resolved by the House of Representatives, the Senate concurring:*

That no bill shall be introduced into either branch of this Fifth Legisla-

tive assembly of the state of North Dakota after the 25th day of February instant, unless both Houses, by a two-thirds vote of the members of each, shall consent thereto.

Mr. LaMoure moved

That the concurrent resolution be referred to the committee on judiciary,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 19, 1897.

MR. PRESIDENT:

I have the honor to inform you

That the House has directed me to notify you 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.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate do now proceed to the House of Representatives to meet them in joint session,

Which motion prevailed.

JOINT CONVENTION.

The House and Senate met in joint convention to meet the delegation for the Trans-Mississippi and International exposition.

Lieutenant governor presiding.

Speeches were made by 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 a committee of five, two from the Senate and three from the House, be appointed to meet the delegation for the Trans-Mississippi and International exposition at Omaha, to make such arrangements as they may believe appropriate and necessary for the consideration of the proposition,

Which motion prevailed, and

The President appointed as such committee Messrs. Murphy, Hankinson, Hurley, LaMoure and Rourke.

The joint session dissolved.

## SENATE REASSEMBLED.

The secretary announced that the President was about to sign House Bill No. 45,

A bill for an act entitled an act providing for the dissolution of civil townships.

Also,

House Bill No. 41,

A bill for an act to provide for the arrest and conviction of horse thieves.

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,

## CONCURRENT RESOLUTION.

*Be It Resolved by the Senate of the Fifth Legislative Assembly of North Dakota, 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.

Also,

## CONCURRENT RESOLUTION.

WHEREAS, A delegation of prominent citizens of Omaha, Neb., 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., February 18, or such other hour as may be convenient.

There being no objection their titles were read and the President affixed his signature.

## INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Green introduced

Senate Bill No. 160,

A bill for an act to amend section 2068 of the Revised Codes, relating to the salary of county judges,

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Green introduced

Senate Bill No. 161,

A bill for an act to amend section 2061 of the Revised Codes, relating to the salary of the clerk of the district court,

Was read the first and second times, and

Referred to the committee on judiciary.

By unanimous consent Mr. LaMoure introduced  
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 first and second times, and

Referred to the committee on appropriations.

Mr. Brown moved that

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.

He made a special order for Saturday at 2:30,

Which motion prevailed.

Mr. Haggart moved

That the courtesies of the floor be extended to David W. Shields and E. E. Redmond of Fargo,

Which motion prevailed.

The secretary announced that the President was about to sign  
Concurrent Resolution,

For a just and reasonable valuation of railroad property.

There being no objection its title was read and the President affixed his signature.

#### THIRD READING OF SENATE BILLS.

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.

The roll being called there were ayes 16, nays 4, absent and not voting 11.

Those voting in the affirmative were:

Messrs—  
Arnold,  
Brown,  
Clark,  
Fuller,  
Gordon,  
Haggart,

Messrs—  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
McCanna,

Messrs—  
Rourke,  
Tufts,  
Valentine,  
White,  
Wishek.

Those voting in the negative were:

Messrs—  
Dobie,  
Dunlap,

Messrs—  
Levang,

Messrs—  
Plain.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McGillivray,
Creel,	Hanscom,	Strom,
Davis,	Marshall,	Viets.
Enger,	McCarten,	

Mr. Marshall being excused.

So the bill passed and the title was agreed.

Mr. Little asked unanimous consent to return to the eighth order of business.

There being no objection the Senate returned to the eighth order of business.

Mr. Rourke moved

That the rules be suspended and that  
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.

Be given its third reading and final passage,

Which motion prevailed, and

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.

The roll being called there were ayes 27, nays none, absent not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarten,
Brown,	Haggart,	Rourke,
Clark,	Hanna,	Strom,
Davis,	Hanscom,	Tufts,
Dobie,	LaMoure,	Valentine,
Dunlap,	Levang,	Viets.
Enger,	Little,	White,
Fuller,	Mansfield,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	McGillivray,	Plain.
Marshall,		

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

## FORTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Marshall, Viets and Tufts, who were excused.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Gordon, Fuller and Green.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Enger presented the following petition:

*To Hon. F. G. Enger, Senator 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.

CHARLES G. BOIES,  
(and 20 others.)

Referred to committee on temperance.

## REPORTS OF STANDING COMMITTEES.

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities to whom was referred

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.

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

J. S. GREEN,  
Chairman.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations 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 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,

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

By striking out in section 1 \$53,300 and inserting in lieu thereof \$19,300: also striking out the items in section 1 and insert the following:

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 .....	\$	19,250

And when so amended recommend that it do pass.

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,

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

Strike out all after the word 'items,' viz: and insert the following, and strike out sections 2 and 3 and number section 4, section 2:		
For deficiency in former years .....	\$1,651	\$1
For all expenses from January 1, 1897, to March 1, 1897 .....	2,655	00
For two years commencing March 1, 1897, for teachers' salaries...	13,000	00

For janitor.....	1,000 00
For lights and fuel.....	2,000 00
For incidentals.....	400 00
For library and apparatus.....	100 00
For repairs.....	93 16
<b>Total.....</b>	<b>\$20,900 00</b>

And when so amended 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 be amended as follows:

By striking out all of section 1 after the word "ending" and inserting in lieu thereof the following: "March 1, 1899, to-wit:"

For the term from January 1, 1897, to March 1, 1897.....	\$ 2,655
For deficiency on account of fuel.....	1,000
For the term from March 1, 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
<b>Total.....</b>	<b>\$ 20,455</b>

And when so amended recommend that the same do pass.

Also,

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 needed improvements thereat,

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

Strike out all after the words "as follows, viz:" in section one, and insert the following: And strike out section two and three and number section four as section two:

Salary of warden.....	\$ 3,000
Deputy warden.....	2,000
Matron.....	600
Guards and employes.....	10,000
Maintenance.....	16,000
Lights and fuel.....	4,000
Repairs and improvements.....	1,000
Incidentals.....	600
Drugs and medical attendance.....	1,700
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
Warden's residence.....	3,000
Yard wall.....	2,000
<b>Total .....</b>	<b>\$ 51,600</b>

And when so amended recommend that the same do pass.

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,

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

Strike out all after the words "sum of" and insert the following:	
Instructional force .....	\$ 35,000
Fuel and lights.....	6,000
Repairs of building.....	2,000
Biology.....	500
Mathematics.....	500
Chemistry and geology.....	500
Engineer and assistant.....	3,000
Incidental expenses.....	1,000
Military instruction.....	720
Military department.....	500
Water supply.....	1,000
<b>Total .....</b>	<b>\$ 50,720</b>

And when so amended 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 be amended as follows:

By striking out of section 1 the words "two hundred and four thousand dollars (\$204,000)" and inserting in place thereof the following: "One hundred and nine thousand seven hundred and fifty dollars (\$109,750)."	
Striking out all the items after the words "as follows" in section 1" and inserting the following:	
Maintenance.....	\$ 50,000
Paints, oils and repairs.....	1,000
Incidentals.....	1,000
Engine room supplies.....	500
Two heaters.....	2,000
Farm implements.....	150
Drugs and medicines.....	1,000
Plumbing.....	500
Engine for electric lights.....	750
Employes.....	20,000
Fuel.....	20,000
Electrical repairs.....	500

Fire department.....	\$	300
Blacksmith supplies.....		150
Return of patients and burials.....		1,000
Beds, bedding and furniture.....		500
Chaplain's library and amusements.....		400
<b>Total .....</b>	<b>\$</b>	<b>109,750</b>

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 be amended as follows:

Striking all items in section 1 and inserting the following:		
Salary of commandant.....	\$	2,000 00
Salary of matron.....		600 00
Wages of employes.....		2,400 00
Maintenance.....		6,000 00
Drugs and medical attendance.....		800 00
Clothing.....		800 00
Transportation.....		200 00
Fuel, lights and water supply.....		1,000 00
<b>Total .....</b>	<b>\$</b>	<b>13,800 00</b>

And when so amended 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 be amended as follows:

By striking out the amount of item 2 and inserting in place thereof the figures "\$200."  
 Striking out "\$1200" in item 6 and inserting "\$200."  
 And striking out a l a f e r i t e m 7, making the entire amount twenty-two thousand dollars.

And when so amended recommend that the same do pass.

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,

Have had the same under consideration and recommend that the same be referred to the committee on state affairs.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
That the reports be adopted,  
Which motion prevailed, and  
The reports were adopted.

Mr. Hanna asked unanimous consent to return to the fifth order of business.

There being no objection the Senate returned to the fifth order of business.

Mr. Hanna presented the following petition:

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

The Woman's Christian Temperance union of North Dakota, representing two thousand wives, mother 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) amending the law by increasing the term of residence to one year.

ELIZABETH PRESTON,  
President.

EMMA F. VAIL,  
Secretary.

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

By unanimous consent the appropriation committee introduced 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.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1897.

*To the Senate:*

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

Senate Bill No. 14,

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. 77,

Entitled 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 769 of the Revised Codes of North Dakota, relating to adultery.

Also,

Senate Bill No. 96,

Entitled an act to amend section 4242 of the Revised Codes, relating to the liability of common carriers.

Also,

Senate Bill No. 98,

Entitled 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."

Also

Senate Bill No. 103,

Entitled an act to define the subjects of which the courts of this state will take judicial notice.

Also,

Concurrent Resolution,

Authorizing and instructing the state treasurer to negotiate and dispose of state funding warrants, not to exceed one hundred thousand dollars (\$100,000), to become due and payable on or before July 1, 1898."

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,  
Governor.

Mr. Benedict introduced

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,

Was read the first and second times, and  
Referred to the committee on judiciary.

By unanimous consent Mr. Little introduced  
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.

Mr. Arnold asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

Mr. Arnold presented the following report:

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education to whom was referred  
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,

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

H. F. ARNOLD,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 20, 1897.

MR. PRESIDENT:

I have the honor to transmit 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 civil Codes of 1895, relating to banking.

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. 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,

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota.

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.

Also,

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.

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. 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. 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.

Which the House has passed and your favorable consideration of the same is respectfully requested.

I have also the honor to announce that the House has concurred in the Senate amendment to

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.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

#### REFERENCE OF THE JOURNAL.

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



MR. PRESIDENT:

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 the following amendments:

By striking out the word "to" in the seventh line on page 10.

And when so amended recommend that the Journal of the forty-sixth day be approved.

W. A. GORDON,  
Chairman.

Mr. Gordon 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 secretary announced that the President was about to sign 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.

There being no objection its title was read and the President affixed his signature.

SPECIAL ORDER.

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 22, nays 2, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Fuller,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,

Messrs—

Levang,  
Mansfield,  
McCarten,  
McCanna,  
McGillivray,  
Plain,  
Strom.

Absent and not voting:

Messrs—

LaMoure,  
Little,  
Marshall,

Messrs—

Tufts,  
Viets,

Messrs—

White,  
Wishek.

Messrs. Rourke and Valentine voting in the negative.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which Senate Bill No. 131 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

#### THIRD READING OF SENATE BILLS.

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.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little.

Messrs—

Mansfield,  
McCanna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine.

Absent and not voting:

Messrs—

Marshall,  
Tufts,

Messrs—

Viets,  
White,

Messrs—

Wishek.

Messrs. Marshall, Tufts and Viets being excused.

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.

Mr. Haggart moved

To amend the bill by striking out the word "should" and inserting in lieu thereof the word "shall" on page 6, line 43 of the printed bill,

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 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Little,
Benedict,	Fuller,	Mansfield,
Brown,	Green,	McCarten,
Clark,	Haggart,	McGillivray,
Creel,	Hanna,	Plain,
Davis,	Hanscom,	Rourke,
Dobie,	LaMoure,	Strom.
Dunlap,	Levang,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gordon,	Tufts,	White,
Marshall,	Valentine,	Wishek.
McCanna,	Viets,	

Messrs. Marshall, Tufts and Viets being excused.

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

Mr. Haggart moved

That the vote by which Senate Bill No. 143 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

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 21, nays none, absent and voting 10.

Those who voted in the affirmative were:

Messrs.—	Messrs.—	Messrs.—
Benedict,	Fuller,	Mansfield,
Brown,	Green,	McCanna,
Clark,	Haggart,	McCarten,
Davis,	Hanna,	McGillivray,
Dobie,	Hanscom,	Plain,
Dunlap,	LaMoure,	Rourke,
Enger,	Little,	Valentine.

Absent and not voting:

Messrs.—	Messrs.—	Messrs.—
Arnold,	Marsha'l,	Veits,
Creel,	Strom,	White,
Gordon,	Tufts,	Wishek.
Levang,		

Messrs. Marshall, Tufts and Viets being excused.  
So the bill passed and the title was agreed to.

## SPECIAL ORDERS

Mr. McGillivray moved that  
Senate Bill No. 113,

A bill for an act creating a state board of stock commissioners and providing for the appointment, qualification and duties of said board and their officers, and for the levy of a tax for the maintenance of said board and stock inspection,

Be made a special order for Wednesday, February 24, 1897,  
Which motion prevailed.

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 19, nays 1 absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Benedict,  
Clark,  
Creel,  
Davis,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,

Messrs—

Little,  
Mansfield,  
McCauna,  
McGillivray,  
Rourke,  
Strom.

Absent and not voting:

Messrs—

Arnold,  
Brown,  
Gordon,  
Marshall,

Messrs—

McCarten,  
Plain,  
Tufts,  
Valentine,

Messrs—

Viets,  
White,  
Wishek.

Mr. Dobié voting in the negative.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 150 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 43,

A bill for an act to require the state treasurer to return the funds in his hands belonging to the Russian cactus and French

weed fund to the several counties which have paid money in to the state on account of said fund.

Was read the third time.

Mr. Hanna moved

That the bill be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 43 was indefinitely postponed.

Senate Bill No. 151,

A bill for an act relating to the probate of foreign wills,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 4, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,

Messrs—

Little,  
Mansfield,  
McCanna,  
McCarten,  
Plain,  
Rourke,  
Strom,  
Valentine.

Absent and not voting:

Messrs—

Dobie,  
Marshall,  
McGillivray,

Messrs—

Tufts,  
Viets,

Messrs—

White,  
Wishek.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

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.

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Fuller,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
Levang,

Messrs—

Little,  
Mansfield,  
McCanna,  
McCarten,  
Strom,  
Valentine,  
White.

Absent and not voting:

Messrs—

Arnold,  
Enger,  
LaMoure,  
McGillivray,

Messrs—

Marshall,  
Plain,  
Rourke,

Messrs—

Tufts,  
Viets,  
Wishek.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Lit le.

Messrs—

Mansfield,  
McCanna,  
McCar en,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
White.

Absent and not voting:

Messrs—

Marshall,  
Tufts,

Messrs—

Viets,

Messrs—

Wishek.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 20, 1897.

MR. PRESIDENT:

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 pas-

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

I have also 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,

Which the House has amended

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 passed as amended.

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,

Which the House has 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."

That after the word "alleys" in line 4 of printed bill insert a semi-colon instead of a comma.

And passed the same as amended.

I have the honor to transmit herewith

A Concurrent Resolution,

Directing the governor to offer a reward of \$500 for the capture of the perpetrators of the recent Winona murder; and also directing the attorney general to assist in the prosecution of the same,

And your concurrence therein is respectfully requested.

I have also the honor to notify you that the Speaker of the House has appointed Messrs. Twichell, Hankinson, Gaulke, Earl, Wallace, White, Syvertson and Dougherty members of the joint committee on apportionment.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the rules be suspended and that the Senate concur in the House concurrent resolution just received,

Which motion prevailed, and

The following concurrent resolution was concurred in:

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.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordon,  
Green,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
White.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
Little,

Messrs—

Marshall,  
Tufts,

Messrs—

Veits,  
Wishek.

Messrs. Marshall, Tufts and Veits being excused.

So the bill passed and the title was agreed to.

Mr. Green moved

That the vote by which Senate Bill No. 155 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 152,

A bill for an act to amend section 2060 of the Revised Codes of North Dakota, providing an office of assistant for states attorney,

Was read the third time.



Mr. Plain moved that  
Senate Bill No. 152,

A bill for an act to amend section 2060 of the Revised Codes of  
North Dakota, providing an office of assistant for states attorney,

Be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 152 was indefinitely postponed.

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 24, nays none, absent  
and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Wishek.

Absent and not voting:

Messrs—

Benedict,  
Creel,  
Little,

Messrs—

Marshall,  
Tufts,

Messrs—

Viets,  
White.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 82,

A bill for an act to amend section 1530 of the Revised Codes of  
North Dakota, relating to care of the insane,

Was read the third time.

Mr. Brown moved

To amend the bill by striking out the word "five" in line 4, sec-  
tion 1530, and insert in lieu thereof the word "two,"

Which motion prevailed, and

The amendment was adopted.

Mr. Gordon moved

That Senate Bill No. 82 be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 82 was indefinitely postponed.

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.

Mr. McCanna moved

To amend the bill by striking out the words "treasurer of his" in line 11 of the printed bill and insert in lieu thereof the words "county or" and by inserting the word "treasury" after the word "township" in the same line,

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Haggart,  
Hanna,  
Hanscom,  
Levang,  
Mansfield,  
McCanna.

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Green,  
LaMoure,

Messrs—

Little,  
Marshall,

Messrs—

Tufts,  
Viets.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the rules be suspended and House Bill No. 111 be given its third reading and final passage.

Which motion prevailed, and

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs— Marshall, Messrs— Tufts, Messrs— Viets.

Messrs. Marshall, Tufts and Viets being excused.

So the bill passed and the title was agreed to.

Mr. Benedict moved

That the Senate concur in the House amendments to Senate Bill No. 33,

A bill for an act to amend chapter 29, Revised Codes of 1895.

The question being upon the concurrence in House amendments to Senate Bill No. 33.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Bened.ct,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanscom,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	White,
Enger,	McCanna,	Wishek.
Fuller,		

Absent and not voting:

Messrs— Creel, Messrs— LaMoure, Messrs— Tufts,  
Hanna, Marshall, Viets.

Messrs. Marshall, Tufts and Viets being excused.

So the Senate concurred in the House amendments.

Mr. Rourke moved

That the Senate concur in the amendments to Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of the state of North Dakota.

The question being upon the concurrence in the House amendments to Senate Bill No. 32.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs.—	Messrs—	Messrs—
Benedict,	Gordon,	McCarten,
Brown,	Green,	McGillivray,
Clark,	Haggart,	Plain,
Creel,	Hanna,	Rourke,
Davis,	Hanscom,	Strom,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	White,
Enger,	Mansfield,	Wishek.
Fuller,	McCanna,	

Absent and not voting:

Messrs—

Arnold,  
LaMoure,

Messrs—

Marshall,  
Tufts,

Messrs—

Veits.

Messrs. Marshall, Tufts and Veits being excused.

So the House amendments were concurred in.

The courtesies of the floor were extended to Paul Allen and Burt Proctor of Jamestown.

Mr. Valentine moved

That the Senate do now adjourn until Tuesday, February 23, 1897, at 2 o'clock,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

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## FIFTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 23, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Hanscom, McCanna and Tufts.

Mr. Davis moved

That the absent members be excused,

Which motion prevailed.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Hanna, Haggart and Hanscom.

## PETITIONS AND COMMUNICATIONS.

Mr. Marshall presented the following petition:

*To the North Dakota Senate:*

The undersigned societies 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.

The above petition was endorsed by a vote of over two hundred of a congregation representing the Presbyterian, Methodist, Baptist and Lutheran societies of the city.

C. S. VINCENT,  
Pastor Presbyterian Church.  
J. M. TAYLOR,  
Pastor Methodist Church.  
H. MOE,  
Pastor Lutheran Church.  
Baptist without pastor.

Referred to committee on state affairs.

Mr. Strom presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of all present by church, representing a membership of 46 at a meeting held in Hillsboro on the 21st day of February, 1897.

Emanuel Evangelical Lutheran congregation.

J. R. RORVIK,  
Pastor.  
T. G. DAHL,  
Secretary.

Referred to committee on judiciary.

Mr. Hanna presented the following petition:

CASSELTON, N. D., Feb. 22, 1897.

*To Hon. J. B. Hanna, Bismarck, N. D.:*

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.

F. H. STREHLOW,  
(And 70 others.)

Referred to the committee on judiciary.

Mr. LaMoure presented the following petition:

CAVALIER, N. D., Feb. 18, 1897.

*To Mr. LaMoure:*

We, the undersigned, realizing the insufficient supply of funds at the command of the officers and committee of the Firemen's association of North

Dakota, do hereby urge our members in the legislature to support any measure looking towards an increase in the funds of which such committee or association shall have command.

D. A. HOGG,  
(And 42 others.)

Referred to the committee on appropriations.

The above petition was accompanied by the following letter:

Mr. LaMoure presented the following:

CAVALIER, N. D., Feb. 20, 1897.

*Hon. Judson LaMoure, Bismarck, N. D.:*

DEAR SIR: Enclosed please find a petition from the business firms and citizens of Cavalier, urging your support for any bill that might come up, looking towards an increase in the money furnished the North Dakota Firemen's association.

Believing this to be a good thing I also ask you to use your influence in said cause. I remain

Yours very respectfully,  
D. J. LAXDAL.

Mr. LaMoure presented the following petition:

*To the Honorable Legislators of North Dakota, Now Assembled, Bismarck, N. D.:*

We, the undersigned members of Crystal Lodge No. 28, Knights of Pythias of North Dakota, do protest against the passage of House Bill No. 3 without amendment as we believe it will subject all property of fraternal societies to taxation.

JOHN L. FAHEY,  
(And 20 others.)

Referred to committee on state affairs.

Mr. LaMoure presented the following petition:

*To the Honorable Legislators of North Dakota, Now in Session, Bismarck, N. D.:*

We, the undersigned members of Crystal Lodge No. 38, Independent Order of Odd Fellows, do protest against the passage of House Bill No. 3 without amendment as we believe it will subject all property of fraternal societies to taxation.

SAMUEL F. WALDO,  
(And 10 others.)

Referred to committee on state affairs.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 23, 1897.

MR. PRESIDENT:

I have the honor to transmit 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. 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.

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. 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 1353 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 House has passed and your favorable consideration thereof is respectfully requested.

I have also the honor to return herewith

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,

Which the House has indefinitely postponed for the reason that the subject matter therein contained is covered in House Bill No. 14, which the House has already passed.

Also,

Senate Bill No. 114,

A bill for an act to amend section No. 267 of the political code.

Also,

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. 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.

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 House has indefinitely postponed.

Very respectfully,

H. E. LAVAYEA,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The committee on cities and municipalities made the following report:

MR. PRESIDENT:

Your committee on cities and municipalities to whom was referred

Senate Bill No. 145,

A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota,

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

J. S. GREEN,  
Chairman.

Mr. Green moved

The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred

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,

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

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

The adoption of the report,  
Which motion prevailed, and  
The report were adopted.



The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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 be amended as follows:

That the title be amended by inserting at the beginning thereof the words "A bill for."

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 161,

A bill for an act to amend section 2061 of the Revised Codes, relating to the salary of clerks of the district court,

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

Also,

Senate Bill No. 160,

A bill for an act to amend section 2068 of the Revised Codes, relating to the salary of county judges,

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

First—By striking out the words "and less than four thousand" as they appear in line 9 of printed bill.

Second—By striking out the words "or fraction thereof" in line 10 of printed bill.

Third—By striking out all words after the word "auditor" in line and before the word "provided" in line 19 of printed bill.

Fourth—By adding after the word "hereby" in line 25 the words following, "and provided, further, that the salary of judges in counties having increased jurisdiction shall remain as fixed by section 6615 of the Revised Codes.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 32,

A bill for an act to amend section 5352 of the Revised Codes of North Dakota, relating to attachments,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

REPORT OF SPECIAL COMMITTEE.

The joint committee on conference made the following report:

MR. PRESIDENT:

Your committee on conference to whom was referred

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,

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.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be corrected as follows:

On page 3 where it reads "for all expenses from January 1, 1897, to June 30, 1897," should read "for all expenses from January 1, 1897, to March 1, 1897."

Also on page 3 where it reads in Senate Bill No. 42 "for the term from January 1, 1897, to June 30, 1897," should read "for the term from January 1, 1897, to March 1, 1897."

Also where it says "for the term from June 30, 1897, two years for teachers' salaries," should read "for the term from March 1, 1897, two years for teachers' salaries."

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

L. B. HANNA,  
Chairman.

Mr. Hanna 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 secretary announced that the President 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,

There being no objection its title was read and the President  
affixed his signature.

The courtesies of the floor were extended to H. M. Jones and  
A. M. Davis of LaMoure, F. E. Sargent of Amenia, N. L. Shoeman  
and Hon. O. Brown of Mondovi, Wis.

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

Mr. Creel introduced

Senate Bill No. 166,

A bill for an act to amend sections 785 and 777 of article 17,  
chapter 8 of the Revised Codes of the state of North Dakota,  
providing for the organization of special school districts and bend-  
ing of same,

Was read the first and second times, and  
Referred to the committee on education.

The special committee on expenditure introduced

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 judiciary.

The special committee on expenditure introduced

Senate Bill No. 168,

A bill for an act to repeal sections 147, 148, 149, 150 and 151 of  
the Revised Codes of North Dakota, being article 10 of the polit-  
ical code, establishing a state weather and crop service and making  
an appropriation therefor,

Was read the first and second times, and  
Referred to the committee on agriculture.

The special committee on expenditure introduced

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 lands.

The special committee on public expenditures introduced  
Senate Bill No. 170,

A bill for an act to regulate printing of Executive Documents  
and limit the cost thereof.

Was read the first and second times, and

Referred to the committee on public printing.

Mr. Little moved

That the rules be suspended and that

House Bill No. 3,

House Bill No. 137,

House Bill No. 151,

House Bill No. 115,

House Bill No. 76,

House Bill No. 119,

House Bill No. 131,

House Bill No. 92,

House Bill No. 110,

House Bill No. 101,

House Bill No. 98,

House Bill No. 71,

House Bill No. 14,

House Bill No. 102,

Be given their first and second readings and proper reference,

Which motion prevailed.

Mr. Arnold asked unanimous consent to return to the ninth  
order of business.

There being no objection the Senate returned to the ninth  
order of business.

Mr. Arnold introduced

Senate Bill No. 171,

A bill for an act relating to the educational qualifications of  
teachers in the common and public schools,

Was read the first and second times, and

Referred to the committee on education.

The special committee on public expenditure introduced

Senate Bill No. 172,

A bill for an act to repeal section 388 of the Revised Codes of  
North Dakota relating to additional fees for the clerk of the  
supreme court,

Was read the first and second times, and

Referred to the committee on judiciary.

The special committee on public expenditure introduced

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 re-

quired by state officers, and making an annual appropriation therefor.

Was read the first and second times, and  
Referred to the committee on appropriations.

The special committee on public expenditure introduced  
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.

The special committee on public expenditures introduced  
Senate Bill No. 175,

A bill for an act to repeal sections 756 and 757 of the Revised Codes of North Dakota, relating to appropriation for institute funds, designation of conductors of institutes and disbursements of institute funds,

Was read the first and second times, and  
Referred to the committee on education.

The special committee on public expenditures introduced  
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 agriculture.

Senate Bill No. 3,

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 of 2, chapter 27, of the political code therein,

Was read the first time.

#### SPECIAL ORDER.

Mr. Marshall moved that  
Senate Bill No. 115,

A bill for an act to provide for the greater security of deposits in banks organized under the laws of this state,

Be made a special order for Thursday, February 25, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Arnold asked unanimous consent to return to the ninth order of business,

There being no objection the Senate returned to the ninth order of business.

By unanimous consent the appropriation committee introduced 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. Arnold introduced

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,

Referred to the committee on education.

The first reading of House Bill No. 3 was continued.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 23, 1897.

MR. PRESIDENT:

I have the honor to inform you

That the House has concurred in the Senate amendment 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,

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Wishek moved that

Senate Bill No. 149,

Senate Bill No. 167,

Senate Bill No. 168,

Senate Bill No. 169,

Senate Bill No. 170,

Senate Bill No. 172,

Senate Bill No. 173,

Senate Bill No. 174,

Senate Bill No. 175,

Senate Bill No. 176,

Be referred to the committee on state affairs,

Which motion prevailed.

The courtesies of the floor of the Senate were extended to W. E. Foran of Fargo.

Mr. Clark in the chair.

The first reading of House Bill No. 3 was continued.

The President in the chair.

The first reading of House Bill No. 3 was finished.

House Bill No. 3 was read the second time, and referred to the committee on ways and means.

Mr. Rourke moved

That the bill be taken from the committee on ways and means and referred to the committee on judiciary.

Which motion prevailed.

Mr. Haggart moved

That all the appropriation bills be made special orders for Wednesday, Feb. 24, 1897, at 2 o'clock,

Which motion prevailed.

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,

Was read the first and second times, and  
Referred to the committee on state affairs.

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. 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. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds,

Was read the first and second times, and  
Referred to the committee on banks and banking.

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. 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.

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 and second times, and  
Referred to the committee on education.

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.

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 first and second times, and  
Referred to the committee on judiciary.

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,

Was read the first and second times, and  
Referred to the committee on state affairs.

House Bill No. 71,

A bill for an act to amend section 2980 of the Revised Codes of North Dakota.

Was read the first and second times, and  
Referred to the committee on railroads.

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 and second times, and  
Referred to the committee on banks and banking.

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 d privileges.  
Referred to the committee on judiciary.



Mr. Rourke moved

That the Senate be furnished with a complete list of the clerks hired in the third, fourth and fifth legislative assemblies, and the names be printed in the Journal.

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed,

And the Senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Benedict and Tufts, who were excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Levang Mansfield and Marshall.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator 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.

DONALD McLARTZ,  
(And 24 others.)

Referred to committee on temperance.

Mr. Hanna presented the following petition:

*To Hon. L. B. Hanna, Senator 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.

ROBERT A. HORNE,  
(And 5 others.)

Referred to committee on temperance.

Mr. Clark presented the following petition:

*To Hon. George Clark, Senator 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 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. H. MOTT,  
(And 99 others.)

Referred to committee on temperance.

Mr. Enger presented the following petition:

*To the Senate and House of Representatives of the Fifth Legislative Assembly, North Dakota:*

In behalf of the citizens of Steele county, North Dakota, we, your petitioners, most earnestly entreat you as our representatives to do your utmost in the support and continuance of our prohibitory law. We ask this in the name of our citizens, our children and our homes. While we have a right to expect that Steele county will not dishonor herself and our state in the crisis that is upon us yet there is so much at stake that we urge upon you

the great importance of standing by our prohibitory law. While we expect our representatives to do this we pledge ourselves to do what we can to sustain our lawmakers in maintaining and retaining our prohibitory law.

OLE O. AASEN,  
(And 35 others.)

Referred to the committee on temperance.

#### REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred  
Senate Bill No. 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.

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 recommend that the same be amended as follows:

By striking out the figures "\$7,500" in section 6 and inserting in lieu thereof the figures "\$2,500."

Amending section 5 by adding the words, "and such board shall not receive any remuneration or compensation for their services."

And when so amended recommend that the same do pass.

Also,

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.

Also,

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 do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on public printing made the following report:

MR. PRESIDENT:

Your committee on public printing to whom was referred  
Senate Bill No. 29,

A bill for an act to amend article 27, of chapter 22, of the political code of the compiled laws of 1895, entitled newspapers qualified to do legal printing, and prescribing the duty of county commissioners and auditor relative thereto,

Have had the same under consideration and recommend that the same be returned to the Senate without recommendation.

J. H. WISHEK,  
Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 159,

A bill for an act to provide for reprinting acts of 1895 not found in the Revised Codes,

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

C. B. LITTLE,  
Chairman.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred  
House Bill No. 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,

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

That the title be amended to read as follows:

"A bill for an act to amend section 7518 of the Revised Codes of North Dakota, relating to the making of unlawful loans by corporations having banking powers."

In line 1 of printed bill strike out the words "subdivison one of" and insert in lieu thereof the word "that."

Add the letter "s" to the word "code" in line 1.

In line 2 strike out figures "1895" and insert in lieu thereof the words "North Dakota."

In line 2 strike out the words "and is hereby repealed and said section."

And when so amended recommend that the same do pass.

F. VIETS,  
Chairman.

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

The committee on warehouse, grain and grading made the following report:

MR. PRESIDENT:

Your committee on warehouse, grain and grading to whom was referred

Senate Bill No. 37,

A bill for an act to encourage the building of terminal elevators or public warehouses at the cities of Grand Forks, Fargo and Wahpeton, and providing a bounty therefor, to regulate such public warehouses, the inspection, weighing and handling of grain, specifying the duties of the railroad commissioners regarding the same, and for other purposes relating thereto,

Have had the same under consideration and recommend that the same do not pass.

D. T. DAVIS,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

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. 130,

A bill for an act providing for the repeal of article 23 of the political code of the state of North Dakota,

Have had the same under consideration and recommend that the same be indefinitely postponed.

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,

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

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,

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

In line 54 of printed bill strike out the word "taper" and insert the word "oil."

And when so amended recommend that the same do pass.

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,

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

Be amended in line 4 of the printed bill by striking out the word "should" and inserting in lieu thereof the word "shall."

In line 23 of the printed bill an "s" be added to the word "commissioner" and the words "to be" and "at the next" be stricken out.

In line 24 of the printed bill the words "general election" be stricken out.

And when so amended recommend that the same do pass.

Also,

Senate Bill No. 147,

A bill for an act to amend section 1765 of the Revised Codes relating to inspection of illuminating oils,

Have had the same under consideration and recommend that the same do not pass.

Also,

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 indefinitely postponed.

Also,

Senate Bill No. 133,

A bill for an act providing for the sale of illuminating oils and the standard of tests thereof, and prescribing a penalty for selling illuminating oils in this state below the standard of tests prescribed,

Have had the same under consideration and recommend that the same do not pass.

T. F. MARSHALL,  
Chairman.

Mr. Wishek moved

The adoption of the reports,

Which motion prevailed, and

The reports were adopted.

The committee on education made the following report:

MR. PRESIDENT:

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 be amended as follows:

Amend section 1, line 9 of the printed bill by inserting after the word "superintendent" the words "for the ensuing year."

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

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

#### CONSIDERATION OF SPECIAL ORDERS.

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 24, nays 2, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Brown,	Hanna,	McGillivray,
Clark,	LaMoure,	Plain,
Creel,	Levang,	Rourke.
Dobie,	Little,	Strom,
Dunlap,	Mansfield,	Viets,
Fuller,	Marshall,	White,
Gordon,	McCanna.	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	Valentine.
Enger,	Tufts,	

Messrs. Davis and Hanscom voting in the negative.

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Little 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.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 24, 1897.

MR. PRESIDENT:

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 boards of trustees and the appointment of the members thereof for the state penitentiary and the state reform school,

Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Haggart,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Benedict,

Messrs—

Green,

Messrs—

Tufts.

Mr. Hanscom voting in the negative.



Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Little 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. 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 22, nays 6, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Creel,  
Enger,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Davis,  
Dobie,

Messrs—

Dunlap,  
Levang,

Messrs—

McCarten,  
Plain.

Absent and not voting:

Messrs—

Benedict,

Messrs—

Hanscom,

Messrs—

Tufts.

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. White 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. 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 22, nays 7, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Brown,	Hanna.	Rourke,
Clark,	LaMoure,	Strom,
Creel,	Little.	Valentine,
Enger,	Mansfield,	Viets,
Fuller,	Marsball,	White,
Gordon,	McCanna,	Wishek.
Green,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Hanscom,	McCarten,
Dobie,	Levang,	Plain.
Dunlap,		

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Strom 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.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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 find the same correctly enrolled.

C. N. VALENTINE,  
Chairman

The secretary announced that the President was about to sign 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.

There being no objection its title was read and the President affixed his signature.

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.

Mr. Haggart moved

To amend the bill by adding the following section:

Section 2. Whereas, an emergency exists in that the money called for by this bill will be needed prior to July 1, 1897, therefore, this bill shall take effect from and after the date of its passage and approval."

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 5, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Plain,
Brown,	Haggart,	Rourke,
Clark,	Hanna,	Strom,
Creel,	LaMoure,	Valentine.
Dunlap,	Little,	Viets,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.
Gordon,	McGillivray,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Davie,	Hanscom,	McCarten.
Dobie,	Levang,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	McCanna,	Tufts.

Messrs. Benedict and Tufts being excused..

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

Mr. Haggart 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.

The secretary announced that the President was about to sign A Concurrent Resolution,

Authorizing the governor to offer \$500 reward for the Winona murderers.

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 of North Dakota, relating to liens upon crops,

There being no objection their titles were read and the President affixed his signature.

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 22, nays 6, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Creel,  
Dunlap,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McGillivray,

Messrs—

Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Davis,  
Dobie,

Messrs—

Enger,  
Hanscom,

Messrs—

Levang.  
McCarten.

Absent and not voting:

Messrs—

Benedict,

Messrs—

McCanna,

Messrs—

Tufts.

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Haggart 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. 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 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arno'd,	Green,	McCarten.
Brown,	Haggart,	McGil ivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	LaMoure,	Strom,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	Viets,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.
Gordon,	McCanna,	

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Haggart 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. 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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Brown,	Hanna,	Rourke,
Clark,	LaMoure,	Strom,
Creel,	Levang,	Valentine.
Dunlap,	Little,	Viets,
Fuller,	Mansfie'd,	White,
Gordon,	Mar-hall,	Wishek.
Green,	McCanna,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	McCarten,	Plain.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	Tufts.
Davis,	Hanscom,	

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Arnold 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.

Mr. Arnold moved

That Senate Bill No. 177 be given its third reading and final passage,

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.

Mr. Arnold moved

To amend the bill by adding the following emergency clause:

"WHEREAS, An emergency exists in that a portion of the money hereby appropriated is needed for immediate use, therefore this act shall take effect and be in force from and after its passage and approval."

Which motion prevailed, and

The amendments was adopted.

The question being upon the final passage of the bill.

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

Those voting in the affirmative were:

Messrs—

Arnold,  
Clark,  
Davis,  
Dobie,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoire,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCauna,  
McGillivray,  
Rourke,  
Strom,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Dunlap,  
Enger,

Messrs—

Hauscom,  
McCarten,

Messrs—

Plain.

Absent and not voting:

Messrs—

Benedict,  
Brown,

Messrs—

Creel,  
Tufts,

Messrs—

Valentine.

Messrs. Benedict and Tufts being excused.

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

Mr. Arnold moved

That the vote by which Senate Bill 177 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

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,

Was read the third time.

The question being upon the final passage of the bill.

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

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Enger,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoire,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Dobie,  
Dunlap,

Messrs—

Levang,  
McCarten,

Messrs—

Plain.

Absent and not voting:

Messrs—

Benedict,  
Creel,

Messrs—

Davis,  
Hanscom,

Messrs—

Tufts.

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Rourke 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 HOUSE.

HOUSE OF REPRESENTATIVES,  
February 24, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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.

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Haggart asked unanimous consent to introduce a bill.

There being no objection Mr. Haggart introduced  
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.

The committee on appropriations introduced  
Senate Bill No. 179,

A bill for an act to suspend sections 1375, 1376, 1378, 1391, 1396 and 1416 of the Revised Codes of North Dakota, relating to the state militia,

Was read the first and second times, and  
Referred to the committee on military affairs.

Mr. Little introduced Senate Bill No. 180, a concurrent resolution as follows:

CONCURRENT RESOLUTION.

*Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:*

That the following proposition to amend the constitution of the state of North Dakota, which was agreed to by the Fourth Session of the Legislative assembly, be and the same is hereby agreed to, to 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, namely:

The constitution of the state of North Dakota is hereby amended to read as follows:

"The state to may meet casual deficiencies in the revenue or in case of extraordinary emergencies contract debts: but such debts shall never in the aggregate exceed the sum of five (5) mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessments made for the state and county purposes; exclusive of what may be the debt of North Dakota at the time of the adoption of the constitution. Every such debt shall be authorized by law for certain purposes, to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall especially appropriate such proceeds of such tax to the payment of said principal and interest and appropriation shall not be repealed nor the tax discontinued until such debt both principal and interest shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war or to pro-



vide for the public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness shall not be construed to any part or portion of said indebtedness."

Referred to committee on judiciary.

The special committee on expenditure introduced  
Senate Bill No. 181,

A bill for an act to amend sections 1375 and 1376 of the Revised Codes of North Dakota, being part of chapter 19 of the political code therein, which chapter is entitled "the militia," and which said sections relate to the compensation and duties of the adjutant general, and inspector and judge advocate general's department,

Was read the first and second times, and

Referred to the committee on military affairs.

Mr. Mansfield introduced

Senate Bill No. 182,

A bill for an act to amend section 37, of article 3, of chapter 2, of the Revised Codes of the state of North Dakota,

Was read the first and second times, and

Referred to the committee on apportionment.

The special committee on expenditure introduced  
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 first and second times, and

Referred to the committee on state affairs.

#### THIRD READING OF SENATE BILLS.

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 a state fair at Mandan, and an appropriation of money therefor,

Was read the third time.

Mr. Enger moved

To amend the bill by striking out all of section 6 of the printed bill.

Mr. Strom moved, as a substitute,

To strike out the word "annually" in line 3 of section 6 of the printed bill.

There being no second to Mr. Strom's motion the question recurred to Mr. Enger's motion,

Which motion was lost, and

The amendment did not prevail.

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.

The question being upon the final passage of the bill.

The roll being called there were ayes 17, nays 9, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Clark,	Hanna,	Rourke,
Creel,	LaMoure,	Strom,
Fuller,	Little,	White,
Gordon,	Mansfield,	Wishek.
Green,	Marshall,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Dunlap,	Levang,
Davis,	Enger,	McCarten,
Dobie,	Hanscom,	Plain,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Tufts,	Viets.
McCanna,	Valentine,	

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. Little 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.

#### SPECIAL ORDERS.

Mr. McGillivray moved

That Senate Bill No. 113 be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

Senate Bill No. 50,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to time of residence in actions for divorce,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 13, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

Arnold,	Dunlap,	McCanna,
Brown,	Enger,	McCarten,
Creel,	Hanscom,	Plain,
Davis,	Levang,	Strom.
Dobie,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Clark,	Little,	Valentine,
Gordon,	Mansfield,	Viets,
Green,	Marshall,	White,
Haggart,	McGillivray,	Wishek.
Hanna,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	LaMoure,	Tufts.
Fuller,		

Messrs. Benedict and Tufts being excused.

So the bill did not pass.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 24, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

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 18, nays 3, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McGillivray,
Brown,	Little,	Rourke,
Clark,	Mansfield,	Valentine,
Creel,	Marshall,	Viets,
Enger,	McCanna,	White,
Green,	McCarten,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Levang,	Plain,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller,	Hanscom,
Davis,	Gordon,	LaMoure,
Dobie,	Haggart,	Tufts.
Dunlap,		

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

Mr. McCanna moved

That the vote by which Senate Bill No. 154 was passed be reconsidered and the motion to reconsider be laid on the table, Which motion prevailed.

President Pro Tem Little in the chair.

Senate Bill No. 160,

A bill for an act to amend section 2068 of the Revised Codes, relating to the salary of county judges, Was read the third time.

Mr. McGillivray moved

That Senate Bill No. 160 be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

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 24, nays none, absent and voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanscom,	McGillivray,
Clark,	LaMoure,	Plain,
Creel,	Levang,	Rourke,
Davis,	Little,	Strom,

Messrs—  
Dobie,  
Dunlap,  
Enger,  
Hanna,

Messrs—  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Benedict,  
Brown,  
Fuller,

Messrs—  
Gordon,  
Green,

Messrs—  
Haggart,  
Tufts.

Messrs. Benedict and Tufts being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 24, 1897.

MR. PRESIDENT:

I have the honor to transmit 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 cause escaped taxation,

Which the House has passed and your favorable consideration of the same is respectfully requested.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

The President in the chair.

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.

Mr. Marshall moved

To amend the title of the bill by adding the words "relating to the number of aldermen and to the election, qualification and terms of office of aldermen and other officers in incorporated cities."

Which motion prevailed, and  
The amendment was adopted.

Mr. White moved

To amend the bill by striking out the proviso in line 12, section 1, and inserting "the population to be determined by the last census,"

Which motion prevailed, and  
The amendment was adopted.

Mr Rourke moved to further amend the bill

By striking out the words "one thousand" in line 4 of section — and insert in lieu thereof the words "six hundred."

Which motion prevailed, and

The amendment was adopted.

Mr. Arnold moved to further amend the bill

By striking out the words "one thousand" on page 3, section 2154, line 6, and insert in lieu thereof the words "six hundred."

Which motion prevailed, and

The amendment was adopted.

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.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Ceel,  
Davis,  
Dieb,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Hanna,  
Hanscom,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Viets,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Benedict,  
Haggart,

Messrs—

LaMoure,  
Levang,

Messrs—

Tufts.

Messrs. Benedict and Tufts being excused.

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

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 73,

A bill for an act to amend sections 8518 and 8519 of the Revised Codes of 1895, as to boards of trustees, and appointment of the members thereof, for the state penitentiary and the state reform school.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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.

There being no objection its title was read and the President affixed his signature.

Senate Bill No. 120,

A bill for an act to establish a board of examiners for barbers and to regulate the occupation of a barber in this state,  
Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 11, nays 14, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Haggart,  
Hanscom,  
LaMoire,  
Little,

Messrs—

Mansfield,  
Marshall,  
McCanna,  
Plain,

Messrs—

Strom,  
Veits,  
White.

Those who voted in the negative were:

Messrs—

Arnold,  
Clark,  
Creel,  
Davis,  
Dobie,

Messrs—

Dunlap,  
Enger,  
Gordon,  
Hanna,  
Levang,

Messrs—

McGillivray,  
Rourke,  
Valentine,  
Wishek.

Absent and not voting:

Messrs—

Benedict,  
Brown,

Messrs—

Fuller,  
Green,

Messrs—

McCarten,  
Tufts.

Messrs. Benedict and Tufts being excused.

So the bill did not pass.

Senate Bill No. 35,

A bill for an act to compel insurance companies to pay the full amount of loss sustained upon property covered by policies of insurance up to the amount expressed in the policies, notwithstanding any stipulations in such policies to the contrary,

Was read the third time.

Mr. Little moved

That further consideration of this bill be indefinitely postponed,  
Which motion did not prevail.

The question being upon the final passage of the bill.

The roll being called there were ayes 14, nays 11, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Dunlap,	Mansfield,
Clark,	Fuller,	Marshall,
Creel,	Green,	McCanna,
Davis,	Hinscom,	Plain.
Dobie,	Levang,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Enger,	Little,	Vie's,
Gordon,	McGillivray,	White,
Haggart,	Rourke,	Wishek.
Hanna,	Strom,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Tufts,
Benedict,	McCarten,	Valentine.

Messrs. Benedict and Tufts being excused.

So the bill did not pass.

Senate Bill No. 161,

A bill for an act to amend section 2061 of the Revised Codes, relating to the salary of clerks of the district court,

Was read the third time.

Mr. McGillivray moved

That further consideration of Senate Bill No. 161 be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

Mr. Little moved

That the rules be suspended and that all House bills be given their first and second readings and their proper reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

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 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 state affairs.

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,

Was read the first time.

Mr. Arnold asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Arnold introduced

Senate Bill No. 185,

A bill for an act to provide for dispensing with the management of county affairs by a board of county commissioners, and committing the management thereof to a board of county supervisors,

Was read the first and second times, and

Referred to the committee on state affairs.

Mr. Hanna introduced

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.

Mr. Clark introduced

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.

First reading of House Bill No. 121 continued.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1897.

*To the Senate:*

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

Senate Bill No. 32,

Entitled an act to amend section 5352 of the Revised Codes of the state of North Dakota.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,  
Governor.

First reading of House Bill No. 121 was continued.

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

On page 12 where it reads "House Bill No. 3 was read the third time," should be read "second time."

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

K. P. LEVANG,  
Chairman.

Mr. Levang 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.

Mr. Green moved

That the Senate do now adjourn,

Which motion did not prevail.

First reading of House Bill No. 121 continued.

First reading of House Bill No. 121 concluded.

House Bill No. 121

Was read the second time, and

Referred to the committee on railroads.

Mr. Marshall asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Marshall introduced  
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 state affairs.

Mr Green moved  
That the Senate do now adjourn,  
Which motion did not prevail.

Mr. Rourke moved  
A call of the Senate.

The roll being called Messrs. Arnold, Fuller, Green, Little, McCanna, McCarten, McGillivray, Viets and Wishek were found to be absent.

Mr. Marshall moved  
That further proceedings under the call of the Senate be dispensed with,  
Which motion did not prevail.

Mr. White moved  
That further proceedings under the call of the Senate be dispensed with,  
Which motion did not prevail.

Mr. Hanna moved  
That further proceedings under the call of the Senate be dispensed with,  
Which motion did not prevail.

Mr. Arnold moved  
That further proceedings under the call of the Senate be dispensed with,  
Which motion prevailed.

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

J. O. SMITH,  
Secretary.

## FIFTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
February 25, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Marshall, who was excused.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. McCarten, McGillivray and Plain.

## PRESENTATION OF PETITIONS.

Mr. Fuller presented the following petition:

JAMESTOWN, N. D., Feb. 18, 1897.

*To the Honorables B. W. Fuller, Frank Lenz and John McGinnis:*

GENTLEMEN: We hereby petition you to give your support and vote in favor of Senate Bill No. 54, which provides for an annual appropriation of twenty-five hundred dollars (\$2,500) to the North Dakota Fireman's Association.

MONTGOMERY & FLINT,  
(And 59 others.)

Referred to the committee on appropriation.

Mr. Creel presented the following petition:

*To Hon. H. M. Creel, Senator 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. HAIG,  
(And 21 others.)

Referred to the committee on temperance.

Mr. Creel presented the following petition:

*To Hon. H. M. Creel, Senator 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 the committee on temperance.

Mr. Creel presented the following petition:

*To the Honorable, the Senate and House of Representatives of the State of North Dakota, in Legislature Convened:*

We, the undersigned residents and citizens of Ramsey county, state of North Dakota, respectfully represent and petition, that

WHEREAS, After seven years of experience under a law almost absolutely prohibiting the sale of intoxicating liquors, we are convinced that the law aforesaid has almost entirely failed of its purpose, and has not in a material degree diminished the sale of intoxicating liquors; and

WHEREAS, Experience under the prohibitory act has demonstrated that the responsible saloon under high license is but supplanted by the irresponsible one under prohibition, which is much less preferable; and

WHEREAS, Experience under prohibition has demonstrated that the number of saloons both increase and their quality declines; and

WHEREAS, We believe that obedience to law is the duty of all citizens, and is especially necessary in a republic, and that the present failure of the prohibition law not only destroys the respect of our citizens for all law, but likewise injures the cause of temperance by bringing it into contempt and ridicule; and

WHEREAS, We believe that the science of all power is the will of the people; and

WHEREAS, We believe that a healthy public sentiment is necessary to the enforcement of all laws, and that laws against and contrary to the will of the people are injurious, however meritorious their motive may be; and

WHEREAS, We believe that the electors of this state are well qualified, and even better qualified now, after experience, to express their will at the polls in reference to the abandonment or further continuance of the present liquor laws, now, therefore,

We, the undersigned, petition your honorable body to take such action in the way of an amendment to the constitution of this state as will resubmit to the electors of the state the question of the continuation of the present prohibition law as embodied in the state constitution or the abandonment of the same, leaving to the future representatives of the people in legislature assembled the power to enact such laws for the regulation of the liquor traffic as shall seem to them best.

S. L. WINEMAN  
(And 87 others.)

Which was referred to the committee on railroads.

Mr. Haggart presented the following resolutions adopted at Good Templars Lodge, Fargo, N. D., Tuesday, Feb. 23, 1897:

WHEREAS, An effort is being made to secure the better enforcement of our prohibitory liquor law; therefore be it

*Resolved.* First—That we are a lodge of Good Templars with a membership of one hundred and fifty-five (155), of whom ninety-two (92) are voters in the city of Fargo, and county of Cass, North Dakota, do hereby respectfully urge our representatives in the legislature at Bismarck to do their utmost to secure the passage of House Bill No. 128, so that the object of the framer of that bill may be attained, viz: the better enforcement of the prohibitory liquor law; be it

*Resolved.* That we urge them further, to use their influence and vote to preserve the prohibitory liquor law at present on our statute books unimpaired.

CHARLES A. MCNAMARA, Chief Templar.  
J. E. BINGHAM, Past Chief Templar.

Referred to the committee on temperance.

Mr. Dunlap presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals, hereby earnestly petition your honorable body to increase the penalty clause of Sabbath observance law.

C. H. BOBB,  
(And 38 others.)

Referred to the committee on state affairs.

Mr. Dobie presented the following petition:

*To the North Dakota Senate:*

The undersigned societies 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.

The above petition was endorsed by a vote of sixty by Tyner Presbyterian church, representing a membership of eighty, at a meeting held in Tyner on Sabbath, Feb. 21, 1897.

T. U. RICHMOND,  
Pastor.

Referred to committee on state affairs.

Mr. Strom presented the following petition:

*Senator H. H. Strom, Bismarck, N. D.:*

We, the citizens of Portland, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

HANS KROGH,  
(And 15 others.)

Referred to committee on railroads.

Mr. Hanna presented the following petition:

*Senator L. B. Hanna, Bismarck, N. D.:*

We, the citizens of Hunter, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give you undivided support to this bill.

J. H. GALE,  
(And 54 others.)

Referred to committee on railroads.

Mr. Hanna presented the following petition:

*Senator L. B. Hanna, Bismarck, N. D.:*

We, the citizens of Tower City, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

H. V. SMITH.  
(And 20 others.)

Referred to committee on railroads:

Mr. Hanna presented the following petition:

*Senator L. B. Hanna, Bismarck, N. D.:*

We, the citizens of Buffalo, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

F. A. QUIRK & Co.  
(And 42 others.)

Referred to committee on railroads.

Mr. Tufts presented the following petition:

*Senator Tufts, Bismarck, N. D.:*

We, the citizens of Mapleton, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men, merchants and farmers of this city, and we urgently request that you give your undivided support to this bill.

N. HODGES.  
(And 38 others.)

Referred to committee on railroads.

Mr. Haggart announced that he had some petitions in favor of House Bill No. 121, which he would produce later.

#### REPORTS OF STANDING COMMITTEES.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred Senate Bill No. 6,

A bill for an act entitled an act to extend the time of payment on school and public lands from Jan. 1, 1897, to Jan. 1, 1898;

Have had the same under consideration, and report it back without recommendation.

D. W. McCANNA,  
Chairman.

Mr. Strom moved

That Senate Bill No. 6 be indefinitely postponed,

Which motion prevailed, and

Senate Bill No. 6 was indefinitely postponed.

The committee on public lands made the following report:

**MR. PRESIDENT:**

Your committee on public lands to whom was referred  
Senate Bill No. 55,

A bill for an act providing for the assignment by the state of North Dakota of its right, title and interest in and to any piece or parcel of land formerly or hereafter acquired by virtue of having been, or being bid in at tax sale by said state, and for the sale at either public or private sale to any purchaser, by the several county treasurers of said state of any piece or parcel of land which has become or shall hereafter become the absolute property of said state and for the execution and delivery of tax deeds by the several county treasurers of said state, to any purchaser or purchasers at either public or private sale of the state title to any piece or parcel of land now or hereafter the property of the state,

Have had the same under consideration and report it back without recommendation.

D. W. McCANNA,  
Chairman.

The committee on railroads made the following report:

**MR. PRESIDENT:**

Your committee on railroads to whom was referred  
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,

Have had the same under consideration and recommend that the same be indefinitely postponed.

JUDSON LAMOURE,  
Chairman.

Mr. LaMoure moved

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

The committee on railroads made the following report:

**MR. PRESIDENT:**

Your committee on railroads to whom was referred  
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 be amended as follows:

In line 11 of printed bill strike out the word "thirty" and insert "ninety."  
Also by adding an emergency clause.



And when so amended recommend that the same do pass.

Mr. McGillivray moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred  
House Bill No. 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 do pass.

F. VIETS,  
Chairman.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
House Bill No. 102,  
A bill for an act to regulate appeals from justices courts on questions of law,  
Have had the same under consideration and 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 do pass.

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,

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

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations 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:

Amend item 1 by striking out "3,000" and inserting "2,900" in lieu thereof.

Amend item 2 by striking out "3,000" and inserting "2,500" in lieu thereof.

Amend item 6 by striking out "3,000" and inserting "3,400" in lieu thereof.

Amend item 9 by striking out "1,000" and inserting "100" in lieu thereof.

Amend by adding item 11 as follows: For an additional deputy in state examiners's office at a salary of \$1,500.

And when so amended recommend that the same do pass.

JOHN E. HAGGART,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred  
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,

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

Also,

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,

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. 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.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved  
The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The courtesies of the floor were extended to Edward Brown of Grafton, M. C. Caddel of Morton county, Hon. Thomas Kleinogel, Hon. N. C. Young, C. S. Edwards, W. L. Gill, H. R. Hartman, N. G. Eggen, George Osgood, C. E. Wilson, W. D. Sweet, Samuel Gowland, David Shields, Ed Pierce, W. L. Yeater, Judge Augustus Roberts and Frank Sargent.

Mr. Wishek presented the following petition by unanimous consent:

*Senator John H. Wishek, Bismarck, N. D.:*

DEAR SIR: We, the citizens of Steele, North Dakota, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

P. J. LYONS,  
(And 25 others)

Referred to committee on railroads.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 25, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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, rela

ing to the protection of game and fish, and the issuing of perm t 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 House has amended as follows:

In section 2, line 7 of engrossed bill, after the word "animals" insert the words "or birds."

And passed as amended.

I also have the honor to transmit 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.

Also,

House Bill No. 142,

Being a concurrent resolution to amend the constitution of the state of North Dakota.

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.

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

Very respectfully,

H. E. LAVAYEA,

Chief Clerk.

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

Mr. Strom introduced

Senate Bill No. 189,

A bill for an act to repeal section 4681 of the Revised Codes of North Dakota, relating to limiting of liens upon crops,

Was read the first and second times, and

Referred to the committee on agriculture.

Mr. Rourke moved

That Senate Bill No. 115 be re-referred to the committee on banks and banking,

Which motion prevailed.

Mr. Little moved

That the rules be suspended and that all appropriation bills be given their third reading and final passage,

Which motion prevailed.

Senate Bill No. 156,

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.

The roll being called there were ayes 20, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Rourke,
Benedict,	Haggart,	Strom,
Brown,	Hanna,	Tufts,
Davis,	Little,	Viets,
Dobie,	Mansfield,	White,
Fuller,	McCanna,	Wishek.
Gordon,	Plain,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Hanscom,	McCarten.
Dunlap,	Levang.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	LaMoure,	McGillivray,
Enger,	Marshall,	Valentine.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 165 was passed be reconsidered and the motion to reconsider 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 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McCanna,
Benedict,	Gordon,	McCarten.
Brown,	Green,	Plain,
Clark,	Hanna,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	Marshall,	White.
Hanscom,	McGillivray,	

Mr. Wishek voting in the negative.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 25, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

A concurrent resolution, requesting the railroad commissioners to take immediate action to enforce the rate on lignite coal, adopted by them,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

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 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs.—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Benedict,	Hanna,	Strom,
Brown,	LaMoure,	Tufts,
Clark,	Little,	Valentine,
Dobie,	Mansfield,	Viets,
Dunlap,	McCanna,	White.
Fuller,	McCarten,	Wishek.
Gordon,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Green,	Marshall,
Davis,	Hanscom,	McGillivray.
Enger,	Levang,	

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which Senate Bill No. 183 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 24, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Gordon,	McCanna,
Brown,	Green,	Plain,
Clark,	Haggart,	Rourke,
Creel,	Hanna,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	Valentiu,
Enger,	Little,	Viets.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Marshall,	McGillivray,	Wishek.
McCarten,	White,	

Messrs. Dunlap and Hanscom voting in the negative.

Mr. Marshall being excused.

So the bill 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.

Mr. Valentine moved

To amend the bill by striking out the word "September" in line 12 of the printed bill and inserting in lieu thereof the word "December,"

Which motion prevailed, and  
The amendment was adopted.

Mr. Valentine moved

To further amend the bill by adding the following emergency clause:  
 "Whereas, Under the present law the terms of court in LaMoure county is held the first Tuesday in March, an emergency exists, therefore th's bill shall take effect and be in force after its passage and approval,"

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 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Arnold,  
 Benedict,  
 Brown,  
 Clark,  
 Creel,  
 Davis,  
 Dobie,  
 Enger,

Messrs—

Fuller,  
 Gordon,  
 Green,  
 Haggart,  
 Hanna,  
 Levang,  
 Little,  
 Mansfield,

Messrs—

McCarten,  
 Plain,  
 Rourke,  
 Strom,  
 Valentine,  
 Viets,  
 Wishek.

Absent and not voting:

Messrs—

Dunlap,  
 Hanscom,  
 LaMoure,

Messrs—

Marshall,  
 McCanna,  
 McGillivray,

Messrs—

Tufts,  
 White.

Mr. Marshall being excused.

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

Mr. Hanna moved

That the Senate concur in the House amendments to Senate Bill No. 138.

The question being upon the concurrence in House amendments to Senate Bill No. 138.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
 Benedict,  
 Brown,  
 Clark,  
 Creel,  
 Davis,  
 Dobie,  
 Enger,

Messrs—

Fuller,  
 Gordon,  
 Green,  
 Haggart,  
 Hanna,  
 Hanscom,  
 Levang,  
 Little,

Messrs—

Mansfield,  
 McCarten,  
 Rourke,  
 Strom,  
 Valentine,  
 Viets,  
 White,  
 Wishek.



Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunlap,	McCanna,	Plain.
LaMoure,	McGillivray,	Tufts.
Marshall,		

Mr. Marshall being excused.

So the House amendments were concurred in.

Mr. Davis asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

Mr. Davis presented the following reports:

REPORTS OF STANDING COMMITTEES.

The committee on apportionment made the following report:

MR. PRESIDENT:

Your committee on apportionment to whom was referred Senate Bill No. 182,

A bill for an act to amend section 37 of article 3 of chapter 2 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. 64,

A bill for an act to amend section 37 of the Revised Codes of North Dakota,

Have had the same under consideration and recommend a substitute bill, and that the substitute bill do pass.

D. T. DAVIS,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred 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,

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

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,

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

Also,

Senate Bill No. 172,

A bill for an act to repeal section 388 of the Revised Codes of North Dakota relating to additional fees for the clerk of the supreme court,

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. 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.

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,

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

Also,

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,

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.

P. H. ROURKE,  
Acting Chairman.

Mr. Davis asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

The committee on apportionment introduced  
Substitute for Senate Bill No. 64,

A bill for an act to amend section 37, article 3 of chapter 2, entitled senatorial and representative districts and legislative apportionment, of the Revised Codes of the State of North Dakota,

Was read the first and second times, and

Referred to the committee on apportionment.

Mr. LaMoure moved

That the Senate take a recess of ten minutes,

Which motion prevailed, and

The Senate took a recess.

SENATE REASSEMBLED.

Mr. Valentine moved

That the vote by which Senate Bill No. 137 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

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.

Mr. McGillivray moved

To amend the bill by striking out the figures "100" in line 16 and inserting in lieu thereof the figures "1,000."

Which motion did not prevail, and

The amendment was not adopted.

Mr. White moved

To amend the bill by striking out the figures "3,000" in line 8 and insert in lieu thereof the figures "2,400."

Also strike out "3,000" in line 9 and insert in lieu thereof the figures "2,100."

Also strike out the figures "2,700" in line 10 and insert "1,500."

Also strike out in line 11 the figures "2,500" and insert "2,100."

Also strike out in line 12 the figures "2,100" and insert "1,500."

Also strike out in line 14 "2,500" and insert "1,500."

Also strike out in line 15 the figures "1,500" and insert in lieu thereof the figures "500."

Also strike out all of line 17. All these in the printed bill.

Roll call demanded.

The question being upon the amendment in whole.

The roll being called there were ayes 9, nays 18, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Dobie,	McCarten,	White,
Dunlap,	McGillivray,	Wishek.
Enger,	Plain,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Rourke,
Brown,	Hanna,	Strom,
Clark,	Hanscom,	Tufts,
Davis,	Levang,	Valentine,
Fuller,	LaMoure,	Viets.
Gordon,	Little,	
Green,	Manstie'd,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Marshall,	McCanna.
Creel,		

Mr. Marshall being excused.

So the motion was lost, and  
The amendment did not prevail.

Mr. Hanna moved

That each amendment be voted on separately.

Mr. LaMoure moved

The previous question,

Which motion prevailed, and

The question recurred to the passage of the bill.

The roll being called there were ayes 15, nays 15, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Mansfield,
Benedict,	Green,	Rourke,
Brown,	Haggart,	Strom,
Clark,	LaMoure,	Valentine,
Fuller,	Little,	Viets.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Hanna,	McGillivray,
Davis,	Hanscom,	Plain,
Dobie,	Levang,	Tufts,
Dunlap,	McCanna,	White,
Enger,	McCarten,	Wishek.

Mr. Marshall being excused.

So the bill did not pass.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 25, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

A concurrent resolution,

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

I also have the honor to transmit herewith

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,

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. 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. 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.

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

The secretary announced that the President 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.

There being no objection its title was read and the President affixed his signature.

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 16, nays 6, absent and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Strom,
Benedict,	Green,	Tufts,
Brown,	Hanna,	Valentine,
Clark,	LaMoure,	Viets,
Creel,	McCanna,	Wishek.
Fuller,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Hanscom,	McCarten,
Dunlap,	Levang,	Plain.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Little,	McGillivray,
Enger,	Mansfield,	Rourke,
Haggart,	Marshall,	White.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Senate Bill No. 133,

A bill for an act providing for the sale of illuminating oils and the standard of tests thereof, and prescribing a penalty for selling illuminating oils in this state below the standard of tests prescribed.

Mr. Tufts moved

That the bill be indefinitely postponed,

Which motion did not prevail.

The question being upon the final passage of the bill.

The roll being called there were ayes 14, nays 6, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Clark,	Enger,	Plain,
Creel,	Hanscom,	Strom,
Davis,	Levang,	Viets,
Dobie,	McCanna,	Wishek.
Dunlap,	McCarten,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Tufts,
Brown,	Green,	Valentine.

Absent and not voting:

Messrs—

Benedict,  
Fuller,  
Haggart,  
Hanna,

Messrs—

LaMoire,  
Little,  
Mansfield,  
Marshall,

Messrs—

McGillivray,  
Rourke,  
White.

Mr. Marshall being excused.

So the bill did not pass.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 25, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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. 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. 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.

Also,

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,

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

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. Green moved

That the rules be suspended and that

House Bill No. 1,

A bill for an act providing a bounty on certain stock-destroying animals and a fund for the payment thereof,

Be given its third reading and final passage,

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,

Was read the third time.

Mr. LaMoure moved to amend the bill

By striking out the word "one-fifth" in line 3, section 7, and insert in lieu thereof the word "one-tenth."

Which motion prevailed, and

The amendment was adopted.

Mr. Plain moved to amend the bill

By striking out the word "third" and inserting in lieu thereof the word "two," in line 4, section 1,

Which motion was lost,

So the amendment did not prevail.

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

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

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dunlap,

Messrs—

Fuller,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,

Messrs—

Mansfield,  
McCanna,  
McGillivray,  
Strom,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Dohie,  
Levang,

Messrs—

McCarten,  
Plain,

Messrs—

Valentine.



Absent and not voting:

Messrs—  
Enger,  
Gordon,

Messrs—  
Marshall,  
Rourke,

Messrs—  
Tufts.

Mr. Marshall being excused.

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

Mr. Green moved

That the vote by which House Bill No. 1 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 the following amendments:

On page 4 "House Bill No. 5" should read "House Bill No. 57."

On page 26 the word "finished" after the figures "121" should be changed to read "concluded," and the following should be added: "House Bill No. 121 was read the second time and referred to the committee on railroads,

And when so amended recommend that the Journal of the fifty-first day be approved.

R. McCARTEN,  
Chairman.

Mr. McCarten 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.

Mr. Hanna moved

That the vote by which Senate Bill No. 23 was lost be reconsidered,

Which motion prevailed.

Mr. Little moved

That the Senate do now adjourn

Which motion prevailed,

And the Senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1897.

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

The President presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Marshall, who was excused.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Rourke, Strom and Tufts.

## PETITIONS AND COMMUNICATIONS.

Mr. Haggart presented the following petition:

*Senator J. E. Haggart, Bismarck, N. D.:*

We, the citizens of Fargo, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

FARGO MERCANTILE CO.  
(And 10 others.)

Referred to committee on railroads.

Mr. Haggart presented the following petition:

*Senator L. B. Haggart, Bismarck, N. D.:*

We, the undersigned business men of the city of Fargo, respectfully request that you use your usual energetic methods for the purpose of furthering the passage through the Senate, at this session, of House Bill No. 121, which we consider of great importance to the business interests of the state.

THOS. KLIENOGEL  
(And 47 others.)

Referred to committee on railroads.

Mr. Haggart presented the following petition:

*Senator J. E. Haggart, Bismarck, N. D.:*

We, the citizens of Fargo, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men, merchants and farmers of this city, and we urgently request that you give your undivided support to this bill.

S. A. SHULABERGER  
(And 19 others.)

Referred to committee on railroads:

Mr. Haggart presented the following petition:

*To Senator John E. Haggart:*

We, the citizens of Fargo, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

S. J. VIDGER.  
(And 24 others.)

Referred to the committee on railroads.

Mr. Haggart presented the following petition :

*To Senator John E. Haggart:*

We, the citizens of Fargo, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the merchants and business men of this city and we urgently request that you give your undivided support to this bill.

F. R. MARSH.  
(And 34 others.)

Referred to the committee on railroads.

Mr. Arnold presented the following petition:

*To Hon. H. F. Arnold, Senator 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 the committee on temperance.

Mr. Rourke presented the following petition:

*To Hon. P. H. Rourke, Senator 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.

E. S. KILBOURNE,  
(And 54 others.)

Referred to committee on temperance.

Mr. Strom presented the following petition:

*To Hon. H. H. Strom, Senator 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.

J. G. HALLAND,  
(And 74 others.)

Referred to the committee on temperance.

#### REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred

Senate Bill No. 54,

A bill for an act to amend sections 1031 and 1033 of the Revised Codes, relating to appropriation in aid of the Volunteer Fireman's association.

Have had the same under consideration, and recommend that the same be returned to the Senate without recommendation.

Also,

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 the same be returned to the Senate without recommendation.

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 be returned to the Senate without recommendation.

JOHN E. HAGGART,  
Chairman.

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education to whom was referred

Senate Bill No. 171,

A bill for an act relating to the educational qualifications of teachers in the common and public schools,

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

H. F. ARNOLD,  
Chairman.

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred

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,

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

A. V. BENEDICT,  
Chairman.

The committee on military affairs made the following report:

MR. PRESIDENT:

Your committee on military affairs to whom was referred  
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.

Have had the same under consideration and recommend that the title be amended so as to read follows:

A bill for an act entitled an act relating to the organization of corporations for the 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.

By striking out in the engrossed bill the words "drill hall," in lines 8 and 9, section 1, and inserting in lieu thereof the words "military training school."

Also by striking out the words "armory" in line 16, section 1, and inserting in lieu thereof the words "military training school," also, by striking out the word "the" after the word "erect," line 2, section 3, and inserting in lieu thereof "a military training school," and striking out the words "the purpose of" in line 5, section 3, and inserting in lieu thereof the words "a military training school."

And when so amended recommend that the same do pass.

FRANK WHITE,  
Chairman.

Mr. White moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 186,

A concurrent resolution to amend section 162, of article 9, of the constitution of the state of North Dakota,

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

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,

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

Also,

Senate Bill No. 180,

Being a concurrent resolution to amend the constitution of the state of North Dakota,

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

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,

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

C. B. LITTLE,  
Chairman.

The committee on apportionment made the following report:

MR. PRESIDENT:

Your committee on apportionment to whom was referred Substitute for Senate Bill No. 64,

A bill for an act to amend section 37 of the Revised Codes of North Dakota,

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

D. T. DAVIS,  
Chairman.

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education 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 same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Gordon moved

That the further consideration of Senate Bill No. 95,

A bill for an act entitled an act fixing the salary of clerks of the district court in the state of North Dakota; providing for reimbursing 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,

Be indefinitely postponed,  
Which motion prevailed, and  
The bill was indefinitely postponed.

Mr. Dunlap moved  
That the further consideration of  
Senate Bill No. 55,

A bill for an act providing for the assignment by the state of North Dakota of its right, title and interest in and to any piece or parcel of land formerly or hereafter acquired by virtue of having been, or being bid in at tax sale by said state, and for the sale at either public or private sale to any purchaser, by the several county treasurers of said state of any piece or parcel of land which has become or shall hereafter become the absolute property of said state and for the execution and delivery of tax deeds by the several county treasurers of said state, to any purchaser or purchasers at either public or private sale of the state title to any piece or parcel of land now or hereafter the property of the state.

Be indefinitely postponed,  
Which motion prevailed, and  
The bill was indefinitely postponed.

#### REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

On page 6, line 24, the word "hirty" should read "thirty."

On page 20, line 33, "din" should read "did."

On page 22, line 25, the word "third" should read "three,"

And when so amended recommend that the Journal of the fifty-second day be approved.

P. H. ROURKE,  
Chairman.

Mr. LaMoure moved

To correct the Journal of the fifty-second day by changing his vote on the amendments to Senate Bill No. 23, from the affirmative to the negative,

Which motion prevailed, and  
The Journal was so corrected.

Mr. Rourke 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 as corrected.



## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 26, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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,

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.

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 No. 93,

A bill for an act providing for primary elections and prescribing the duties of primary election officers,

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

Respectfully,

H. E. LAVAYEA.

Chief Clerk.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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,  
And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President 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.

There being no objection its title was read and the President affixed his signature.

UNFINISHED BUSINESS.

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.

Mr. Hanna moved

To amend the bill by striking out the figures "3000" and insert in lieu thereof the figures "2100" in line 9 of the printed bill.

Which motion prevailed, and

The amendment was adopted.

Mr. Hanna moved

To amend the bill in line 10, section 1, by striking out the figures "2700" and inserting in lieu thereof the figures "1800."

Mr. Arnold moved

As a substitute that the bill be amended by inserting the figures "2100" instead of "1800."

The question being on the substitute motion.

The substitute motion prevailed, and

Mr. Arnold's amendment was adopted.

Mr. McGillivray moved

To amend the bill by striking out the figures "100" in the engrossed bill in relation to the secretary of the board of railroad commissioners and insert in lieu thereof the figures "1000."

Which motion was lost.

Mr. McCanna moved

To amend the bill by striking out the figures "1500" in line 15 and insert in lieu thereof the figures "500."

Mr. Brown moved

As an amendment to the amendment that the figures "1500" be stricken out and the figures "1200" be inserted in lieu thereof.

Which motion did not prevail,

So the amendment to the amendment was not adopted.

Mr. LaMoure moved

As a substitute that the appropriation for the clerk of the commissioner of agriculture's office be made "1,000."

Which substitute motion did not prevail.

Mr. Arnold moved

As a substitute to the amendment that the salary be made \$900,

Which substitute motion did not prevail.

The question recurring to Mr. McCanna's motion to amend

The motion prevailed, and

The amendment was adopted.

Mr. Tufts moved

That the words "\$3,400" in the engrossed bill, relating to the clerk hire in the office of superintendent of public instruction, be stricken out and the words "\$3,000" be inserted in lieu thereof,

Which motion was lost,

So the amendment did not prevail.

Mr. Wishek moved

That the words "\$2,500" for clerk hire in the office of the commissioner of insurance and "\$2,100" be inserted in lieu thereof,

Which motion prevailed, and

The amendment was adopted.

Mr. Hanna moved

To strike out all of that portion of the engrossed bill in relation to a copy-ist for the supreme court,

Which motion prevailed, and

The amendment was adopted.

Mr. White moved

To amend the bill by striking out all of that portion of the engrossed bill in relation to the bank examiner,

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

To reconsider the vote by which line 16 of the printed bill was amended, making the appropriation for the secretary of railroad commissioners "\$100" instead of "\$1,000."

Mr. McGillivray moved

That the vote by which the bill was amended in line 16 be reconsidered.

Mr. Hanna moved

To amend line 12 of the printed bill by inserting "1,800" in lieu of "2,100,"

Which motion prevailed, and  
The amendment was adopted.

Mr. LaMoure moved

To reconsider the vote in line 9 whereby the appropriation for the secretary of state was cut from "2,500" to "2,100."

Mr. Rourke moved

The previous question,  
Which motion prevailed, and  
The question recurred to the passage of the bill.

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

The roll being called there were ayes 23, nays 5, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Haggart,  
Hanna,  
Hauscom,  
Levang,  
Little,  
Mansfield,  
McCanna,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White.  
Wishek.

Those voting in the negative were:

Messrs—

Gordon,  
Green,

Messrs—

McCarten,  
McGillivray,

Messrs—

Plain.

Absent and not voting:

Messrs—

Brown,

Messrs—

LaMoure,

Messrs—

Marshall.

Mr. Marshall being excused.

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

Mr. Little 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.

## CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following concurrent resolution was read:

## 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.

Mr. Plain moved

The adoption of the concurrent resolution,

Which motion prevailed, and

The resolution was adopted.

Also 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 unreasonablerates: 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,

Was read.

Mr. Enger moved

The adoption of the concurrent resolution.

Roll call demanded.

The question being upon the adoption of the concurrent resolution.

The roll being called there were ayes 13, nays 11, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Clark,  
Creel,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Hanna,  
Levang,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Strom,  
Viets.

Those voting in the negative were:

Messrs—

Benedict,  
Davis,  
Gordon,  
Haggart,

Messrs—

Hanscom,  
LaMoure,  
Little,  
Mansfield,

Messrs—

Rourke,  
Tufts,  
Wishek.

Absent and not voting:

Messrs—

Brown,  
Fuller,  
Green,

Messrs—

Marshall,  
Plain,

Messrs—

Valentine,  
White.

Mr. Marshall being excused.

So the resolution was adopted.

The courtesies of the floor were extended to F. S. Lycan, J. D. Bacon and Stephen Collins of Grand Forks, and John G. Dingle of Mandan.

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

Mr. Strom introduced

Senate Bill No. 190,

A bill for an act to make it the duty of the state treasurer to make out and publish quarterly reports of receipts and disbursements of the state treasurer,

Was read the first and second times, and

Referred to the committee on state affairs.

The special committee on public expenditures introduced

Senate Bill No. 191,

A bill for an act to amend chapter 96 of the laws of 1895, entitled an act creating the office of state superintendent of irrigation and forestry, and prescribing the duties thereof,

Which was referred to the committee on irrigation.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 26, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 144,

A bill for an act regulating the foreclosure of land contracts,

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,

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 House has passed and your concurrence therein is respectfully requested.

I have also the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1,

House Bill No. 1,

A bill for an act providing a bounty for certain stock-destroying animals and a fund for the payment thereof.

Respectfully,

H. E. LAVAYEA,

Chief Clerk.

Mr. Rourke moved

That Senate Bills Nos. 170, 172 and 173 be recommitted to the committee on state affairs,

Which motion prevailed, and

The bills were recommitted.

President pro tem Little in the chair.

#### THIRD READING OF SENATE BILLS AND MEMORIALS.

Senate Bill No. 119,

A bill for an act defining express companies, and providing for the assessment of their property and the taxation of the same,

Was read the third time.

Mr. Green moved

That Senate Bill No. 119 be made a special order for Monday, March 1 at 3 o'clock.

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.

Mr. Wishek moved

A call of the Senate.

Mr. Brown moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Green,  
Haggart,  
Hanna,  
LaMoure,  
Mansfield,  
McCanna,  
McCarten,  
McGillivray,

Messrs—

Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Fuller,  
Gordon,

Messrs—

Hanscom,  
Levang,

Messrs—

Little,  
Marshall.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Green asked unanimous consent to return to the fifth order of business.

There being no objection the Senate returned to the fifth order of business.

Mr. Green presented the following petition:

*To Hon. J. S. Green, Representative Thirtieth District:*

We, the undersigned, citizens of Moron county, employes of the Northern Pacific Railroad company, and business men of the city of Mandan, hereby petition you to vote and work against House Bill No. 121, now in the Senate. The aforesaid bill contemplates a radical reduction of passenger and freight



rates, and if it becomes a law it will seriously impair the revenue of the railroad companies, which will inevitably result in a reduction of the wages of railroad employes.

J. G. BURTON,  
(And 68 others.)

Referred to the committee on railroads.

Mr. Tufts presented the following petition:

*To Hon. D. C. Tufts:*

We, the citizens of Davenport, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

E. B. QUALLEY,  
(And 35 others.)

Referred to committee on railroads.

Mr. Tufts presented the following petition:

*Senator D. C. Tufts, Bismarck, N. D.:*

We, the citizens of Harwood, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

MELONE CARMINE,  
(And 14 others.)

Referred to committee on railroads.

Mr. Tufts presented the following petition:

*Senator D. C. Tufts, Bismarck, N. D.:*

We, the citizens of Grandin, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

R. J. PRATT,  
(And 43 others.)

Referred to the committee on railroads.

Mr. Enger presented the following petition:

*Senator F. G. Enger, Bismarck, N. D.:*

We, the citizens of Hope, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

JOHN J. WAMBERG,  
(And 54 others.)

Referred to committee on railroads.

Mr. Green asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Green introduced

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 first and second times, and -

Referred to the committee on state affairs.

Mr. Benedict moved -

That the rules be suspended and that substitute for Senate Bill No. 64 be given its third reading and final passage,

Which motion prevailed.

Substitute for Senate Bill No. 64,

A bill for an act to amend section 37, article 3 of chapter 2, entitled senatorial and representative districts and legislative apportionment, of the Revised Codes of the state of North Dakota,

Was read the third time.

Mr. McCanna moved

To amend the bill by striking out the word "one" in line 68 and insert in lieu thereof the word "two."

Which motion prevailed, and

The amendment was adopted.

Mr. McGillivray moved

To amend by striking out the word "one" in line 95 and insert in lieu thereof the word "two."

Which motion prevailed.

Mr. Brown moved

That further consideration of Substitute for Senate Bill No. 64 be indefinitely postponed.

Which motion prevailed, and

Substitute for Senate No. 64 was indefinitely postponed.

The President in the chair.

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.

Mr. White moved

To amend the bill by striking out the word "annually" in line 6, and insert after the word "appropriated" at the end of line 7 the following: "For two years beginning March 1, 1897, the following sums of money, to-wit:

Fuel and lights.....	\$	6,500
Office supply .....		1,000
Emploves .....		8,000
Postage.....		4,000
Miscellaneous .....		4,000

Total ..... \$ 23,500

And by striking out the word "ten thousand in line 8,

Which motion prevailed, and  
The amendment was adopted.

Mr. Little moved  
To make Senate Bill No. 74 a special order for Saturday, Feb.  
27, 1897, at 3 o'clock,

Which motion prevailed, and  
The bill was made a special order.

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 25, nays 3, absent and  
not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Gordon,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mausfield,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Rourke,  
Strom,  
Tufts,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Creel,

Messrs—

Fuller,

Messrs—

Green.

Absent and not voting:

Messrs—

Marshall,

Messrs—

Plain,

Messrs—

Valentine.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Wishek moved

That the vote by which Senate Bill No. 167 was passed be recon-  
sidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Rourke moved

That the Governor be asked to furnish the Senate with an item-  
ized statement of the amounts necessary to maintain the capitol  
for the ensuing two years, as per the items in Senate Bill No. 174,  
Which motion prevailed.

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 19, nays 8, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Enger,	McCarten
Brown,	Hanna,	Rourke,
Clark,	Hanscom,	Strom,
Creel,	Levang,	Viets,
Davis,	Mansfield,	White,
Dobie,	McCanna,	Wishek.
Dunlap,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Gordon,	Little,	Tufts,
Haggart,	McGillivray,	Valentine.
LaMoure,	Plain,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Marshall.
Fuller,		

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill 169 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 13, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Benedict,	Little,	Plain,
Enger,	Mansfield,	White,
Fuller,	McCarten,	Wishek.
Gordon,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Green,	Rourke,
Clark,	Hanna,	Tufts,
Creel,	Hanscom,	Valentine.
Davis,	LaMoure,	Viets.
Dobie,	Levang,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunlap,	McCanna,	Strom.
Marshall,		

Mr. Marshall being excused.

So the bill did not pass.

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 27, nays none, absent and voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Gordon,	McCarten,
Brown,	Green,	McGillivray,
Clark,	Haggart,	Plain,
Creel,	Hanna,	Rourke,
Davis,	Hanscom,	Tufts,
Dobie,	LaMoure,	Wishek,
Dunlap,	Levang,	Valentine,
Eger,	Little,	White.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Marshall,	Strom,	Viets.
McCanna,		

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 26, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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.

Also,  
 Substitute for 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.

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 report.

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. 175,  
 Joint memorial to congress relating to the tariff upon manufactured articles by trusts.

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

Respectfully,  
 H. E. LAVAYEA,  
 Chief Clerk.

Mr. Arnold asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education to whom was referred Senate Bill No. 140,  
 A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 682, 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 be amended as follows:

Insert after Section 701 the following:

SEC. 704. SCHOOL TERMS, HOW ARRANGED—WHEN SCHOOLS MAY BE DISCONTINUED ] The district board shall determine and fix the length of time

the schools in the district shall be taught in each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; provided, that every common school shall be kept in session for not less than four months in each school year, and in every district in which the number of persons of school age is an average of fifteen or more to the school, each school shall be kept in session for not less than six months in each school year; provided, further, that any school may be discontinued when the average attendance of pupils therein for the consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance or when with the consent of a majority of the patrons of such school proper and convenient school facilities can be provided for the pupils therein in some other school.

Further amend by striking out of the bill, section 832, and insert in lieu thereof the following:

SEC. 832. MEMBERS OF BOARD, HOW ELECTED--QUORUM.] Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards, then such city shall elect one member of such board at large. Such members shall hold their office for the term of two years and until their successors are elected and qualified. A majority of the members of such board shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn. The electors in each ward in such city shall elect one member of such board, and the electors of such city shall elect one member of the board at large. The wards having even numbers shall hold their election in each even numbered year, and the wards having odd numbers shall hold their election in each odd numbered year. The member at large shall be elected biennially in the even numbered years

Provided, when such city is divided into three wards such board shall consist of five members, one member from each ward and two members to be chosen at large.

Provided, also, that at a first election members from even numbered wards shall be elected for a term of one year, and members from odd numbered wards for a term of two years; when two members are to be chosen at large at such first election, one shall be elected for a term of one year and one for a term of two years.

Amend the title by inserting after the figures "701" the figures "704."

"Further amend the title by inserting after the figures "780" the figures "785, 789, 790."

Further amend the title of the bill by striking out of the printed bill section 737 and insert in lieu thereof the following:

SECTION 737. PROFESSIONAL CERTIFICATES--WHO ENTITLED.] He may issue a state certificate to be valid for life, unless sooner revoked, to be known as a professional certificate. Such certificate shall be issued only to those persons of good moral character who pass a thorough examination in all branches included in the courses of study prescribed for the common and high schools of the state, including methods of teaching and such other branches as the superintendent of public instruction may direct. Such certificate shall in no case be granted unless the applicant has had an experience as a teacher of at least five years, and can satisfy the superintendent of his ability to instruct and properly manage any high school of the state. Such certificate shall be valid throughout the state, and the holder shall be authorized to teach in any of the common or high schools of the state without further examination; provided, that any person who is a graduate of the normal course in the university of North Dakota, or of the state normal schools of North Dakota, and has had three years' successful experience after graduation as a teacher, may be granted such professional certificate without further examination; provided, further, that if the holder of a professional certificate shall at any time cease to teach, or to be engaged in

other active educational work for the space of three years, he shall be liable to a re-examination and to the cancellation of his certificate, subject to such rules as may be prescribed by such superintendent.

SEC. 735. NORMAL CERTIFICATE, WHO ENTITLED.] He may issue a state certificate, to be valid for a term of five years, unless sooner revoked, to be known as a normal certificate. Such certificate shall be issued only to those persons of good moral character, who have completed a prescribed course of study in one of the normal schools of the state, or in a normal school elsewhere having an established reputation for thoroughness, but the superintendent of public instruction may examine any such applicant in his discretion. Such certificate shall not be granted unless the applicant shall have taught school successfully at least two years. Such certificate shall be valid throughout the state and the holder shall be authorized to teach in any of the public schools of the state; provided, that any person who is a graduate of the normal course in the University of North Dakota, or of the state normal schools of North Dakota, and who has had one year's successful experience after graduation as a teacher, may be granted such normal certificate without further examination; provided, furthermore, that a diploma from either of the normal schools, or the normal department in the University of North Dakota, shall for the period of two years after date of issue, be the equivalent of a first grade certificate in any county in this state if the party holding such diploma has the required age specified by section 742.

That section 777 of printed bill be stricken out and the following be inserted in lieu thereof:

SEC. 777. BONDS, DENOMINATION OF—INTEREST—LIMIT OF ISSUE.] The denomination of the bonds which may be issued under the provisions of this article shall be \$50 or some multiple of fifty not exceeding \$500 and shall bear interest at the rate of not exceeding 7 per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; and no greater amount than \$1,000 can be issued for any one school house, except in towns and villages of more than 200 inhabitants, and in such districts the amount, including all other indebtedness, shall not exceed 5 per cent of its assessed valuation, and may be made payable in not less than ten nor more than twenty years from their date.

That after section 780 of the printed bill the following section be inserted:

SEC. 785. CITIES GOVERNED BY THE PROVISIONS OF THIS ARTICLE.] All cities and incorporated towns and villages which have heretofore been organized under the general school laws and which are provided with a board of education shall be governed by the provisions of this article. Any city or incorporated town or village having a population of over 200 inhabitants may be constituted a special school district in the manner hereinafter prescribed, and shall then be governed by the provisions of this article; provided, that any city heretofore organized for school purposes under a special act may adopt the provisions of this article by a majority vote of the voters therein, in the same manner as is provided for the organization of a new corporation under the provisions of this article.

SEC. 789. SPECIAL SCHOOL DISTRICT—HOW ORGANIZED.] When a petition signed by one-third of the voters of a city, incorporated town or village or a school district in which is located a city or incorporated town or village entitled to vote at such election is presented to the council or trustees of such city, incorporated town or village or school district asking that such city, incorporated town or village or school district be organized as a special school district, such council or board of trustees shall within ten days order an election for such purpose, notice of which shall be given and the election conducted and the returns made in the manner provided by law for the annual school election; and the voters of such city, incorporated town or village or school district shall vote for or against organization as a special school district at such election.

SEC. 790. ELECTION OF BOARD OF EDUCATION.] If a majority of the votes



cast at such election is for organization as a special school district, another election shall be called in the same manner as is prescribed in the foregoing section, at which the voters of such city, incorporated town or village or school district shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter and until their successors are elected and qualified; and their respective terms shall be determined by lot,

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 26, 1897.

*To the Senate:*

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

Senate Bill 73,

Entitled 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,

Senate Bill No. 33,

Entitled 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.

I have the honor to be,

Yours, respectfully,

F. A. BRIGGS,  
Governor.

Mr. Little moved

That all House bills be given their first and second readings and commitment,

Which motion prevailed.

FIRST READING OF HOUSE BILLS.

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,

Was read the first and second times, and

Referred to the committee on elections.

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 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,

Was read the first and second times, and  
Referred to the committee on state affairs.

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. 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 and second times, and  
Referred to the committee on judiciary.

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 first and second times, and  
Referred to the committee on judiciary.

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 and second times, and  
Referred to the committee on public lands.

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 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. 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.

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 stock.

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 first and second times, and  
Referred to the committee on state affairs.

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. 142,

Being a concurrent resolution to amend 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. 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 judiciary.

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 and second times, and  
Referred to the committee on elections.

## 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 first and second times, and

Referred to the committee on judiciary.

## 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 agriculture.

## 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 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. 175,

A joint memorial to congress relating to the tariff on manufactured articles by trusts,

Was read the first and second times, and

Referred to the committee on federal relations.

## 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,

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

## 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 and second times, and

Referred to the committee on judiciary.

## 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 on judiciary.

## 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. White moved

That Senate Bill No. 8 be given its third reading and final passage,

Which motion prevailed.

## 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 national guard, and to manage the financial affairs of companies of the national guard 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 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordon,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Mansfield,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
Wisbek.

Absent and not voting:

Messrs—

Fuller,  
Green,  
Little,

Messrs—

Marshall,  
McCanna,

Messrs—

McCarten,  
White.

Mr. Marshall being excused.

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

## SALARIES OF LEGISLATIVE EMPLOYEES.

The president announced that in compliance with Mr. Rourke's motion the following lists of the amounts paid to clerks during the years 1893, 1895 and 1897 were submitted:

## SENATE—1893.

	Jan.	Feb.	Mar.	Total
Fred Falley.....	\$119	\$140	\$161	\$420
S B Mahaney.....	102	120	138	360
R M Tuttle.....	102	120	138	360
W D McClintock.....	102	120	138	360
Annie Nelson.....	85	100	115	300

	Jan.	Feb.	Mar.	Total
L D McGaban .....	\$ 85	\$100	\$115	\$300
N F Boucher .....	85	100	115	300
E Morse .....	70	100	115	285
W Morse .....	80	100	115	295
A S Capehart .....	80	100	115	295
Phe Eastgate .....	....	80	115	195
Walter Morris .....	80	100	115	295
Emma Arnold .....	70	100	115	285
W E Boise .....	....	80	115	195
N L Carl .....	65	100	115	280
Ben Cameron .....	75	100	115	290
R W Davidson .....	....	....	45	45
D S Dodds .....	....	....	85	85
Nellie Drake .....	80	100	115	295
Charles Jacobson .....	80	100	115	295
John Haley .....	....	....	40	40
G W Harrison .....	....	....	40	40
T G Lamb .....	....	....	85	85
Jacob Lindal .....	....	....	85	85
A P McAllen .....	....	80	115	195
J C Marshall .....	....	....	40	40
Belle Matterson .....	35	100	115	250
Bertha Owen .....	....	....	20	20
I M Packard .....	85	100	115	300
Alice Parsons .....	80	100	115	295
Leif Sremminson .....	....	....	85	85
M Sinclair .....	....	80	115	195
Edith Skeels .....	....	....	85	85
A W Spencer .....	65	100	115	280
H A Williams .....	60	110	115	285
W N Bushnell .....	85	100	115	300
J W Scott .....	68	80	92	240
Sidney G Smith .....	32	80	92	204
J M Boardman .....	68	80	92	240
J C Becker .....	42	60	69	171
Frank Gaulke .....	68	80	92	240
Wm Laist .....	51	60	69	180
Blakely Durrant .....	52	80	92	224
S F Beers .....	34	40	46	120
Willie Flynn .....	34	40	46	120
Eddy Murphy .....	34	40	46	120
Harry McLean .....	34	40	64	138
J H Walsh .....	56	....	....	56
Total for January .....			\$ 2,543	
Total for February .....			3,310	
Total for March .....			4,515	

Grand Total..... \$10,168

## HOUSE OF REPRESENTATIVES—1893.

	Jan.	Feb.	Mar.	Total
J G Hamilton .....	\$224	\$196	\$140	\$560
G R Gulrickson .....	....	....	110	110
Fred Falley .....	....	140	50	190
Geo Gascott .....	....	110	160	270
J G Hamilton .....	....	....	50	50
Nellie Hamilton .....	....	....	200	200
Wm Walton .....	....	84	60	144

	Jan.	Feb.	Mar.	Total
B W Hennessy.....	\$...	\$...	\$ 35	\$ 35
Wm Leist.....		60	60	220
M Holcomb.....		110	160	270
F J Vankirk.....	110	140	15	265
R D Hoskins.....			15	15
A E Bestic.....			75	75
W J Hughes.....		110	160	270
Theo Albrecht.....			85	85
H C Hurd.....		110	160	270
J B McClintock.....		120		120
Henry Larson.....			55	55
Henry Lavayea.....		110	160	270
Nellie McDonald.....		85	160	245
O M Narg.....		30	160	190
Ed Murphy.....	110	40	160	310
James Murphy.....		110	160	270
S B Mahaney.....		120	138	258
John F Murphy.....		85	160	245
C G Myer.....		110	160	270
C J O'Keefe.....		65	160	225
E M Sanford.....	168		192	360
J Olafson.....		50	160	210
J R Pollock.....		110	160	270
J K Porter.....		110	160	270
Urbane Porter.....		85	160	245
A E Raney.....		110	160	270
A H Riggs.....		85	160	245
Bessie Wagner.....	168		192	360
A Sinclair.....		110	160	270
G D Smith.....		75	160	235
A E Spear.....		110	160	270
J Daly.....			235	235
D W Stewart.....		100	160	260
S Walsh.....		140	160	300
T Sonstred.....	60	140	160	360
G Watson.....		110	160	270
J B Sinclair.....		112	30	142
L Webb.....			15	15
F Gau'ke.....		80	30	110
W H White.....		110	160	270
J C Beeker.....		60	57	117
Frank L Williams.....		140	160	300
M B Rose.....		140	160	300
B W Shaw.....	140	160		300
A S Hopson.....		112	128	240
J B Sinclair.....		112	128	240
A Corrie, Jr.....	140	160		300
R McCumber.....		112	128	240
Wm Walton.....		84	96	180
Wm E Martin.....		104	128	232
J Monream.....		96	128	224
Clinton Patterson.....		24	128	152
W S Moorhouse.....			152	152
A B Roher.....		112	128	240
E Chandler.....		112	128	240
W N Topping.....		88	128	216
G A Chambers.....		56	64	120
Bertie Allen.....		56	64	120
A Burney.....		44	64	108

	Jan.	Feb.	Mar.	Total
James Fortune.....	\$...	\$ 56	\$ 64	\$120
John Peterson.....	...	56	64	120
Geo Wick.....	...	56	64	120
C A Bentley.....	...	110	160	270
Clara A Conway.....	...	...	10	10
Isaac Cooper.....	...	...	10	10
Minnie J Nelson.....	...	...	10	10
M S Walsh.....	...	...	10	10
Nellie McDouald.....	...	85	10	95
A Boley.....	...	...	15	15
H McL-an.....	...	40	46	86
G C Buck.....	...	...	10	10
E A Egby.....	...	...	15	15
R D Hoskins.....	...	...	10	10
W H Douglas.....	110	160	...	270
Alfred Farr.....	110	160	...	270
W A Kelly.....	168	...	...	168
C J Allen.....	110	160	...	270
Jennie Campbell.....	75	160	...	235
A W Clyde.....	110	160	...	270
J C Gill.....	110	160	...	270
James B Brook.....	140	160	...	300
W C Baker.....	110	160	...	270
Katie Davidson.....	85	160	...	245
B Eyford.....	75	160	...	235
R D Daniels.....	...	210	...	210
R S Chase.....	...	200	...	200
O F Bryant.....	...	70	...	70
F Borufky.....	...	70	...	70
Total for January.....	...	\$	2,323	
Total for February.....	...	...	7,897	
Total for March.....	...	...	8,409	
Grand Total.....	...	\$	18,629	

## SENATE—1895.

	Jan.	Feb.	Mar.	Total
Fred Falley.....	\$140	\$140	\$140	\$420
J O Smith.....	120	120	120	360
R M Tuttle.....	120	120	120	360
L L Walton.....	100	100	100	300
Erik G Ibertson.....	100	100	100	300
R S Marshall.....	80	80	80	240
Geo Strong.....	80	80	80	240
C W Blunt.....	56	80	80	216
A A Hall.....	80	80	80	240
H O Brown.....	...	20	80	100
J C Warnock.....	100	100	100	300
Emma Arnold.....	60	100	100	260
M A Shirley.....	100	100	100	300
Joseph Monreau.....	72	80	80	232
J P McGarvey.....	80	80	80	240
Wm Beard.....	72	80	80	232
R R Dutton.....	...	76	84	160
G A Chambers.....	40	40	40	120
Harry McLean.....	40	40	40	120
Glenn Morris.....	40	40	40	120
Eddie Murphy.....	40	40	40	120
G S Reishus.....	120	120	120	360



	Jan.	Feb.	Mar.	Tot l
Katie Allen .....	\$100	\$100	\$100	£300
Minnie Almen .....	...	95	50	145
Thomas W Brown .....	30	100	100	230
C S Cassell .....	100	100	100	300
E C Chapman .....	...	100	45	145
G B Crum .....	100	100	100	300
Lou Dobson .....	100	100	100	300
M W Doyle .....	...	100	60	160
John F Fort .....	...	...	35	35
C W Getchell .....	100	100	100	300
May Hanscomb .....	...	100	45	145
T J Lamb .....	70	100	100	270
Frances Lambert .....	...	55	50	105
Jud LaMoure, jr .....	...	55	50	105
A Lindlid .....	100	100	100	300
S B Mahaney .....	...	40	30	70
E S Peterson .....	...	40	30	70
L T Roundsville .....	...	100	10	110
H Rumney .....	...	100	45	145
A H Traugerud .....	30	100	100	230
A W Thomas .....	...	100	45	145
E Skeels .....	30	100	100	240
John C Williams .....	...	100	45	145
Annie Nelson .....	60	120	60	240
L Mitchell .....	60	100	100	260
Jennie Uline .....	...	100	30	130
A W Clyde .....	100	100	100	300
L Roop .....	...	190	45	235
Total for January .....	...	...	\$ 2,620	
Total for February .....	...	...	4,411	
Total for March .....	...	...	3,759	

Grand total..... \$10,790

#### HOUSE OF REPRESENTATIVES—1895.

	Jan.	Feb.	Mar.	Tot d
J M Devine .....	\$ 91	\$140	\$217	\$448
J G Hamilton .....	146	222	42	410
Charles Buck .....	114	120	126	360
Bessie Wagner .....	114	120	126	360
F Snow .....	95	100	105	300
A Durrie .....	38	40	42	120
H E Lavayea .....	114	110	36	360
V Morgan .....	95	100	105	300
Jorgen Howard .....	114	120	136	360
H H Hamilton .....	95	100	105	300
W H Aymar .....	60	100	105	265
Wm Collins .....	60	100	105	265
Herb Barton .....	76	80	84	240
L Brandt .....	48	80	84	210
D Millar .....	76	80	84	240
T W Allshouse .....	48	80	84	212
O L Boynton .....	76	80	84	240
Thomas Farrington .....	76	80	84	240
J M Boardman .....	76	80	84	240
Alf Cressy .....	48	80	84	212
A S Hopson .....	48	80	84	212
J A Jacobson .....	48	80	84	212

	Jan.	Feb.	Mar.	Tota
Bert A len.....	\$ 38	\$ 40	\$ 42	\$120
C R Benedict.....	38	40	42	120
Thomas B Conroy.....	38	40	42	120
John Peterson.....	38	40	42	120
C J Allister.....	90	65	40	195
D C Boyd.....	60	100	105	265
W H Carlton.....	60	100	105	265
A Ellingson.....	60	100	105	265
A H Johnson.....	70	100	105	275
M Johnson.....	55	100	105	260
A J Larik.....	....	50	45	95
D G Melby.....	55	100	105	260
Fred Miller.....	95	55	50	200
Ed Murphy.....	75	55	50	180
C J Myhra.....	....	50	45	95
T N Quinn.....	....	50	45	95
J C Shaver.....	60	100	105	265
W J Smith.....	60	100	105	265
S Thompson.....	60	100	105	265
C L Bradley.....	100	192	20	312
Annie Connolly.....	....	15	....	15
G M Ryerson.....	60	80	100	240
M F Malloy.....	60	100	55	215
W A Kelly.....	....	190	45	235
J F Murphy.....	....	75	70	145
Naney Woodmanson.....	....	....	35	35
Ole Bogstie.....	44	80	84	208
W F Cushing.....	....	105	40	145
A C Leech.....	....	40	40	80
John Byrne.....	....	105	70	175
C D Gray.....	....	....	5	5
Mary Edwards.....	....	....	5	5
N S Bly.....	....	5	24	29
Clara G. Fergusson.....	....	....	5	5
W A Hatley.....	....	....	....	5
Total for January.....	....	....	\$2,972	....
Total for February.....	....	....	4,644	....
Total for March.....	....	....	4,141	....
Grand total.....	....	....	....	\$11,757

## SENATE FOR JANUARY AND FEBRUARY—1897.

	Jan.	Feb.	Mar.	Total
J C Gill.....	\$120	\$ 54	\$...	\$174
J O Smith.....	....	66	120	186
C W Getchell.....	100	100	100	300
S B Mahaney.....	80	80	80	240
R M Tuttle.....	100	100	100	300
V Morgan.....	100	100	100	300
A H Johnson.....	100	100	100	300
May Hanscom.....	80	80	80	240
C P Lawrence.....	100	100	100	300
S J Abramanson.....	80	80	80	240
H H Hamilton.....	80	80	80	240
Hilda Satterlund.....	80	80	80	240
T G Anderson.....	80	80	80	240
A D Hodgson.....	80	80	80	240
Cora L. Davis.....	80	80	80	240

	Jan.	Feb.	Mar.	Total
Cora G. Simpson .....	\$ 80	\$ 80	\$ 80	\$240
Jud LaMoure, jr .....	52	80	80	212
A W Clyde .....	100	100	100	300
May Bogue .....	80	80	80	240
C C Rourke .....	80	80	80	240
G S Brown .....	80	80	80	240
R Fallon .....	60	60	60	180
J Sander .....	80	80	80	240
A E Wood .....	80	80	80	240
J L Johnson .....	80	80	80	240
T Norgard .....	60	60	60	180
M W Spaulding .....	80	80	80	240
A A Stone .....	40	40	40	120
Henry McLean .....	40	40	40	120
Glenn Morris .....	40	40	40	120
Roy Benedict .....	40	40	40	120
Arthur O'Connor .....	24	40	40	104
Joseph Morean .....	64	80	80	224
C W Salie .....	80	80	80	240
R J Moonie .....	.....	70	50	120
Geo Chadwick .....	24	.....	156	180
Lee Mitchell .....	24	80	80	184
J E Ginn .....	24	80	80	184
Mrs D R Streeter .....	24	80	80	184
James D Rowe .....	24	80	80	184
Miss H Holton .....	24	80	80	184
H Gordon .....	24	80	80	184
W A White .....	24	80	80	184
C V Brown .....	24	80	80	184
Geo Hutchison .....	24	80	80	184
Inna M. Ginnis .....	24	80	80	184
Jennie McKenzie .....	24	80	80	184
Edythe Skæls .....	24	80	80	184
Lulu McVeay .....	24	80	80	184
David Dennoyer .....	24	80	80	184
C C Towned .....	24	80	80	184
Total for January .....	\$	2,744		
Total for February .....		3,690		
Total for March .....		3,826		
Grand total .....	\$	10,260		

## HOUSE OF REPRESENTATIVES, FOR JANUARY AND FEBRUARY, 1897.

	Jan.	Feb.	Mar.	Total
E A Williams, Speaker .....	\$ 40	\$ 40	\$ 40	\$120
H E Lavayea .....	120	120	120	360
W D McClintock .....	100	100	100	300
W D Austin .....	100	100	100	300
Thomas Allshouse .....	100	100	100	300
Bessie Wagner .....	100	100	100	300
O B Olson .....	80	80	80	240
E Gilbertson .....	51	60	60	171
E R Kennedy .....	60	60	60	180
Rev. Wm J Thornquist .....	40	40	40	120
Cassius Lick .....	68	80	80	228
Maurice Valentine .....	40	40	40	120
Bert Allen .....	40	40	40	120
Will McConville .....	40	40	40	120

	Jan.	Feb.	Mar.	Total
Roy Veeder .....	\$ 40	\$ 40	\$ 40	\$120
Eddie Fisher .....	40	40	40	120
W F Morquardt .....	54	60	60	174
W B Howe .....	54	60	60	174
J M Boardman .....	80	80	80	240
L K Esterbrooke .....	100	100	100	300
H D Hoadley .....	56	80	80	216
Val Schmid .....	54	60	60	174
C A Lounsberry .....	64	80	80	224
L W Schruth .....	56	80	80	216
Harry Hancock .....	56	80	80	216
Anton Anderson .....	56	80	80	216
H H Barnes .....	48	80	80	208
C Layman .....	56	80	80	216
Geo L Ryarson .....	70	80	80	230
Ole Hanson .....	56	80	80	216
C G Johnson .....	44	80	80	204
M Sinclair .....	56	80	80	216
Fred Bruchler .....	56	80	80	216
J H Anderson .....	56	80	80	216
Aug Nelson .....	44	80	80	204
H Vatnedal .....	56	80	80	216
C D Gray .....	56	80	80	216
T E Warner .....	56	80	80	216
F M Daley .....	56	80	80	216
Harry Larson .....	28	40	40	108
Hurley Gibson .....	28	40	40	108
A J S yles .....	65	100	100	265
W E Clark .....	52	80	80	212
Ed Church .....	48	80	80	208
S A Olsness .....	40	80	80	200
Rachael Foley .....	52	80	80	212
M H Weeks .....	36	60	60	156
Matt Baker .....	36	60	60	156
Grace Montague .....	.....	52	80	132
Norma Fowler .....	.....	52	80	132
E M Cray .....	.....	48	80	128
James Fortune .....	.....	52	80	132
Total for January .....		\$	2,784	
Total for February .....			3,704	
Total for March .....			3,820	
Grand total .....			\$	10,308

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

J. O. SMITH,  
Secretary.

## FIFTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present except Mr. Marshall, who was excused.

Mr. Valentine moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed.

The President appointed as such committee Messrs. Viets, White and Wishek.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 27, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 145,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to divorces.

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

Very respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

## PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Creel presented the following petition:

*To the North Dakota Senate:*

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 law.

The above petition was endorsed by a vote of 75 by the M. E. and F. M. church representing a membership of 75 at a meeting held at Devils Lake on February 12, 1897.

C. G. FAIRBANKS,  
Pastor.

Referred to committee on judiciary.

Mr. Creel presented the following petition:

*To the North Dakota Senate:*

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 law.

The above petition was endorsed by a vote of congregation of Presbyterian church representing a membership of 80; at a meeting held in Devils Lake on Sabbath morning, Feb. 7, 1897.

H. W. HARBOUGH,  
Pastor.

Referred to committee on judiciary.

Mr. Benedict presented the following petition:

*To Hon. A. V. Benedict, Senator 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.

MR. C. SPRINGER,  
(And 12 others.)

Referred to the committee on temperance.

Mr. Brown presented the following petition:

*To Hon. C. G. Brown, Senator Twentieth District:*

We, the undersigned voters of the Twentieth 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.

PETER POTTINGER,  
(and 44 others.)

Referred to committee on temperance.

Mr. Strom presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of 53 by the Methodist church, representing a membership of — at a meeting held in the Lutheran and M. E. churches of Hillsboro, N. D.

J. LOUINE,  
Pastor of Lutheran church.  
W. HILLERN,  
Pastor M. E. church.

Referred to the committee on judiciary.

Mr. Strom presented the following petition:

*To the North Dakota Senate:*

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.

The above petition was endorsed by a vote of Congregational church, representing a membership of — at a meeting held in Hillsboro on Feb. 14, 1897.

D. T. JENKINS,  
(And 8 others.)

Referred to the committee on judiciary.

Mr. Strom presented the following petition:

*Hon. H. H. Strom, State Senator, Bismarck, N. D.:*

We, the citizens of Buxton, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men, merchants and farmers of this city, and we urgently request that you give your undivided support to this bill.

LEWIN H. HILLEBOR,  
(And 15 others.)

Referred to committee on railroads:

Mr. Strom presented the following petition:

*H. H. Strom:*

We, the citizens of Mayville, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city and we urgently request that you give your undivided support to this bill.

N. D. NELSON,  
(And 23 others.)

Referred to the committee on railroads.

#### REPORTS OF STANDING COMMITTEES.

The committee on corporations other than municipal made the following report:

MR. PRESIDENT:

Your committee on corporations other than municipal to whom was referred

House Bill No. 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,

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

D. C. TUFTS,  
Chairman.

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred House Bill No. 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,

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 association 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.

Mr. Viets moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on banks and banking made the following report:



MR. SPEAKER:

Your committee on banks and banking to whom was referred,  
House Bill No. 6,

A bill for an act to amend section 4064 of the Revised Codes of  
North Dakota, relating to usury,

Have had the same under consideration and recommend that the  
same be indefinitely postponed.

FRANK VIETS,  
Chairman.

Mr. Hanna moved

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

The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred  
House Bill No. 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 be amended as follows:

SEC. 2. The state examiner shall when making the annual examination  
of the records and accounts of the county offices as provided by law collect  
a fee from each county as follows:

Counties having an assessed valuation of less than \$500,000.....	\$ 15 00
Counties having an assessed valuation of \$500,000 and less than \$800,000.....	20 00
Counties having an assessed valuation of \$800,000 and less than \$1,000,000.....	25 00
Counties having an assessed valuation of \$1,000,000 and less than \$1,500,000.....	30 00
Counties having an assessed valuation of \$1,500,000 and less than \$2,000,000.....	35 00
Counties having an assessed valuation of \$2,000,000 and less than \$2,500,000.....	40 00
Counties having an assessed valuation of \$2,500,000 and less than \$3,000,000.....	45 00
Counties having an assessed valuation of \$3,000,000 and less than \$3,500,000.....	50 00
Counties having an assessed valuation of \$3,500,000 and less than \$4,000,000.....	55 00
Counties having an assessed valuation of \$4,000,000 and less than \$4,500,000.....	60 00
Counties having an assessed valuation of \$4,500,000 and less than \$5,000,000.....	65 00
Counties having an assessed valuation of \$5,000,000 and less than \$6,000,000.....	70 00
Counties having an assessed valuation of \$6,000,000 and less than \$7,000,000.....	75 00
Counties having an assessed valuation of over \$7,000,000.....	80 00

The county auditor shall at the completion of the examination issue his warrant for such fees which shall be paid by the county treasurer and the state examiner shall turn all such fees into the state treasury.

And when so amended recommend that the same do pass.

F. VIETS,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
Senate Bill No. 185,

A bill for an act to provide for dispensing with the management of county affairs by a board of county commissioners and committing the management thereof to a board of county supervisors.

Have had the same under consideration and recommend that the same be indefinitely postponed.

P. H. ROURKE,  
Acting Chairman.

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

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs 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.

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 Railway 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.

Also,

House Bill No. 13,

A bill for an act to amend section 244 of the Revised Codes pro-

viding for the compensation of officers of the state board of health,  
Have had the same under consideration and report it back without recommendation.

Also,

Senate Bill No. 190,

A bill for an act to make it the duty of the state treasurer to make out and publish quarterly reports of receipts and disbursements of the state treasurer,

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

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,

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

Also,

Senate Bill No. 99,

A bill for an act to regulate the payment of expenses of maintaining and treating patients in the hospital for the insane,

Have had the same under consideration and recommend that the same be indefinitely postponed.

Also,

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,

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

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,

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

P. H. ROURKE,  
Acting Chairman.

Mr. Rourke moved  
The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

The committee on judiciary made the following report:

**MR. PRESIDENT:**

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, relating to service of papers when a party shall have an attorney in the action,

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

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,

Have had the same under consideration and 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 of North Dakota, relating to the service of summons on domestic corporations in civil actions,

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

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,

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

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,

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 further consideration of the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report on

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. Strom moved

That the bill be referred to general orders.

Mr. Little moved as a substitute that

House Bill No. 95,

A bill for an act to amend section 6847 of the Revised Codes of North Dakota, relating to Sabbath breaking,

Be laid on the table.

Roll call demanded.

The question being upon the motion to lay on the table.

The roll being called there were ayes 13, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Brown,  
Fuller,  
Green,  
Haggart,

Messrs—

Hanna,  
Hanscom,  
Little,  
Mansfield,

Messrs—

McCanna,  
Rourke,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Arnold,  
Clark,  
Creel,  
Davis,  
Dobie,

Messrs—

Dunlap,  
Enger,  
Gordon,  
LaMoure,  
Levang,

Messrs—

McCarten,  
Plain,  
Strom,  
Tufts.

Absent and not voting:

Messrs—

Marshall,  
McGillivray,

Messrs—

Valentine,

Messrs—

Viets,

Mr. Marshall being excused

So the motion to lay on the table was lost.

The question recurring Mr. Strom's motion to refer the bill to general orders.

The motion prevailed, and

The bill went into general orders.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
February 27, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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.

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. 157,

A bill for an act to amend section 633 of the Revised Codes of North Dakota, relating to the election of county superintendents of schools.

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

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 do pass.

C. B. LITTLE,  
Chairman.

The committee on elections made the following report:

MR. PRESIDENT:

Your committee on elections to whom was referred

Senate Bill No. 146,

A bill for an act amending sections six thousand nine hundred and thirty-two (6932) and six thousand nine hundred and thirty-three (6933) of the Revised Codes of 1895, relating to the punishment of persons neglecting and refusing when summoned to attend as witnesses before the legislative assembly or either house thereof,

or a committee of either house or a joint committee of such houses, and the punishment of such persons for refusing to be sworn or affirmed, or to answer when present before such assembly or house or committee,

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

H. F. ARNOLD,  
Chairman.

Mr. LaMoure presented the following resolution:

*Resolved*, That the committee on expenditures be instructed to inquire and ascertain whether or not the inspector general of this state has certain monies which he has refused to turn over.

Mr. LaMoure moved  
That the resolution be adopted,  
Which motion prevailed, and  
The resolution was adopted.

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

Mr. Hanna introduced  
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 was read the first and second times, and  
Referred to the committee on banks and banking.

#### THIRD READING OF SENATE BILLS AND MEMORIALS.

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 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordon,  
Green,  
Hanna,  
Hanscom,  
Levang,  
Mansfield,  
McCarten,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Fuller,  
Haggart,  
LaMoure,

Messrs—

Little,  
Marshall,

Messrs—

McCanna,  
Tufts.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the vote by which Senate Bill No. 176 was passed be reconsidered.

Which motion prevailed.

Mr Wishek moved that

Senate Bill No. 170,

Senate Bill No. 172,

Senate Bill No. 173,

Be recalled from the committee on state affairs and placed on their third reading and final passage,

Which motion prevailed.

Mr. Haggart asked unanimous consent to return to the sixth order of business,

There being no objection the Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

MR. PRESIDENT:

Your committee on appropriations to whom was referred

Senate Bill No, 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 the duties and to appropriate money therefor.

Have had the same under consideration and recommend that the same be referred to the joint committee on expenditures.

JOHN E. HAGGART,  
Chairman.

Mr. Haggart moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Rourke moved

A call of the Senate,

Which motion prevailed.

The roll being called Messrs. McCanna and LaMoure were found absent, who were brought before the Senate and excused.



Mr. Rourke moved

That further proceedings under the call be dispensed with,  
Which motion prevailed.

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.

Mr. Little moved

That the bill be referred to the committee on state affairs,  
Which motion did not prevail.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays 3, absent and  
not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Plain,
Benedict,	Green,	Rourke,
Brown,	Hanna,	Strom,
Clark,	Hanscom,	Tufts.
Creel,	Levang,	Valentine,
Davis,	Mansfield,	Veits,
Dobie,	McCanna,	White.
Dunlap,	McCarten,	Wishek.
Enger,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Haggart,	Little,	McGillivray,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	LaMoure,	Marshall.

So the bill passed and the title was agreed to.

Mr. Hanna moved

To reconsider the vote by which Senate Bill No. 170 was passed.

Mr. Rourke moved

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

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
February 27, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
House Bill No. 159,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies, and providing for the assessment of their property and the taxation of the same,

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

H. E. LAVAYEA,  
Chief Clerk.

## SPECIAL ORDER.

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.

Mr. Rourke moved

That the bill be made a special order for 4:30 today,  
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.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Plain,
Benedict,	Hanna,	Rourke,
Brown,	Hanscom,	Strom,
Clark,	LaMoure,	Tufts,
Creel,	Levang,	Valentine,
Davis,	Mansfield,	Viets,
Dobie,	McCanna,	White,
Dunlap,	McGillivray,	Wishek.
Enger,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Gordon,	Haggart,	Marshall,
Green,	Little,	McCarten.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Brown 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. Rourke moved that  
Senate Bill No. 172,

A bill for an act to repeal section 388 of the Revised Codes of North Dakota relating to additional fees for the clerk of the supreme court,

Be re-referred to the committee on special expenditure,  
Which motion prevailed.

Mr. Little moved

That the rules be suspended and that House Bills Nos. 185 and 30 be given their third reading and final passage,

Which motion prevailed,

President Pro Tem Little in the chair.

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, 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 was called and there were, ayes 26; nays, 2; absent and not voting, 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clerk,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,  
McGillivray,

Messrs—

Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Marshall,

Messrs—

McCanna,

Messrs—

McCarten,

Messrs. Creel and Levang voting in the negative.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the Senate do now return to the thirteenth order of business,

Which motion prevailed.

#### THIRD READING OF SENATE BILLS AND MEMORIALS.

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.

Mr. McGillivray moved

To amend the bill by striking out the figures \$3,744.25 and inserting in lieu thereof the figures \$3,624.25 in line 3 of the printed bill.

Which motion prevailed, and

The amendment was adopted.

The following communication from the attorney general in regard to the bill was read:

BISMARCK, Feb. 27, 1897.

*To the Honorable Chairman of the Senate Appropriation Committee:*

DEAR SIR: In reply to your communication of today in reference to Senate Bill No. 91, I will say that I am of the opinion that the legislative assembly should in justice provide by appropriation for the payment of all legitimate costs incurred under section 425, compiled laws of 1887, during the year 1896, arising by reason of the payment of costs in criminal cases which arose in unorganized counties and were prosecuted in the counties to which said unorganized counties were attached. Section 425, of said compiled laws, was omitted by the committee appointed to revise the laws, and no provision authorizing such payment is to be found in the Revised Codes of 1895. In consequence of this no funds were available for the payment of such costs, contracts during the year 1896.

Yours truly,  
JOHN F. COWAN,  
Attorney General.

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

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs.—

Arnold,  
Benedict,  
Brown,  
Clark,  
Dunlap,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Manfield,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Creel,  
Davis,  
Dobie,  
Enger,

Messrs—

Levang,  
Marshall,  
McCanna,

Messrs—

Strom,  
Tufts,  
Valentine.

Mr. Marshall being excused.

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

Mr. McGillivray 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.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 8,

A bill for an act entitled an act relating to the organization of corporations for the 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,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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 a military training school for companies of the national guard, and to manage the financial affairs of companies of the national guard of this state.

There being no objection its title was read and the President affixed his signature.

Mr. Green moved

That the rules be suspended and that Senate Bill No. 192,

Be given its third reading and final passage,  
Which motion prevailed.

The President presiding.

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 19, nays 5, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Dobie,  
Fuller,  
Gordou,

Messrs—

Green,  
Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Tufts,  
Viets,  
Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Enger,	Strom,
Dunlap,	Levang,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	McCanna,	Valentine.
Hanscom,	McCarten,	White,
Marshall,		

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Plain,
Benedict,	Haggart,	Rourke,
Brown,	Hanna,	Tufts,
Clark,	LaMoure,	Valentine,
Creel,	Little,	Viets,
Davis,	Mansfield,	White,
Dunlap,	McCanna,	Wishek.
Enger,	McCarten,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Strom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Hanscom,	McGillivray.
Green,	Marshall,	

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill No. 186 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 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.

Mr. Rourke moved

To make the bill a special order for Monday, March 1, 1897, at 2 o'clock,

Which motion prevailed.

Mr. Hanna asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Hanna introduced

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,

Which was read the first and second times, and

Referred to the committee on public lands.

Senate Bill No. 180,

A concurrent resolution to amend the constitution of North Dakota in section 202 of article 15,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 16, nays 7, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Gordon,

Messrs—

Green,  
Hanna,  
LaMoire,  
Little,  
Mansfield,

Messrs—

Rourke,  
Strom,  
Tufts,  
Viets,  
Wishek.

Those voting in the negative were:

Messrs—

Dobie,  
Dunlap,  
Hanscom,

Messrs—

Levang,  
McCanna,

Messrs—

McCarten,  
Plain.

Absent and not voting:

Messrs—

Creel,  
Enger,  
Fuller,

Messrs—

Haggart,  
Marshall,  
McGillivray,

Messrs—

Valentine,  
White.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 180 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Rourke moved

That the Senate take a recess of fifteen minutes,

Which motion prevailed, and

The Senate took a recess.

SENATE REASSEMBLED.

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 third time.

Mr. Little moved a called of the Senate,

Which motion prevailed.

Mr. Little moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 21, nays 8, absent and not voting none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
McCanua,

Messrs—

McGillivray,  
Rourke,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Creel,  
Dobie,  
Dunlap,

Messrs—

Hanscom,  
Levang,  
McCarten.

Messrs—

Plain,  
Strom,

Messrs. Enger and Marshall being absent.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill No. 87 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Green 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. Wishek moved

That Senate Bill 176 be placed upon its third reading and final passage, the same having been reconsidered,

Which motion prevailed.

The question being upon the final passage of

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.

The roll being called there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Haggart,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Green,

Messrs—

Hanscom,

Messrs—

Marshall.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which Senate Bill No. 176 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Clark moved

That the vote by which Senate Bill No. 111 was lost yesterday be reconsidered,

Which motion prevailed.

The question being upon the final passage of

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,

The roll being called there were ayes 21, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,

Messrs—

Fuller,  
Gordon,  
Green,

Messrs—

McCarten,  
McGillivray,  
Rourke,

Messrs—  
Clark,  
Dobie,  
Dunlap,  
Enger,

Messrs—  
Haggart,  
Hanna,  
Little,  
Mansfield,

Messrs—  
Tufts,  
Viets.  
White.  
Wishek.

Those who voted in the negative were:

Messrs—  
Creel,  
McCanna,

Messrs—  
Strom.

Messrs—  
Valentine.

Absent and not voting:

Messrs—  
Davis,  
Hanscom,

Messrs—  
LaMoure,  
Levang,

Messrs—  
Marshall.  
Plain.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate Bill 111 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Senate Bill No. 54,

A bill for an act to amend sections 1031 and 103 of the Revised Codes, relating to appropriation in aid of the Volunteer Fireman's association.

Was read the third time.

Mr. White moved

To amend the bill by striking out in line 4 "2,500" and inserting in lieu thereof "1,000."

Which motion prevailed, and  
The amendment was adopted.

Mr. McGillivray moved

That further consideration of Senate Bill No. 54 be indefinitely postponed,  
Which motion prevailed, and  
The bill was indefinitely postponed.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1897.

*Gentlemen of the Senate:*

In response to the request made by your honorable body on the 26th inst. in reference to the question of maintenance of the capitol, I beg leave to report as follows:

For years there has been an annual standing appropriation of \$7,000, which was used for the following purposes only: Fuel and lights, pay roll of employes at capitol, messenger service or mail carrier, and what little repairs

that have been necessary upon the capitol building and executive mansion. This amount has barely been sufficient for the purpose indicated.

All laws relating to office expenses of the several state officials were by accident repealed by the Revised Codes and the revision commission have so stated; leaving but \$7,000 to meet an expense ranging from \$20,000 to \$25,000 each year.

Below will be found the exact cost of maintenance of the executive offices for the year 1896, and in this connection, having checked every item thereof as state auditor, I desire to state that there is not a single item of extravagance therein. Every official should receive the commendation of this legislative assembly and the taxpayers of the state for the able and conservative manner in which they have managed their departments. Following are the figures for 1896:

Governors' office expense.....	\$	188	01	
Secretary of state's office expense .....		276	58	
Auditor's office expense.....		279	35	
Treasurer's office expense, including all exchange on drafts.....		1,170	04	
Commissioner of insurance's office expense.....		239	22	
Attorney-general's office expense, including legal expenses.....		542	78	
Superintendent public instruction's office expense.....		941	78	
Commissioner agriculture and labor's office expense.....		195	24	
Railroad commissioner's office expense.....		226	65	
Supreme court's office expense.....		1,116	65	
State examiner's office expense.....		93	86	
Land commissioner's office expense.....		177	87	
Superintendent irrigation and forestry's office expense..		31	60	
Game warden's office expense.....		168	80	\$5,648 43
The office expenses given above include, stationery, postage, express, freight and other miscellaneous office supplies.				
Pay roll of capital employes.....		5,330	50	
Improvement of capital grounds.....		2,669	54	
Messenger service and mail carrier.....		900	00	
Plumbing repairs and improvements.....		1,164	28	
Fuel.....		3,005	48	
Ice.....		86	43	
Telephone service.....		240	00	
Water rent.....		720	00	
Burglar proof safe for treasurer's office.....		1,200	00	
Building barn.....		700	00	
Miscellaneous, including paints, oils, brooms, engine supplies, carpenter work, furniture and repairs.....		2,050	01	18,066 24
Grand total.....				\$23,714 67

The steam heating apparatus in the old building will need thorough overhauling this summer. The capital board have already contracted with the electric light company to wire and furnish fixtures for the entire building including motive power for pumping water. The state treasurer asks the board for an enlargement of his vault which will cause additional expense. This is also true of the office of superintendent of public instruction.

Therefore, the recommendation made by the board to your honorable body for maintenance at least for the coming year was a conservative one.

Respectfully submitted,  
FRANK A. BRIGGS,  
Governor.

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.

Mr. Rourke moved

To amend the bill by striking out the words "ten thousand" in line 8 of the printed bill and inserting in lieu thereof the words "twenty-five thousand."

Mr. McCanna moved

To amend the amendment by striking out the figures "10,000" and inserting in lieu thereof the figures "15,000."

The question being on the amendment to the amendment,  
Which motion was lost.

Mr. Tufts moved, as a substitute,

That the amendment be made "18,000."

The question being on the substitute motion,  
The substitute motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays 4, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanna,	Rourke,
Brown,	LaMoure,	Strom,
Clark,	Little,	Tufts.
Creel,	Mansfield,	Valentine.
Davis,	McCanna,	Viets,
Dobie,	McCarten,	White,
Enger,	McGillivray,	Wishek.
Green,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dunlap,	Hanscom,	Levang,
Gordon,		

Mr. Fuller and Marshall being absent.

Mr. Marshall being excused.

So the bill passed and the title was agreed to.

The courtesies of the floor were extended to Mr. Christopherson of Jamestown and H. G. Tufts and E. E. May of Argusville, N. D.

Mr. White moved  
That that part of the governor's message which referred to committee on expenditure be stricken from the records,  
Which motion prevailed.

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

J. O. SMITH,  
Secretary.

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FIFTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA.  
March 1, 1897.

The Senate met at 2 o'clock p. m. pursuant to adjournment.  
The President presiding.  
Prayer by the chaplain.  
Roll called.  
All members present.  
Mr. Little moved  
That the reading of the Journal be dispensed with and a committee appointed to correct the same,  
Which motion prevailed.  
The President appointed as such committee Messrs. Arnold, Benedict and Brown.

Mr. Hanna moved  
That the Senate take a recess of 30 minutes,  
Which motion prevailed, and  
The Senate took a recess.

The Senate reassembled.

SPECIAL ORDERS.

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 third time.

Mr. Rourke moved

That the bill be made a special order for March 2, 1897, at 3 o'clock,

Which motion prevailed, and  
The bill was made a special order.

PRESENTATION OF PETITIONS.

Mr. White presented the following petition:

*To the North Dakota Senate:*

The undersigned societies 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. SCHULER  
(And 29 others.)

Referred to committee on judiciary.

Mr. Mansfield presented the following petition:

*To Hon. W. E. Mansfield, Senator Twenty-ninth District:*

We, the undersigned voters of the Twenty-ninth 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 by creating the office of a state temperance commissioner, House Bill No. 128, introduced by Colby of Cass county.

J. E. WILSON, Minot,  
(And 27 others.)

Referred to the committee on temperance.

Mr. Marshall presented the following petition:

*To Hon. T. F. Marshall, Senator Twenty-fifth Legislative District:*

We, the undersigned voters of the Twenty-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.

T. H. FAUS,  
(And 21 others.)

Referred to the committee on temperance.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands 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 do pass.

D. W. McCANNA,  
Chairman.

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred  
House Bill No. 175,

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.

A. V. BENEDICT,  
Chairman.

The committee on elections made the following report:

MR. PRESIDENT:

Your committee on elections to whom was referred  
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,

Have had the same under consideration and recommend that the same be 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 the word "names."

Amend line 27, page 2, by changing the word "ballet" to "ballot."

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on irrigation made the following report:

MR. PRESIDENT:

Your committee on irrigation, to whom was referred  
Senate Bill No. 191,

A bill for an act to amend chapter 96 of the laws of 1895, 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 indefinitely postponed.

JAMES DOBIE,  
Chairman.

The committee on irrigation made the following report:

MR. PRESIDENT:

Your special committee on irrigation, to whom was referred  
Senate Bill No. 191,

A bill for an act to amend chapter 96 of the laws of 1895, 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 do pass.

The undersigned, a minority of said committee, recommend that the same do pass.

A. L. HANSCOM,  
Minority.

Mr. Wishek moved  
That the minority report be adopted in lieu of the majority report.

Mr. McGillivray moved as a substitute  
That the majority report be adopted.

Mr. Rourke moved as an amendment to the substitute  
That the minority report be adopted.

Mr. Little moved  
To lay the motion on the table,  
Which motion prevailed.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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 be indefinitely postponed.

C. B. LITTLE,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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,

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

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 herewith return the same without recommendation.

C. B. LITTLE,  
Chairman.

Mr. Brown moved  
That Senate Bill No. 167 be re-referred to the committee on state affairs,  
Which motion prevailed.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Substitute for 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,

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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 indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. LaMoure moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on special expenditures made the following report:

MR. PRESIDENT:

Your special committee on expenditures to whom was referred  
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,

Have had the same under consideration and report the same back without recommendation.

J. H. WISHEK,  
Chairman.

Mr. LaMoure moved  
That Senate Bill No. 169 be recalled from the House of Representatives,

Which motion did not prevail.

Mr. Little moved

That the President appoint a steering committee of seven members from the Senate,

Which motion prevailed.

The secretary announced that the President was about to sign 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 its title was read and the President affixed his signature.

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.

Mr. Brown moved

To amend the bill by striking out the words "five hundred" in section 131 line 20, and inserting in lieu thereof the words "twelve hundred."

Mr. McGillivray moved

As a substitute that the bill be indefinitely postponed.

Mr. McGillivray withdrew his motion.

Mr. White moved

As a substitute amendment that all of lines 21 and 22 of the printed bill be stricken out,

Which motion prevailed, and

The amendment was adopted.

Mr. McGillivray moved

To amend line 20 by striking out the figures "500" and inserting in lieu thereof the figures "1,000,"

Which motion did not prevail,

So the amendment was lost.

Mr. McGillivray moved

To amend line 20 by striking out "500" and inserting in lieu thereof the figures "800."

Mr. Hanna moved

The previous question,

Which motion prevailed.

The question recurring to the passage of the bill.

The roll being called there were ayes 25, nays 3, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Enger,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
Levang,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
Plain,  
Rourke,  
Strom,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—  
Arnold,  
Brown,

Messrs—  
Little,  
McCarten,

Messrs—  
McGillivray,  
Valentine.

Absent and not voting:

Messrs—  
Dunlap,  
Fuller,

Messrs—  
LaMoure,

Messrs—  
Tufts.

Er. Brown explained his vote.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 1, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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,

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

I have also the honor to return 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 House has indefinitely postponed.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

SPECIAL ORDER.

Mr. Green moved

That Senate Bill No. 119 be re-referred to a proper committee,  
Which motion prevailed.

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.

Mr. Brown moved

To amend the bill by inserting after the word "messenger" in line 1 of the

printed bill, the words "and postmaster;" and also after the word "messenger" in line 2, . . . . . the words "and postmaster,"

Which motion prevailed, and  
The amendment was adopted.

Mr. White moved as an amendment

To strike out all after the words "day" in lines two and three of the printed bill,

Which motion did not prevail.

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

The roll being called there were ayes 20, nays 4 absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Fuller,  
Green,

Messrs—

Hanna,  
Hanscom,  
Levang,  
Mansfield,  
Marshall,  
McCanna,  
McGillivray,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
Wishek.

Those voting in the negative were:

Messrs—

Dobie,  
Dunlap,

Messrs—

Plain,

Messrs—

White.

Absent and not voting:

Messrs—

Creel,  
Enger,  
Gordon,

Messrs—

Haggart,  
LaMoire,

Messrs—

Little,  
McCarten.

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

Mr. McGillivray moved

That the vote by which Senate Bill No. 188 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

The courtesies of the floor were extended to D. R. Davidson of Wahpeton, G. A. Kirkby and M. A. Walsh of Fargo, John Gavlin, H. B. Flint, D. S. Moore, H. S. Helm, W. S. Whittaker, M. L. Parker, H. Cornwall, J. J. Merhing, R. W. Davidson, John Tamstad, Lambert Smith, H. G. Proctor, Wm. Gleason, Walter Taylor, N. B. Bush, Seward Harrington, Frank Clemans, A. M. Halstead and L. E. McEliray of Jamestown, and Mayor E. F. Gilbert of Casselton.

Mr. Rourke moved

To make Substitute for House Bill No. 116 a special order for March 2, 1897, at 2:15 o'clock,

Which motion prevailed, and

The bill was made a special order.

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 682, 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.

Mr. McCarten moved

To amend the bill by adding the following after section 785 and numbering it 786:

§ 786. ADJACENT TERRITORY, HOW ATTACHED FOR SCHOOL PURPOSES.] When any city, town or village has been organized for school purposes and provided with a board of education under any general school law, or a special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such city, town or village for school purposes by the board of education thereof upon application in writing signed by a majority of the voters of such adjacent territory; and upon such application being made, if such board shall deem it proper and to the best interest of the schools of such corporation and of the territory to be attached, an order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board. Such territory shall from the date of such order be and compose a part of such corporation for school purposes only; such adjacent territory shall be attached for voting purposes to such corporation, or if the school election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school offices and upon school questions. Provided, the county commissioners may detach such adjacent territory from any special district and attach to any adjacent school or special district or districts upon petition to do so, signed by three-fourths of the legal voters of such adjacent territory, and all assets and liabilities shall be equalized according to section 731.

Which motion prevailed, and

The amendment was adopted.

Mr. Arnold moved

To amend section 775 by inserting after the word "district" in the second line of printed bill the words "including independent school districts."

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

To amend the bill by striking out the word "sixty" in line 32, section 652, and inserting in lieu thereof the word "eighty."

Which motion prevailed, and

The amendment was adopted.

Mr. LaMoure moved

To further amend the bill in line 33, section 652, by striking out the figures "60" and inserting in lieu thereof the figure: "80."

Which motion prevailed, and

The resolution was adopted.

Mr. Fuller moved

That section 707, page 12, of the printed bill be amended in line 4 by striking out the word "June" and inserting "December," and in line 9 by striking out "June" and inserting "December."

Mr. Arnold moved

That the superintendent of public instruction be asked to speak to the Senate in reference to the above amendments,

Which motion prevailed, and

Superintendent Halland addressed the Senate.

Mr. Arnold moved

That further consideration of Mr. Fuller's amendment be indefinitely postponed,

Which motion did not prevail.

The question recurring to the adoption of Mr. Fuller's amendment,

The motion prevailed, and

The amendment was adopted.

Mr. Arnold asked unanimous consent to allow Mr. LaMoure to move a reconsideration of the amendments offered by him on Senate Bill 140,

There being no objection consent was given.

Mr. LaMoure moved

That the vote by which his amendments were carried be reconsidered,

Which motion prevailed.

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

The roll being called there were ayes 30, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Mr. McCanna being absent and not voting

So the bill passed as amended.

Mr. McCarten moved

To amend the title by inserting after the figures "785" the figures "786,"

Which motion prevailed,  
And the title was so amended.

Mr. Arnold moved

That the title be further amended by adding thereto the words "relating to education,"

Which motion prevailed, and  
The amendment was adopted, and  
And the title was agreed to as amended.

Mr. Arnold 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. Hanna moved

That the vote by which Senate Bill No. 149 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Strom asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred

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.

D. W. McCANNA,  
Chairman.

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture 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 do pass.

H. H. STROM,  
Chairman.



The committee on banks and banking made the following report:

MR. PRESIDENT:

Your committee on banks and banking to whom was referred Senate Bill No. 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 amended as follows:

By inserting and adding in line 2 of section 1, as appears in printed bill, immediately after the word "fares" the words following: "When accompanied by receipts therefor."

And when so amended recommend that the same do pass.

F. VIETS,  
Chairman.

Mr. Viets moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 1, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith 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.

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

I have also the honor to return 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 House has passed unchanged.

Respectfully,

H. E. LAVAYEA,

Chief Clerk.

Mr. Haggart moved

That the courtesies of the floor be extended to W. D. Resser, Wm. Irysh and C. R. Meredith.

The courtesies of the floor were also extended to G. Olson and Captain Fraine of Grafton.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 18, nays 2, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,  
Fuller,

Messrs—

Gordon,  
Hanna,  
Hanscom,  
Little,  
Mansfield,  
Marshall,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Brown,  
Dobie,  
Enger,  
Green,

Messrs—

Haggart,  
LaMoore,  
Levang,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Viets.

Messrs. Dunlap and Plain voting in the negative.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate Bill No. 178 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

President (pro tem) Little in the chair.

Senate Bill No. 171,

A bill for an act relating to the educational qualifications of teachers in the common and public schools,

Was read the third time.

Mr. Rourke moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Enger,  
Gordon,

Messrs—

Green,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
McCanna,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White.

Absent and not voting:

Messrs—

Dobie,  
Dunlap,

Messrs—

Haggart,  
Marshall,

Messrs—

McCarten,  
Wishek.

Mr. Fuller voting in the negative.

So the bill passed and the title was agreed to.

Mr. Clark moved

That the vote by which Senate Bill No. 187 was passed be reconsidered and the motion to reconsider be laid on the table,

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 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarton
Brown,	Hanna,	McGillivray,
Clark,	Hanscom,	Plain,
Creel,	LaMoure,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Valentine.
Dunlap,	Mansfield,	White,
Enger,	Marshall.	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	Tufts,	Viets,

Mr. Fuller voting in the negative.

So the bill passed and the title was agreed to.

Mr. Clark moved

That the vote by which Senate Bill No. 157 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Senate Bill No. 146,

A bill for an act amending sections six thousand nine hundred and thirty-two (6932) and six thousand nine hundred and thirty-three (6933) of the Revised Codes of 1895, relating to the punishment of persons neglecting and refusing when summoned to attend as witnesses before the legislative assembly or either house thereof, or a committee of either house or a joint committee of such houses, and the punishment of such persons for refusing to be sworn or affirmed, or to answer when present before such assembly or house or committee,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarton,
Benedict,	LaMoure,	McGillivray,
Clark,	Levang,	Plain,
Davis,	Little,	Strom,
Dobie,	Mansfield,	Valentine,
Dunlap,	Marshall,	Viets,
Enger,	McCanna,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown, Creel, Green,	Haggart, Hanna, Hanscom,	Rourke, Tufts.

Mr. White voting in the negative

So the bill passed and the title was agreed to.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold, Benedict, Clark, Dobie, Dunlap, Enger, Fuller, Gordon, Hanna,	Hanscom, Levang, Little, Manstie'd, Marshall, McCanna, McCarten, McGillivray,	Plain, Rourke, Strom, Tufts, Valentine, Viets, White, Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown, Creel,	Davis, Green,	Haggart, LaMoure.

So the bill passed and the title was agreed to.

Mr. Benedict moved

That the vote by which Senate Bill No. 164 was passed be reconsidered, and the motion to reconsider be laid on the table, Which motion prevailed.

Senate Bill No. 190,

A bill for an act to make it the duty of the state treasurer to make out and publish quarterly reports of receipts and disbursements of the state treasurer,

Was read the third time.

Mr. Hanna moved

That further consideration of House Bill No. 190 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 147,

A bill for an act to amend section 1765 of the Revised Codes relating to inspection of illuminating oils,

Was read the third time.

Mr. Strom moved

That further consideration of Senate Bill No. 147 be indefinitely postponed,

Which motion prevailed.

Senate Bill No. 37,

A bill for an act to encourage the building of terminal elevators or public warehouses at the cities of Grand Forks, Fargo and Wahpeton, and providing a bounty therefor, to regulate such public warehouses, the inspection, weighing and handling of grain, specifying the duties of the railroad commissioners regarding the same, and for other purposes relating thereto,

Was read the third time.

Mr. Creel moved

That further consideration of Senate Bill No. 37 be indefinitely postponed,

Which motion prevailed.

Mr. Rourke moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

The President presiding.

Mr. Little moved

That the rules be suspended and that all Senate bills on the desk be given their third reading and final passage,

Which motion prevailed, and

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hauscom,	Plain,
Benedict,	Levang,	Rourke,
Brown,	Little,	Tufts,
Clark,	Mansfield,	Valentine,
Davis,	Marshall,	Viets,
Enger,	McCanna,	White,
Hanna,	McCarren,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Gordon,	LaMoure,
Dobie,	Green,	McGillivray,
Dunlap,	Haggart,	Strom.
Fuller,		

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill No. 194 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 1, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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. 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 House has passed and your favorable consideration thereof is respectfully requested.

I have also the honor to return herewith  
Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota,

Which the House has 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."

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 Dakota, relating to the duties, fees and compensation of clerks of county courts in counties in which such courts have increased jurisdiction."

And passed the same as amended.

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. 122,

A bill for an act to establish, limit and define the law of presumptive evidence,

Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,

Chief Clerk.

Mr. Rourke moved

That the Senate concur in the House amendments to Senate Bill No. 74.

Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of the state of North Dakota.

The question being upon the concurrence in House amendments.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Green,

Messrs—

Hanna,  
Hanscom,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
Plain,  
Rourke,  
Tufts,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Fuller,

Messrs—

Gordon,  
Haggart,  
LaMoure,

Messrs—

McGillivray,  
Strom,  
Viets.

So the House amendments were concurred in.



## 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.

Mr. Little moved

That the bill be made a special order for March 2, 1897, at 2:15 o'clock,

Which motion prevailed.

## FIRST READING OF HOUSE BILLS.

## 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 judiciary.

## 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,

Was read the first and second times, and

Referred to the committee on education.

## House Bill No. 145,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to divorcees.

Was read the first and second times, and

Referred to the committee on judiciary.

## 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. 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. 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.

Was read the first and second times, and

Referred to the committee on judiciary.

The President announced Messrs. Little, Rourke, Hanna, Arnold, Davis, Wishek and Valentine to be members of the Senate steering committee.

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

After the word "insurance" in line 27, page 10 insert the following "be stricken out and the words" be inserted therein,

And when so amended recommend that the Journal of the fifty-third day be approved.

FRANK VIETS,  
Chairman.

Mr. Viets 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 as corrected.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

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 FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1897.

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

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present

Mr. Hanna moved

That the reading of the Journal be dispensed with and a committee appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Clark, Creel and Davis.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 2, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 118,

Being a concurrent resolution to amend the constitution of the state of North Dakota,

Which the House has 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."

And passed the same as amended.

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,

Which the House has amended

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 passed as amended.

Also,

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,

Which the House has amended 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."

And passed as amended.

Also,

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota.

Which the House has amended

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 enterprises."

And 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 passed the same as amended.

I also have the honor to transmit herewith

Joint memorial praying for the passage of an act providing for the election of United States senators by vote of the people.

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.

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. 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. 189, Substitute for House Bill No. 82,

A bill for an act defining the duties of public warehousemen 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. 174,

Being a joint resolution to amend section 162 of article 9 of the constitution of the state of North Dakota.

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.

Also,

House Bill No. 195,

A bill for an act to amend section 7589 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined.

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.

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That Senate Bill No. 162 be made a special order for 3:45 o'clock,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 74,

A bill for an act to amend section 6613 of the Revised Codes of

North Dakota, relating to the duties, fees and compensation of clerks of the county courts in counties in which such courts have increased jurisdiction.

Also,

Senate Bill No. 75,

A bill for an act to amend section 1013 and 1015 of article 9 of chapter 10, entitled educational and charitable institutions, of the Revised Codes 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,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign

Senate Bill No. 122,

A bill for an act to establish, limit and define the law of presumptive evidence.

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.

There being no objection their titles were read and the President affixed his signature.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

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,

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

That section 2 be amended by inserting immediately after the word "taxation" in line 7 the following: "All property is hereby declared to be subject to taxation under the provisions of this act by virtue of its existence, whether the owner thereof be known or unknown, and if the owner is unknown it shall be assessed to the person in whose possession it is found."

That section 4 be amended by striking out the words "belonging to inhabitants of this state" in lines 3 and 4.

That the first subdivision of section 5 be amended by inserting immediately after the word "enjoyment" in line 4 the words "not to exceed forty acres in area;" also, by striking out the words "provided that such grounds shall not exceed forty acres in area," and inserting in lieu thereof the words "also all"

That the sixth subdivision of said section 5 be amended by striking out all words after the word "hospital" in line 2 and before the word "together" in line 4.

That the eighth subdivision be amended by striking out the word "fifty" and figures "50" and inserting in lieu thereof the word "ten."

That section 7 be amended as follows:

In subdivision 3 by striking out all of said subdivision after the word "guardian" and inserting in lieu thereof the words "if he has one in the county, or by the person in charge of such property, or if there is no such person in charge, by himself, as provided in the first subdivision of this section."

In sixth subdivision by inserting immediately before the word "corporations" the words "persons or."

In seventh subdivision by striking out the word "proper" in line 2

That section 10 be amended by striking out the word "principal" in line 3 and inserting immediately after the word "listed" in line 3 the words "and assessed."

That section 11 be amended by striking out the words "principal place of business" in line 4 and inserting in lieu thereof the word "property."

That section 16 be amended as follows:

By striking out the word "neat" wherever it appears in second subdivision.

By striking out all of fifth subdivision after the word "thereof" in line 1.

By striking out all of nineteenth and twentieth subdivisions.

By striking out of twenty-first and twenty-second subdivisions the words "brokers and stock jobbers."

By adding to fourth subdivision at the end thereof the words "also the number of dogs, and the value thereof, and it shall be the duty of the assessor to kill dogs of no value."

That subdivisions twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth and twenty-ninth be renumbered as "nineteenth," "twentieth," "twenty-first," "twenty-second," "twenty-third," "twenty-fourth," "twenty-fifth," "twenty-sixth" and "twenty-seventh" respectively.

That section 17 be amended by striking out the words "commissioner district or township" in line 4, and inserting in lieu thereof the words "assessor's district."

That section 18 be amended by striking out the words "in the commissioner district or township" in line 4, and inserting in lieu thereof the words "and assessed in the assessor's district."

That section 19 be amended by striking out all words after the words "taxation" in line 4 and inserting in lieu thereof the words "and assessed as provided in section 109 of this act."

That section 26 be amended by striking out all of the last clause, beginning with the words "except."

That section 33 be amended by adding and inserting immediately after the word "lands" in line 16, the words following: "and in every assessment of real property the value shall be voted and determined in accordance with the selling value of similar lands in the district and county in which the

assessment is made."

That section 36 be amended by striking out all that part in lines 12, 13, 14 and 15, beginning with the words "an oath" in line 12 and ending with the words "act" in line 15, and inserting in lieu thereof the following words "the oath prescribed by section 211 of the constitution."

That section 37 be amended by adding and inserting the word "full" immediately before the word "name" in line 21.

That section 39 be amended by inserting in line 5 immediately after the word "person" the words "if known."

That section 43 be amended by striking out the words "recorder and president" in lines 2 and 3 and inserting in lieu thereof the words "president and auditor."

Also by striking out the words "assessor, recorder and mayor" in lines 3 and 4 and inserting in lieu thereof the words "mayor, auditor and senior aldermen from the several wards."

That the first paragraph of section 48 be amended to read as follows:

"SEC. 48. COUNTY BOARD OF REVIEW AND EQUALIZATION—DUTIES ] The board of county commissioners of each county at its regular meeting in July shall constitute a board of review and equalization of the assessments made within their respective counties, and an accurate record of all its proceedings in pursuance of the provisions of this section shall be separately entered upon its minute book. Such board shall perform the duties prescribed by section 40 of this act as respects all assessments made in districts not embraced in an incorporated city, town or village, or civil township having a board of review; and in addition thereto such board shall examine and compare the assessments returned by the assessors of all the districts within the county, including those embraced in incorporated cities (whether organized under general law or special charter), and in incorporated towns and villages and civil townships, and proceed to equalize the same throughout the county between the several assessment districts subject to the following rules:

That section 49 be amended by adding at the end thereof the words following:

"During the month of July in each year the register of deeds of each county shall prepare a list of all transfers of real property made in the county during the year immediately preceding and ending with the thirtieth day of June, which have been filed for record in his office. Such lists shall show by congressional townships a description of the property included in each transfer, the number of acres and the selling price therein stated, and shall be transmitted on or before the last day of said month of July to the state auditor, by whom they shall be laid before the state board of equalization at its next meeting, to guide said board in making its equalization of the assessment of real estate between the several counties."

That section 50 be amended by striking out the words "the auditor of each county" in lines 3 and 4 and inserting in lieu thereof "the commissioner of agriculture and labor."

That section 55 be amended by striking out the words "as may be provided in any funding act" at the end thereof and inserting in lieu thereof the words "of such debts."

That section 59 be amended by striking out after the word shall in line 3 and before the word once in line 5 the words "if directed by the county commissioners give notice by publication in some newspaper having a general circulation in the county," and inserting "give notice in one or more official newspapers of the county."

That section 60 be amended as follows:

By inserting immediately before the word "purposes" in line 4, the word "notwithstanding." By inserting and adding immediately after the word "office" in line 8, the words "for the school fund or." By striking out all after the word "ordinances" in line 13.

That section 63 be amended as follows:



By striking out the word "and" in line 2, and inserting in lieu thereof "or others." By adding and inserting immediately after the word "tax" in line 9, the following: "And whenever taxes on any real estate remain unpaid and such property has not been sold to any purchaser other than the county, by reason of depreciation in value or other cause, the board of county commissioners may compromise with the owner of such property by abating a portion of such delinquent taxes on payment of the remainder."

That section 64 be amended by inserting in line 23, page 30, immediately after the word "sold" the words following: "Which place of sale shall be at the residence of the person whose goods have been distrained." Also, by inserting in the blank in line 6, page 31, the figures "57," and in blank in line 8 of same page, the figures "61." Also, by striking out in line 29, page 61, the words "fifteenth day of June," and inserting in lieu thereof the words "first day of July."

That section 65 be amended to read as follows:

**SEC. 65 LIST OF UNCOLLECTED TAXES—HOW DISPOSED OF.]** If the sheriff is unable to collect any of the taxes appearing on the list of delinquent taxes delivered to him by the treasurer, he shall write in the margin opposite the name of each person against whom such tax is assessed the word "uncollected," and append to such list his affidavit or the affidavit of his deputy entrusted with the collection thereof, stating that he has made diligent search and inquiry for goods and chattels out of which to make collection of the taxes so remaining uncollected, and is unable to make or collect the same; he shall also note on the margin of such list the place to which any delinquent taxpayer has removed, with the date of removal, if he can ascertain such facts, and shall on or before the first day of July following the receipt of such list, deliver the same, with the affidavit aforesaid, to the county auditor. The county auditor shall exhibit such list to the board of county commissioners, at its next meeting, and the board shall thereupon examine and compare the same with the sheriff's return of taxes collected, to the auditor and treasurer, and may cancel on said list such taxes as they are satisfied cannot be collected; and it shall be the duty of the county auditor to certify to the state auditor the amount of state taxes so canceled, and the state auditor shall enter the same to the credit of the county accordingly.

That section 66 be amended to read as follows:

After the county commissioners have cancelled so much of the delinquent taxes as they deem uncollectible as provided in the preceding section the county auditor shall extend to and enter upon the tax list in the hands of the treasurer for the same year in an appropriate column or columns for remarks, opposite each description of real property belonging to any person owing such uncollected personal property tax, words showing the year for which the same remains due, and the principal sum of such tax, as for example, "personal tax, 1896, \$12 87." And when the delinquent afterwards acquires any real property in the county such delinquent taxes may be entered in like manner upon any subsequent tax list. And from the time of such entry the delinquent taxes so entered shall become a lien on any real property of the delinquent against which they are so entered in the same manner and to the same extent as the taxes upon such real property, and collection thereof shall be enforced accordingly by sale of the lands against which they are so entered or so much thereof as may be necessary at the time when the lands are sold for delinquent taxes, and in the same manner as if originally charged against such lands.

That section 67 be amended by adding to the end thereof the following:

A failure of an assessor to return his assessment to the county auditor or of the county auditor to report the changes made therein to the state auditor or to return to the state auditor an abstract of the tax lists of his county, or to deliver said lists to the county treasurer, or a failure of the treasurer to return the same to the county auditor at the time or times specified in this act, or a failure on the part of the treasurer to do any of the things prescribed in section 55 and section 60 of this act or a failure on the part of the

sheriff to make the affidavit prescribed by section 61 or to return his list at the time therein prescribed, or to make collection of any taxes appearing thereon, or a failure on the part of any officer to do any act at the particular time specified in this act shall in no manner invalidate any tax levy or any certificate of tax sale or tax deed. And when any notice is required to be published in a newspaper by the provisions of this act, if the same is printed in a supplement mailed and distributed with and as a part of the newspaper receiving the same for publication, such publication shall be deemed sufficient.

That section 68 be amended by striking out the word "township" in line 5.

That section 69 be amended by inserting in blank in last line the figures "57."

That section 69 be amended by striking out all that part commencing with the word "June" in line 5 and inserting in lieu thereof the following:

"January following, and if unpaid there shall attach thereto a penalty of 3 per cent as soon as the same becomes delinquent; also, on the first day of March following an additional penalty of 3 per cent on the first day of June following an additional penalty of 3 per cent, and on the first day of November following a further penalty of 5 per cent on the original tax, and the same shall be charged and collected accordingly, without being specially entered or noted on the tax list."

That section 75 be amended to read as follows:

Sec. 77. Whenever any taxes are paid the treasurer shall immediately write upon the tax list opposite the same in a suitable column or columns for remarks, the word "paid" with the number of the receipt given. And when a receipt is given for the payment of any taxes on real property owned by any person who is charged with taxes on personal property for the same or any previous year which remain unpaid, he shall note the same on the tax list in like manner, and across the face of the tax receipt and duplicate substantially in the following form: "Personal taxes of A. B. for (giving the year or years) unpaid." And after comparing the tax lists with his duplicate receipts on file in the county auditor's office, he shall at the July meeting of the board of county commissioners exhibit such lists to the board and the county auditor, and the auditor shall make the entries concerning such personal taxes as prescribed by section 62 without regarding any payment of taxes on such real property.

On the first Monday of November in each year the treasurer shall return the tax lists of the preceding year to the county auditor, and thereafter any person desiring to pay his delinquent taxes charged on said lists, may pay the same to the treasurer at any time before sale of the real property, charged therewith as in this act prescribed on first obtaining from the auditor a statement of the amount due, including penalties and costs of advertising.

That section 78 be amended by striking out the words commencing the first week in November preceding and inserting and adding in lieu thereof the following words: "the first of which publications shall be made not less than nineteen days before the day of."

Also by striking out after the word advertised in line 8, page 36, the words "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" and inserting in lieu thereof the words "the sum of twenty cents and for each description of town lots the sum of ten cents."

Also by inserting at the end of said section a paragraph reading as follows:

That the board of county commissioners of any county in this state are hereby authorized and it is hereby made their duty to enter an order, at any special or general meeting that no lots in any certain designated townsite or addition thereto of that county, particularly describing the same by the name of the townsite, addition, subdivision or block of the same, so as to in-

telligently indicate the location of the property, shall either be listed or assessed for taxation, extended on the duplicate, or advertised for sale, by the subdivisional description of the property when in the opinion of said board of commissioners the said lands have not sufficient value to warrant such listing, assessment, advertisement, extension and sale. But in such case the said lands may be listed, assessed, advertised and sold in such larger parcel or parcels as the board may designate by its order where lots and blocks to compose the tract belong to one person, firm or corporation.

That section 80 be amended to read as follows:

Sec 80. Said sale shall be made at public auction at the office of the county auditor or usual place of holding court in the same building, and shall commence at the hour of ten in the forenoon, but may be adjourned from day to day for a period of ten days whenever it is necessary for the disposal of the lands advertised. The lands and lots shall be offered for sale by the county auditor or his deputy in the order in which they appear on the advertised list, and such tract or lot shall be offered separately and struck off to the bidder who will pay the total amount of taxes, penalties and costs charged against it, including any personal taxes specified in the list and in the advertisement, which are a lien upon it, for the smallest or least quantity thereof, which may be designated by any sufficient description. But if the sum bid for the same is not paid before the sale closes, such tract or lot shall again be offered for sale in like manner. The county treasurer shall attend the sale and receive all moneys paid thereon, and when any tract of land or lot remains unused for want of bidders the same shall again be offered before the sale closes, and if there is no other bidder he shall bid for the same in the name of the county, and the same shall be struck off and become forfeited to the county. Such tract or lot shall be assessed and taxed like others until the period for redemption expires, but shall not be again offered for sale for such subsequent taxes unless the county has made an assignment of the certificate of sale, and if not so assigned such forfeiture shall become absolute at the expiration of such period for redemption.

That section 82 be amended by inserting and adding immediately after the word sale in line 9 the words "were wholly or in part illegal;" and by striking out the words "or that the tax had been partially, unfairly or unequally assessed" in lines 12 and 13, and by inserting and adding after the word aside in line 13 the words "the sale."

That section 84 be amended by adding at the end thereof a paragraph reading as follows:

"All records of sales of lands heretofore made by the county treasurer shall be turned over to the county auditor for the purposes of this act, who shall have authority to make redemptions, and assignments of tax sale certificates and tax deeds thereon according to law."

That section 83 be amended to read as follows:

"Sec 83. Any person having or claiming title to or lien or encumbrance upon any land whether in his possession or the possession of another, or vacant or unoccupied, may commence and maintain an action either in law or in equity at any time after the issuing of a tax certificate, and within three years after the execution and delivery of a deed, or in case of deeds heretofore issued, then within three years after the passage and approval of this act against any party, person, county, state or corporation claiming any title to or interest in such lands or lien upon the same adversely to him by or through such tax sale, tax certificate or tax deed heretofore or hereafter made, to test the validity of the tax sale, tax certificate or tax deed, or to quiet the title to said lands as against such claims of such adverse claimant, or to remove the cloud from the title arising from such tax sale, tax certificate or tax deed, and if no action is commenced within the time aforesaid such tax deed shall vest in the grantee a fee simple title to the lands and premises described in such deed, free from all liens and encumbrances made or accrued at or prior to the date of the execution and delivery of such deed, except taxes, and such grantee may at any time thereafter maintain an action against any and

all parties for the possession of such premises, and the right of action herein made shall be governed by the same rules of procedure as rights of action given by section 5904 of the Revised Codes of North Dakota of 1895; provided that nothing in this section shall be construed to prevent any person holding a tax deed from beginning an action against parties claiming title to or lien upon such premises at any time after the execution of the deed, to obtain possession of such premises or to quiet the title to such lands as against such adverse claimants."

That section 86 be amended by inserting immediately after the word "with" in line 8, the words "a penalty of five per cent on the original amount of such taxes and."

That section 89 be amended as follows:

By striking out the word "idiots" in line 2, and by changing the word "five" to "three" in line 4.

That section 92 be amended by changing the word "five" to "three" in line 4.

That section 93 be amended by striking out the word "municipality" in line 15, and inserting in lieu thereof the words "incorporated city, town, village or school corporation."

That section 94 be amended by inserting and adding immediately after the word prescribe in line 8th following:

"The county auditor shall execute deeds for all property so sold to the purchasers thereof, in the same manner and with like effect as upon other certificates of purchase of tax sale and the proceeds of such sales shall be paid into the county treasury, and the amounts due the state, or any city, township, incorporated village, or school district, from the taxes for which the same were sold, or their just proportion thereof, shall be apportioned and placed to the credit of the state, city, township, incorporated village or school corporation entitled thereto, and the remainder shall go into the general fund of the county."

That section 98 be amended by changing the word "leasor" to "lessor" wherever the same appears therein.

That section 100 be amended by striking out all after the word "sustained" in line 5 of page 44.

That section 107 be amended by changing the word "tract" to "act" in line 5.

That section 112 be amended by changing the word "advisor" to "devisee" in line 6.

That said bill be amended by striking out all of sections 23 and 24, 28, 52, 87, and by renumbering all remaining sections after 22 as follows:

Section 25 to be 23. Section 26 to be 24. Section 27 to be 25. Section 29 to be 26. Section 30 to be 27. Section 31 to be 28. Section 32 to be 29. Section 33 to be 30. Section 34 to be 31. Section 35 to be 32. Section 36 to be 33. Section 37 to be 34. Section 38 to be 35. Section 39 to be 36. Section 40 to be 37. Section 41 to be 38. Section 42 to be 39. Section 43 to be 40. Section 44 to be 41. Section 45 to be 42. Section 46 to be 43. Section 47 to be 44. Section 48 to be 45. Section 49 to be 46. Section 50 to be 47. Section 51 to be 48. Section 53 to be 49. Section 54 to be 50. Section 55 to be 51. Section 56 to be 52. Section 57 to be 53. Section 58 to be 54. Section 59 to be 55. Section 60 to be 56. Section 61 to be 57. Section 62 to be 58. Section 63 to be 59. Section 64 to be 60. Section 65 to be 61. Section 66 to be 62. Section 67 to be 63. Section 68 to be 64. Section 69 to be 65. Section 70 to be 66. Section 71 to be 67. Section 72 to be 68. Section 73 to be 69. Section 74 to be 70. Section 75 to be 71. Section 76 to be 72. Section 77 to be 73. Section 78 to be 73. Section 79 to be 75. Section 80 to be 76. Section 81 to be 77. Section 82 to be 78. Section 83 to be 79. Section 84 to be 80. Section 85 to be 81. Section 86 to be 82. Section 88 to be 83. Section 89 to be 84. Section 90 to be 85. Section 91 to be 86. Section 92 to be 87. Section 93 to be 88. Section 94 to be 89. Section 95 to be 90. Section 96 to be 91. Section 97 to be 92. Section 98 to be 93. Section 99 to be

94. Section 100 to be 95. Section 101 to be 96. Section 102 to be 97. Section 103 to be 98. Section 104 to be 99. Section 105 to be 100. Section 106 to be 101. Section 107 to be 102. Section 108 to be 103. Section 109 to be 104. Section 110 to be 105. Section 111 to be 106. Section 112 to be 107. Section 113 to be 108. Section 114 to be 109. Section 115 to be 110.

The references to lines and pages herein being to the bill as printed in the Journal of the House for the forty-second day, February 15, 1895.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the judiciary committee report on House Bill No. 3,

Which motion prevailed, and

The report was adopted.

Mr. Little moved

That House Bill No. 3 be made a special order for March 3 at 10 o'clock.

Which motion prevailed.

The secretary announced that the President was about to sign

A concurrent resolution directing the transmittal to Senor Quesada of the Cuban resolutions expressing sympathy.

Also,

A concurrent resolution requesting railroad commissioners to take steps for enforcing lignite coal rates on certain lines of railroad.

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 Railway company, 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.

There being no objection their titles were read and the President affixed his signature.

#### REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

MR. PRESIDENT:

Your committee on railroads to whom was referred

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 pas-

sengers 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.

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

Amend section 19 of the substitute for House Bill No. 121 in the printed copy thereof, printed February 17, 1897, in line 7 thereof by striking out the words "the first section of."

Amend section 28 of the substitute for House Bill No. 121 of the printed copy thereof, printed February 17, 1897, in line 73 thereof, by striking out the words "and the board of commissioners" and inserting in lieu thereof the words "governor and state auditor."

Amend section 29 in line 19 by striking out the words "and as often as circumstances may require" and inserting the words "but not oftener than once in six months unless upon appeal from the order fixing such rate the court should modify or reverse such order, and then only to the extent made necessary by such modification or reversal."

Amend section 32 of the substitute of House Bill No. 121 in the printed copy by adding thereto the following:

"Any railroad, railroad corporation or common carrier subject to the provisions of this act, or any other person interested in the order made by the commissioners of railroads may appeal to the district court of the proper county in the judicial district of this state from which the complaint arose, and which is the subject and basis of the order from any order made by the commissioners of railroads regulating or fixing its tariffs of rates, fares, charges or classifications, or from any other order made by said commissioners under the provisions of this act by serving a notice in writing upon the secretary of said commissioners, or any one of said commissioners, within twenty days after such railroad, railroad corporation or common carrier shall receive notice from such commissioners of the making and entry of such order. If the order appealed from does not regulate or fix the tariff of rates, fares or charges, the district court to which the appeal is taken may in its discretion suspend the operation and effect of the order appealed from pending such appeal. The district court of this state shall be deemed to be always in session for the purpose of hearing and determining all appeals taken under the provisions of this act. The party taking such appeal may bring the same on for hearing and determination at any time after taking such appeal, upon serving a notice to that effect upon any one of the commissioners or their secretary at least ten days prior to the day set for such hearing. The district court shall, upon the hearing of such appeal, receive and consider such evidence as may be adduced by either party and shall rescind, modify or alter said order appealed from in such manner as may be equitable and just. Any railroad, railroad corporation, common carrier, the commissioners of railroads or any party interested in the decision of said court may appeal from the decision of the district court to the supreme court of this state by serving a notice of such appeal upon the opposite party within twenty days after the rendition of such decision and service of notice thereof. For the purpose of hearing such appeal the su-



preme court shall be deemed to be in session, and appeals to it may be heard summarily by either parties serving upon the other a notice of hearing at least fifteen days before the day fixed for such hearing. When evidence has been taken before the district court such evidence shall be signed by the judge of said district court, the party presenting such evidence to said judge for signature, giving the other party five days' notice of the time and place of such presentation. The evidence signed as aforesaid shall become a part of the record in the case, and upon an appeal to the supreme court being taken as hereinbefore mentioned shall be transmitted by the clerk of the district court to the supreme court, together with all the records and files in the case. The supreme court may reverse, affirm or modify the decision of the district court as may seem equitable and just."

Amend section 29 of the substitute for House Bill No. 121, in the printed copy thereof, in line 22, by adding after the word "commissioner" the following, "to forthwith serve a copy of said schedule upon such railroad, railroad corporation or common carrier affected thereby and a notice stating when such schedule shall go into effect and."

As so amended I am directed by your committee to report the bill back with the recommendation that it do pass.

JUDSON LAMOURE,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 85,

A bill for an act amending section 2106, article 19, of the political code of North Dakota,

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

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,

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

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.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Strom moved  
That House Bill No. 133 be referred to general orders,  
Which motion prevailed, and  
The bill went into general orders.

The committee on judiciary made the following report:

MR. PRESIDENT:

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 be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
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,

Have had the same under consideration and recommend that the same be indefinitely postponed, being same as Senate Bill No 164.

C. B. LITTLE,  
Chairman.



Mr. Little moved  
 The adoption of the report,  
 Which motion prevailed, and  
 The report was adopted.

The committee on highways, bridges and ferries made the following report:

MR. PRESIDENT:

Your committee on highways, bridges and ferries to whom referred

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.

Also,

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 do pass.

R. McCARTEN.

Chairman.

The committee on military affairs made the following report:

MR. PRESIDENT:

Your committee on military affairs to whom was referred

Senate Bill No. 179,

A bill for an act to suspend sections 1375, 1376, 1388, 1391, 1396 and 1416 of the Revised Codes of North Dakota, relating to the state militia,

Have had the same under consideration, and recommend that the same be returned without recommendation.

Also,

Senate Bill No. 181,

A bill for an act to amend sections 1375 and 1376 of the Revised Codes of North Dakota, being part of chapter 19 of the political code therein, which chapter is entitled "the militia," and which said sections relate to the compensation and duties of the adjutant general, and inspector and judge advocate general's department,

Have had the same under consideration, and recommend that the same be returned without recommendation.

Also,

Senate Bill No. 158,

A bill for an act to amend sections 1360, 1377 and 1378, of chapter 19, of the Revised Codes of the state of North Dakota, and to suspend the operation of said chapter for a period of four years,

Have had the same under consideration and recommend that the same be returned without recommendation.

FRANK WHITE,  
Chairman.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be corrected as follows:

By striking out all of lines 23, 24, 25 and 26 of page 19,

And when so amended recommend the adoption of the Journal of the fifty-sixth day.

GEO. CLARK,  
Chairman.

Mr. Clark moved

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 as corrected.

Mr. Haggart moved

That the Senate concur in the House amendments to

Senate Bill No. 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota,

Which motion prevailed.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Dunlap,  
Enger,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Creel,  
Davis,

Messrs—

Dobie,  
Hanscom,

Messrs—

Valentine.

So the bill passed and the House amendments were concurred in.

Mr. Little moved

That when the Senate adjourn that it adjourn until 10 o'clock a. m., March 3, 1897,

Which motion prevailed.

Mr. Plain moved

That the Senate concur in the House amendments to 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,

Which motion prevailed.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordou,  
Haggart,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCauna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Tufts,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Creel,  
Green,

Messrs—

Hanscom,  
Strom,

Messrs—

Valentine.

So the House amendments were concurred in and the bill passed and the title was agreed to.

Mr. Strom moved

That House Bill No. 133 be taken out of general orders and be made a special order for March 3, 1897, at 3 o'clock,

Which motion prevailed.

Mr. Plain moved

That the Senate concur in the House amendments to Senate Bill No. 118,

Being a Concurrent Resolution,

Which motion prevailed.

The question being upon the concurrence in House amendments.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McGillivray,
Benedict,	Hanna,	Plain,
Clark,	Levang,	Rourke,
Davis,	Little,	Strom,
Dobie,	Mansfield,	Valentine,
Dunlap,	Marshall,	Viets,
Enger,	McCanna,	White,
Fuller,	McCarten,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	LaMoire,
Creel,	Hanscom,	Tufis.
Green,		

So the House amendments were concurred in.

Mr. White moved

That the Senate do not concur in the House amendments to 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,

And that a conference committee be appointed,

Which motion prevailed, and

The President appointed as such committee Messrs. Wishek Rourke and White.

#### SPECIAL ORDER.

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 third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22; nays 1; absent and not voting, 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanna,	McCarten,
Brown,	LaMoire,	McGillivray,

Messrs—	Messrs—	Messrs—
Clark,	Levang,	Plain,
Davis,	Little,	Rourke,
Dunlap,	Mansfield,	Valentine,
Fuller,	Marshall,	White,
Gordon,	McCanna,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Tufts,
Creel,	Haggart,	Viets.
Dobie,	Hanscom,	

Mr. Strom voting in the negative.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the vote by which Senate Bill No. 108 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS AND MEMORIALS.

House Bill 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 first and second times, and

Referred to the committee on warehouses, grain and grain grading.

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 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. 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. 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,

Was read the first and second times, and

Referred to the committee on education.

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 and second times, and

Referred to the committee on highways, bridges and ferries.

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 judiciary.

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 state affairs.

Mr. Rourke moved

That all House bills sent up from the House today be given their first and second readings and referred to their proper committees,

Which motion prevailed.

Mr. Rourke in the chair.

House Bill No. 128,

A bill for an act to create the office of state temperance commissioner,

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. 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 education.

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 first and second times, and  
Referred to the committee on judiciary.

House Bill No. 195,

A bill for an act to amend section 7589 of the Revised Codes of North Dakota of 1895, relating to intoxicating liquors defined,

Was read the first and second times, and  
Referred to the committee on temperance.

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 first and second times, and  
Referred to the committee on state affairs.

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,

Was read the first and second times, and  
Referred to the committee on judiciary.

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. 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,

Was read the first and second times, and  
Referred to the committee on judiciary.

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 first and second times, and  
Referred to the committee on judiciary.

The courtesies of the floor were extended to J. J. Delaney, Casper Sanders and James W. Foley, Jr.

Mr. Hanscom asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock 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.

A. L. HANSCOM,  
Chairman.

The President presiding.

EXECUTIVE SESSION.

Mr. Little moved

That the Senate do now go into executive session to consider the sealed message from the governor,

Which motion prevailed, and

The Senate went into executive session.

In open session the following nominations of the governor were confirmed:

H. T. Helgeson of Cavalier county, William McBride of Pembina county and Stephen Collins of Grand Forks county as trustees of the University of North Dakota at Grand Forks for the term of four years each from and after Tuesday, April 6, 1897, agreeable to the provisions of section 877 of the Revised Codes.

John F. Fort of Burleigh county, Edward Braddock of Emmons county, each for the term four years; C. R. Meredith of Cass county, J. D. Bacon of Grand Forks county, John C. Burns of Morton county, each for the term of two years as trustees of the state penitentiary, agreeable to Senate Bill No. 73 of the Fifth Legislative assembly of the state of North Dakota, approved February 25, 1897.

Amos A. Flatten of Walsh county, as superintendent of public health, for the term of two years from and after Tuesday, April 6, 1897, agreeable to the provisions of section 240 of the Revised Codes.

Mr. Little moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.



The Senate reassembled.

Mr. McCanna asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. McCanna presented the following

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 Senate of the Fifth Legislative Assembly, the House 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. Roush and Hon. M. N. Johnson, and to President-elect McKinley, duly certified copies of this resolution.

Mr. Haggart moved

That the resolution be adopted,  
Which motion prevailed, and  
The resolution was adopted.

Mr. Rourke moved

That the names of the board of trustees of the Industrial school at Ellendale be recalled from the committee on state affairs,  
Which motion prevailed.

Mr. Green asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Green introduced

Senate Bill No. 195,

A bill for an act fixing the compensation of employes of the

Fifth and subsequent legislative assemblies,  
Was read the first and second times, and  
Referred to the committee on judiciary.

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 as amended.

The roll being called there were ayes 21, nays 7, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Gordon,  
Green,  
Haggard,

Messrs—

Hanna,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Plain,  
Rourke,  
Tufts,  
Valentine,  
Viets,  
Wishek.

Those voting in the negative were:

Messrs—

Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Fuller,

Messrs—

Levang,  
McCarten.

Absent and not voting:

Messrs—

Creel,

Messrs—

Strom,

Messrs—

White.

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

Mr. Little 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.

Mr. Green asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. Green introduced

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,

Which was read the first and second times, and

Referred to the committee on state affairs.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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.

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 find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign Senate Bill No 1,

A bill for an act in relation to the labor of convicts in the state prison of North Dakota.

Also,

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 bonds on the basis of the superficial area affected.

There being no objection their titles were read and the President affixed his signature.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 2, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith 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. 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. 155,

A bill for an act to legalize and validate the tax levy for the year 1895 as made by the various counties.

Also,

Senate Bill No. 153,

A bill for an act to prevent the adulteration of candy.

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. 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,

Which the House has passed unchanged.

I also have the honor to transmit herewith

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895,

Which the House has amended

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 passed as amended.

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,

Which the House has amended.

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 section 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 passed as amended.

I also have the honor to return 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. 123,

A bill for an act to amend section 2079 of the Revised Codes of North Dakota, regulating the fees of register of deeds.

Which were lost in the House.

Yours, respectfully,

H. E. LAVAYEA,  
 Chief Clerk.

Mr. Little moved

That the courtesies of the floor be extended to Hon. Chauncy L. Baker and Pt. Webster Merrifield,  
 Which motion prevailed.

Mr. Wishek moved

That the Senate concur in the House amendments to  
 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,"  
 Which motion prevailed.

The question being upon the concurrence in the House amendments,

The roll being called there were ayes 25, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Benedict,  
 Brown,  
 Clark,  
 Davis,  
 Dobie,

Messrs—

Green,  
 Haggart,  
 Hanna,  
 Hanscom,  
 LaMoure,

Messrs—

McCanna,  
 McCarten,  
 Plain,  
 Rourke,  
 Strom,

Messrs—

Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

Valentine.  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Arnold,  
Creel,

Messrs—

McGillivray,

Messrs—

Tufts.

So the House amendments were concurred in the bill passed and the title was agreed to.

Mr. Haggart moved

That the Senate concur in the House amendments to

Senate Bill No. 142,

A bill for an act to amend section 2802 of the Revised Codes of North Dakota of 1895,

Which motion prevailed.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Plain,  
Rourke,  
Valentine,  
Viets,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Benedict,  
Creel,

Messrs—

Green,  
McGillivray,  
Strom,

Messrs—

Tufts,  
White.

So the House amendments were concurred in and bill passed and the title was agreed to.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
Little,  
Marshall,  
McCanna,  
Plain,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Arnold,  
Creel,  
Gordon,

Green,  
LaMoure,  
Levang,

Mansfield,  
McCarten,  
McGillivray.

So the bill passed and the title agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 30 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hanna moved

That substitute for House Bill No. 121 be made a special order immediately following the consideration of House Bill No. 3,

Which motion prevailed.

Mr. Green moved

That the Senate do now adjourn,

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1897.

The Senate met at 10 o'clock a. m. pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present.

Mr. White moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed, and

The President appointed as such committee Messrs. Dunlap, Dobie and Enger.

Mr. Little moved

That no amendments be made to House Bill No. 3 until the bill has been fully read,

Which motion prevailed.

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,

Was read the third time.



## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors,  
Which the House has 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.

And passed as amended.

Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes,  
Which the House has amended,

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 Dakota."

And passed as amended.

I have also the honor to return 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,

Which was lost in the House.

I also have the honor to transmit herewith

House Bill No. 182,

A bill, being a concurrent resolution, relating to the qualifications of voters,

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

I am also directed to request that

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. 123,

A bill for an act to amend section 2027 of the Revised Codes of North Dakota, regulating the fees of register of deeds,

Be returned to the Senate for further consideration.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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, relating to the sale of public lands.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President 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, relating to the sale of public lands.

There being no objection their titles were read and the President affixed his signature.

Mr. Valentine moved

That the request of the House asking that Senate Bills Nos. 128 and 123 be returned to the House, be granted,

Which motion prevailed, and

Senate Bills Nos. 128 and 123 were returned.

Third reading of House Bill No. 3 continued.

Mr. Brown moved that

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,

Be messaged back to the House,  
Which motion prevailed, and  
The bill was returned.

Third reading of House Bill No. 3 continued.

Mr. Brown moved

That the Senate do now concur in the House amendments to  
Senate Bill No. 110,

A bill for an act to amend section 4817 of the Revised Codes.  
Which motion prevailed.

The question being upon the concurrence to the House amend-  
ments.

The roll being called there were ayes 21, nays none, absent  
and not voting 10.

Those voting in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
Levang,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Rouke,  
Strom,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Fuller,  
Hanscom,

Messrs—

LaMoire,  
Little,  
McGillivray,

Messrs—

Plain,  
Tufts,  
Valentine.

So the Senate concurrence in the House amendments to the bill  
passed and the title was agreed to.

Third reading of House Bill No. 3 continued.

Mr. Little moved

That the Senate take a recess until 2 o'clock,  
Which motion prevailed and,  
The Senate took a recess.

#### SENATE REASSEMBLED.

Mr. Benedict moved

That all Senate bills in secretary's hands be given their third  
reading and final passage,  
Which motion prevailed.

Senate Bill No. 85,

A bill for an act amending section 2106 of article 19 of the po-  
litical code 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 18, nays none, absent  
and not voting 12.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Hanna.	McCanna,
Clark,	Hanscom,	Plain,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	White,
Dunlap,	Little,	Wishek.
Enger.		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Rourke,
Creel,	Marshall,	Strom,
Gordon,	McCarten,	Valentine,
Green.	McGillivray,	Viets.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 85 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 58,

A bill for an act to amend the probate code of the state of North Dakota,

Which the House has amended

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 passed the same as amended.

I also have the honor to transmit herewith .

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,

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

I am directed to request that

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,

Be returned to the House for further amendment.

Very respectfully,

H. E. LAVAYEA,  
Chief Clerk.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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

I have also the honor to return herewith

Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota.

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,

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.

Also,

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors.

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. 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. 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.

Which the House has passed unchanged.

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 House has 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 passed as amended.

Also,

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,

Which the House has 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 moneys so received to the general county fund, and the county treasurer shall receipt to the district veterinarian."

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,

Which the House has indefinitely postponed.

H. E. LAVAYEA,  
Chief Clerk.

Mr. Green moved

That the Senate return Senate Bill No. 184 to the House as per their request.

Which motion prevailed, and

The bill was returned to the House.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

Senate Bill No. 24,

A bill for an act entitled 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 residents or otherwise, and providing certain proceedings to prevent the garnishment thereof and providing penalties for an evasion of its provisions,

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

C. B. LITTLE,  
Chairman.

Senate Bill No. 24,

A bill for an act entitled 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 residents or otherwise, and providing certain proceedings to prevent the garnishment thereof and providing penalties for an evasion of its provisions,

Was read the third time.

Mr. Gordon moved

To amend the bill by striking out all of section 4 of the printed bill.

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 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Marshall,
Benedict,	Gordon,	McCanna,
Brown,	Green,	McGillivray,
Clark,	Hanna,	Plain,
Davis,	Hanscom,	Tufts,
Dobie,	LaMoure,	Viets,
Dunlap,	Little,	Wishek.
Enger,	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	McCarten,	Valentine,

Messrs—  
Haggart,  
Levang.

Messrs—  
Rourke,  
Strom,

Messrs—  
White.

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

Mr. Gordon moved

That the vote by which Senate Bill No. 24 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Benedict,  
Clark,  
Davis,  
Dobie,  
Enger,  
Ful'ner,  
Gordon,

Messrs—  
Green,  
Hanna,  
Hanscom,  
LaMonre,  
Little,  
Mansfield,  
McCanna,

Messrs—  
McGillivray,  
Plain,  
Tufts,  
Valentine,  
Virts,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Brown,  
Creel,  
Dunlap,

Messrs—  
Haggart,  
Levang,  
Marshall,

Messrs—  
McCarten,  
Rourke,  
Strom.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate Bill No. 193 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Little moved

That the Senate concur in the House amendments 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,

Which motion prevailed.

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 concurrence in House amendments.

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



and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Benedict,	Hanna,	McGillivray,
Clark,	Hanscom,	Plain,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Tufts,
Dunlap,	Little,	Valentine,
Enger,	Mansfield,	Viets,
Fulfer,	Marshall,	White,
Gordon,	McCanna,	Wishok.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Haggart,	Strom.
Creel,		

So the House amendments were concurred in, the bill passed and the title was agreed to.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred  
Senate Bill No. 195,

A bill for an act fixing the compensation of employes of the Fifth and subsequent legislative assemblies,

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

That section 1 be amended to read as follows:

SEC. 1. That the assistant secretary and assistant clerk, bill clerk and journal clerk and chief enrolling and engrossing clerk and clerk of the judiciary committee and stenographer of the Senate and house shall receive a compensation of six dollars per day; that the secretary of the Senate and the chief clerk of the House each receive seven dollars per day; and each sergeant-at-arms, assistant sergeant-at-arms, doorkeeper, janitor, watchman, messenger, postmaster and each assistant enrolling and engrossing clerk, and each assistant to the assistant secretary and assistant clerk of the Senate and House shall receive a compensation of five dollars per day,

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report on Senate Bill No. 195,  
Which motion prevailed.

Senate Bill No. 195,

A bill for an act fixing the compensation of employes of the Fifth and subsequent legislative assemblies,

Was read the third time.

Mr. White moved

That further consideration of Senate Bill No. 195 be indefinitely postponed,

Roll call demanded.

The question being upon indefinitely postponing Senate Bill No. 195.

The roll being called there were ayes 7, nays 19, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Strom,
Dunlap,	McCarten,	White.
Enger,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCanna,
Benedict,	Hanscom,	McGillivray,
Clark,	LaMoure,	Rourke,
Davis,	Little,	Tufts,
Gordon,	Mansfield,	Viets,
Green,	Marshall,	Wishek.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Fuller.	Valentine.
Creel,	Plain,	

So the motion to indefinitely postpone the bill did not prevail.

Mr. Gordon moved

To amend the bill by striking out of section 1, line 5, the word "five" and inserting in lieu thereof the word "four."

Which motion did not prevail.

Mr. Little moved

The previous question,  
Which motion prevailed.

Mr. Little moved a call of the House;

Which motion prevailed.

The roll being called Messrs. Fuller and Creel were found absent.

Mr. White moved

That further proceedings under the call of the Senate be dispensed with,

Which motion did not prevail.

Mr. Little moved

That further proceedings under the call of the House be dispensed with,

Which motion prevailed.

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

The roll being called there were ayes 19, nays 8, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCanna,
Benedict,	Hanscom,	McGillivray,
Brown,	LaMoure,	Rourke,
Clark,	Little,	Tufts,
Fuller,	Mansfield,	Viets,
Green,	Marshall,	Wishek.
Haggart,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Gordon,	Strom,
Dobie,	Levang,	White.
Dunlap,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Plain,	Valentine.
Enger,		

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

Mr. LaMoure moved

That the vote by which Senate Bill No. 195 was passed be reconsidered,

Which motion prevailed.

Mr White moved

That further consideration be indefinitely postponed,

Which motion did not prevail.

Mr. Rourke moved

The previous question,

Which motion prevailed.

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

The roll being called there were ayes 19, nays 8, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCanna,
Benedict,	Hanscom,	McGillivray,
Brown,	LaMoure,	Rourke,
Clark,	Little,	Tufts,
Fuller,	Mansfield,	Viets,
Green,	Marshall,	Wishek.
Haggart,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Davis,	Gordon,	Strom,
Dobie,	Levang,	White.
Dunlap,	McCarten,	

Absent and not voting:

Messrs—  
Creel,  
Enger,

Messrs—  
Plain,

Messrs—  
Valentine.

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

Mr. Little moved

That the vote by which Senate Bill No. 195 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Rourke moved

That the courtesies of the floor be extended to Geo. F. Proper and C. M. Johns of Richland county, S. J. Vidger, A. F. and R. A. Erickson, D. F. Smith, C. M. Johnson, M. W. Duncan and King Bryant of Mandan,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 155,

A bill for an act to legalize and validate the tax levy for the year 1895 as made by the various counties.

Also,

Senate Bill No. 153,

A bill for an act to prevent the adulteration of candy.

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. 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. 110,

A bill for an act to amend section 4817 of the Revised Codes.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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, chapter 4 of Revised Codes of 1895 of the state of North Dakota, relating to investment of school funds.

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.

Also,

Senate Bill No. 153, (by request)

A bill for an act to prevent the adulteration of candy.

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. 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.

There being no objection their title were read and the President affixed his signature.

Mr. White presented the following petition:

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

We, the undersigned citizens of the state of North Dakota, do most urgently and respectfully petition your honorable body to create the law provided for in House Bill No. 128, being an act entitled "for an act providing for a state temperance commissioner, defining his duties and powers and fixing his compensation and bond," believing that this bill will enable the people to more effectually enforce the prohibition laws. And this your petitioners will ever pray.

J. R. BEEBE

(And 38 others).

Referred to committee on temperance.

Mr. Clark presented the following petition:

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

We, the undersigned citizens of the state of North Dakota and of Forest River, do most earnestly petition your honorable body to pass House Bill No. 128 to create the office of temperance commissioner, as we believe this measure will effectually aid in enforcing the prohibitory law.

H. LEESON

(And 35 others).

Referred to committee on temperance.

Mr. Benedict presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals hereby earnestly petition your honorable body to favor the bill providing for an increase of the penalty clause of our Sabbath law.

The above petition was endorsed by a vote of 11 to 3 out of a congregation of 37 by Hankinson church, representing a membership of 36, at a meeting held in Hankinson, Feb. 28, 1897.

G. S. BASCOM,  
Pastor Congregational Church.

Referred to committee on judiciary.

Mr. Benedict presented the following petition:

*Hon. Dr. A. V. Benedict, State Senator, Bismarck, N. D.:*

WAHPETON, N. D., Feb. 24, 1897.

We, the citizens of Wahpeton, respectfully request that you use all efforts in your power to secure the passage of House Bill No. 121. This measure is of the greatest importance to the business men and merchants of this city, and we urgently request that you give your undivided support to this bill.

AARON STERN  
(And 70 others).

Referred to committee on railroads.

Mr. Gordon presented the following petition:

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

We, the undersigned citizens and legal voters of the city of Grand Forks and state of North Dakota, hereby respectfully petition your honorable body to pass House Bill No. 128, known as the state temperance commissioner bill.

M. B. VAN VRAUKEN  
(And 22 others).

Referred to committee on temperance.

Mr. Gordon presented the following petition:

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

We, the undersigned citizens and legal voters of the city of Grand Forks and state of North Dakota, hereby respectfully petition your honorable body to pass House Bill No. 128, known as the state temperance commissioner bill.

R. B. GRIFFITH  
(And 42 others).

Referred to committee on temperance.

Mr. Gordon presented the following petition:

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

THOMPSON, N. D., March 1, 1897.

The undersigned respectfully petition that your honorable body pass the temperance commissioner bill, House Bill No. 128.

E. T. SPOFFORD  
(And 39 others).

Referred to committee on temperance.

## REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
House Bill No. 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,

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. F. MARSHALL,  
Chairman.

Mr. Little moved  
The adoption of the report.

Mr. Strom moved  
As a substitute that it be referred to general orders.

Mr. Little moved  
To lay on the table,  
Which motion prevailed.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
House Bill No. 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:

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 when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

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

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred  
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,

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

In line 3, 4, 5, 6 and 7, page 2 of the engrossed bill strike out the words "and in all cases pertaining to the violation of the statutes against cruelty to animals, such person shall have all the authority and powers of a peace officer.

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

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

Mr. Fuller moved that  
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,  
Be indefinitely postponed.

Roll call demanded.

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 indefinite postponement of House Bill No. 167.

The roll being called there were ayes 4, nays 22, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Brown,	Fuller,	Plain.
Dunlap,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McGillivray,
Benedict,	Hanna,	Rourke,
Clark,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Mansfield,	Viets,
Enger,	Marshall,	White,
Gordon,	McCarten,	Wishek.
Green,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Little,	Valentine.
Hanscom,	McCanna,	

So the motion was lost.



Mr. Plain moved  
That House Bill No. 167 be made a special order for March 5.  
1897, at 3 o'clock,  
Which motion did not prevail.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs 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.

T. F. MARSHALL,  
Chairman.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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 House has passed and your favorable consideration thereof is respectfully requested.

I have also the honor to return herewith  
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. 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.

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.

Which the House has passed unchanged.

I have also the honor to return herewith

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,

Which the House has amended as follows:

In line 15 section 131, the figures "\$50.00" be stricken out and "\$1,500.00" be inserted instead.

And passed as amended.

I have also the honor to return herewith

Senate Bill No. 135,

A bill for an act to amend section 1615, article 8, of chapter 22, Revised Codes,

Which the House has indefinitely postponed.

I have also the honor to return herewith

#### 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 Senate of the Fifth Legislative Assembly, the House 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 House has concurred in.

Respectfully,

H. E. LAVAYEA,

Chief Clerk.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary 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 treasurer's reports,

Have had the same under consideration and recommend that the same be 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 when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

House Bill No. 198,

A bill for an act to amend paragraph 3 of section 5776 of 1895, relating to proceedings to annul corporations.

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 do pass.

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,

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 do pass.

C. B. LITTLE,  
Chairman.

The committee on temperance made the following report:

MR. PRESIDENT:

Your committee on temperance to whom was referred

House Bill No. 195,

A bill for an act to amend section 7589 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.

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,

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

F. H. ENGER,  
Chairman.

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education to whom was referred

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,

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

H. F. ARNOLD,  
Chairman.

The committee on agriculture made the following report:

MR. PRESIDENT:

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 the same be amended as follows:

In engrossed bill, line 14, strike out after the word "section" the figures "1863" and insert "1683."

And when so amended 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:

In the engrossed bill, section 2, line 3, after the word "may" insert "in their discretion,"

And when so amended recommend that the same do pass.

H. H. STROM,  
Chairman.

Mr. Sfrom moved

The adoption of the reports,  
Which motion prevailed, and  
The reports were adopted.

Mr. Brown asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

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

Mr. Brown introduced  
Senate Bill No. 196,

A bill for an act making invalid all provisions or conditions declared a forfeiture, cancellation or termination of the rights, title and interest of any vendee or purchaser of his assigns in or to any contract for deed, bond for deed, or other instrument for the future conveyance of real estate hereafter made, and providing the manner and procedure whereby such instruments may be foreclosed and terminated, and requiring such instrument to be recorded,

Was read the first and second times, and  
Referred to the committee on judiciary.

Mr. Brown moved

That the bill be engrossed at once,  
Which motion prevailed.

Third reading of House Bill No. 3 taken up.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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.

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. 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,

Which the House has passed and your favorable consideration of the same is respectfully requested.

I also have the honor to return herewith

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,

Which the House has indefinitely postponed.

Yours, respectfully,

H. E. LAVAYEA,

Chief Clerk.

Third reading of House Bill No. 3 continued.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1897.

*To the Senate:*

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

Senate Bill No. 8,

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 the state.

Also,

Senate Bill No. 74,

Entitled an act to amend section 6613 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 75,

Entitled an act to amend sections 1013 and 1015 of the Revised Codes of the state of North Dakota.

Also,

Senate Bill No. 122,

Entitled an act to establish, limit and define the law of presumptive evidence.

Also,

Senate Bill No. 1,

Entitled an act in relation to the labor of convicts in the state prison of North Dakota.

Also,

Substitute for Senate Bill No. 40,

Entitled 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.

I have the honor to be,

Yours respectfully,  
FRANK A. BRIGGS,  
Governor.

Third reading of House Bill No. 3 continued.

The reading of House Bill No. 3 the third time was concluded.

Mr. Hanna moved

A call of the Senate.

Mr. Hanna moved

That further proceedings under this call be dispensed with,  
Which motion prevailed.

Mr. Strom moved

To amend the bill in section 16, subdivision 4, by adding "the assessor shall order all dogs of no value to be killed," all this on page 6 of the Journal of the fifty-seventh day,

Which motion did not prevail.

Mr. McCanna moved

The previous question,  
Which motion prevailed.

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

The roll being called there were ayes 31, nays none, absent and not voting, none.

Those who voted in the affirmative were:

Messrs—

Arno'd,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGilivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

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

Mr. Hanna moved

That the vote by which House Bill No. 3 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 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.



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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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. 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.

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.

There being no objection their titles were read and the President affixed his signature.

The President presiding.

#### SPECIAL ORDER.

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.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House has refused to concur in the Senate amendment to

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 that the House has appointed a committee of three members, consisting of Messrs. Powers, Mitchell and Dougherty to confer with a committee of three from the Senate in regard to the same.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That in compliance with the desires of the House the President appointed a conference committee of three to confer on Senate amendments to House Bill No. 3,

Which motion prevailed, and

The President appointed as such committee Messrs. Little, Rourke and Brown.

The reading of House Bill No. 121 was concluded.

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

The roll being called there were ayes 31, nays none, absent and not voting none.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufes,  
Valentine,  
Viets,  
White,  
Wishek.

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

Mr. Hanna moved

That the vote by which Substitute for House Bill No. 121 was

passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Wishek moved

That the Senate do now concur in the House amendments to Senate Bill No. 58,

Which motion prevailed.

Mr. McGillivray asked unanimous consent to return to the ninth order of business.

There being no objection the Senate returned to the ninth order of business.

Mr. McGillivray presented the following

#### 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 Sylvation 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 Sylvation 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 Sylvation museum.

Mr. McGillivray moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Green moved

That the Senate concur in the House amendments to 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 motion prevailed.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McCarten,
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Little,	Tufts,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	Wishek.
Gordon,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	White.
Fuller,	Valentine,	

So the House amendments were concurred in, the bill passed and the title was agreed to.

Mr. Wishek moved

That the Senate do not concur in the House amendments to 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,

And that a conference committee of five be appointed,

Which motion prevailed, and

The President appointed as such conference committee Messrs. Wishek, Rourke, White, McCarten and Marshall.

Mr. Green moved

That the Senate concur in the House amendments to Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors,

Which motion prevailed.

The question being upon the concurrence in the House amendments to Senate Bill No. 68.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Benedict,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Little,	Viets,
Dobie,	Mansfield,	White,
Dunlap,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Levang,	Tufts,
Fuller,	Marshall,	Valentine.
Hanna,		

So the House amendments were concurred in, the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 3, 1897.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith

House Bill No. 99,

A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota.

Which the House has passed with the exception of the emergency clause, which was lost.

I have also the honor to transmit herewith

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

I have also the honor to inform you that the House has concurred in the Senate amendments to House Bill No. 121.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be corrected as follows:

In line 8, page 6, insert after the word "area" the words "in line 5 and 6."

In line 4, page 6, from the bottom strike out the word "voted" and insert the word "rated."

On page 7, line 8 from the bottom strike out the word "before" and insert the word "after."

In line 7 from the bottom "office" should read "officer."

In thirteenth line from the bottom inclose the word "once" in quotation marks; ditto "shall" in fourteenth line; in line 21 from the bottom add the letter "s" to first word in the line; in line 25 from the bottom insert a comma after the word "acres" and a

semicolon after the word "stated"; in line 29 insert a comma after the word "proceeding" and in line 35 insert a comma after the word "districts."

On page 9, line 11, strike out the figures "69" and insert "75."

On page 9, line 20, "75" should be "7."

On page 10, line 13, strike out "such" and insert "each."

And when so amended recommend the adoption of the Journal of the fifty-seventh day.

JAMES DOBIE,  
Chairman.

Mr. Dobie 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.

Mr. Little moved

That the rules be suspended and that all House bills be given their first and second reading and reference,  
Which motion prevailed.

House Bill No. 182,

A concurrent resolution relating to an educational qualification to the right of suffrage,

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 public lands.

House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes,

Was read the first and second times, and  
Referred to the committee on state affairs.

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 cities and municipalities.

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 first and second times, and  
Referred to the committee on elections.

## 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 read the first and second times, and

Referred to the committee on temperance.

## 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 and second times, and

Referred to the committee on state affairs.

## 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 first and second times, and

Referred to the committee on agriculture.

## House Bill No. 204,

A bill for an act to amend section 2030 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 state affairs.

## 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,

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

## 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 and second times, and

Referred to the committee on highways, bridges and ferries.

Mr. Green moved

That Senate Bill No. 196 be given its third reading and final passage,

Which motion prevailed.

## 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.

The roll being called there were ayes 24, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Haggart,	Plain,
Brown,	Hanna,	Rourke,
Clark,	LaMoure,	Strom,
Creel,	Little,	Tufts,
Davis,	Mansfield,	Vie's,
Dunlap,	McCanna,	White,
Gordon,	McCarten,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Fuller,	Hanscom.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	Marshall,	Valentine.
Levang,		

So the bill passed and the title was agreed to.

Mr. Green moved

That the vote by which Senate Bill No. 196 was passed be reconsidered and the motion to reconsider be laid on the table, Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 3, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 194,

A bill for an act to amend section 483 of the Revised Codes of North Dakota, relating to election officers and their duties.

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.

Also,

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.



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.

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,

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

I also 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 officers, members of boards and employes of public institutions,

Which the House has passed with amendment as recommended by joint conference committee.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate do now adjourn until 10 o'clock a. m., March 4

Which motion prevailed, and

The Senate adjourned.

J. O. SMITH,  
Secretary.

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## FIFTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 4, 1897.

The Senate met at 10 o'clock a. m. pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll called.

All members present.

Mr. Valentine moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same, Which motion prevailed.

The President appointed as such committee Messrs. Dunlap, Enger and Fuller.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 127,

A bill for an act to amend 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. 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. 154,

A bill for an act to license commission merchants and other factors.

And find the same correctly enrolled.

C. N. VALENTINE, Chairman.

The secretary announced that the President was about to sign

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.

Also,

Senate Bill No. 154,

A bill for an act to license commission merchants and other factors.

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. 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. 136,

A bill for an act to amend section 5630 of the Revised Codes, relating to trials in the district court.

There being no objection their titles were read and the President affixed his signature.

Mr. Rourke moved a call of the Senate,  
Which motion prevailed.

The roll being called Messrs. Arnold Dunlap, Fuller, Gordon, Hanna, Hanscom, McCarten, Plain and White were found absent.

Mr. McGillivray moved

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

#### SPECIAL ORDER.

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,

Was read the third time.

Mr. Rourke moved

That further consideration of this bill be indefinitely postponed.

Mr. Tufts moved

As a substitute that it be made a special order for to-day at 10:45 o'clock,

Which motion did not prevail.

Mr. Rourke withdrew his motion.

The question being upon the final passage of the bill.

The roll being called there were ayes 10, nays 13, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	McCarten,
Creel,	Enger,	Strom,
Davis,	Levang,	Tufts.
Dobie,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Little,	Rourke,
Clark,	Mansfield,	Valentine,
Green,	Marshall,	Viets,
Hanscom,	McGillivray,	Wishek.
LaMoure,		

Absent and not voting:

Messrs—

Arnold,  
Fulfer,  
Gordon,

Messrs—

Haggart,  
Hanna,  
McCanna,

Messrs—

Plain,  
White.

So the bill did not pass.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Tufts presented the following petition:

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

We, the undersigned residents of Casselton, N. D., do respectfully petition your honorable body to use all honorable means for the passage of House Bill No. 123, for creating the office of a temperance commissioner, for the enforcement of the prohibitory law in this state, believing it is for the advancement for the cause of temperance and good morals.

A. M. CRAWFORD  
(And 35 others).

Referred to committee on temperance.

Mr. Benedict presented the following petition:

*To the Honorable Senate and House of the Fifth Legislative Assembly of North Dakota:*

We, the undersigned citizens of Hankinson, North Dakota, respectfully petition your honorable body to pass the temperance commissioner bill as a help toward the better enforcement of our state prohibitory law.

E. L. KINNEY  
(And 26 others).

Referred to committee on temperance.

Mr. Haggart presented the following petition:

*To the Fifth Legislative Assembly of North Dakota:*

We, the undersigned voters of Fargo, North Dakota, earnestly petition you to vote for the passage of House Bill No. 123, which provides for a state temperance commissioner.

F. COLBYE  
(And 219 others).

Mr. Haggart moved

That the petition be referred to the committee on corporation other than municipal,

Which motion prevailed.

Mr. LaMoure presented the following petition:

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

GENTLEMEN: We, the undersigned, voters of the First and Second legislative districts, do respectfully urge that you will give your influence and vote in support of House Bill No. 123, providing for the appointment of a state temperance commissioner.

A. E. NOBLE,  
(And 19 Others.)

Referred to committee on temperance.

Mr. LaMoure presented the following petition:

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

GENTLEMEN: We, the undersigned, voters of the First and Second legislative districts, do respectfully petition your honorable body to vote for and secure the passage of House Bill No. 145, which extends the time of residence in divorce cases to one year.

JNO. M. O'CONNOR,  
(And 34 Others.)

Referred to committee on temperance.

Mr. LaMoure presented the following petition:

*To the Honorable Judson LaMoure, Senator First Legislative District:*

We, the undersigned petitioners, pray the Fifth legislative assembly of the state of North Dakota, now in session at Bismarck, N. D., do hereby request that you will use your utmost endeavors, by both your vote in the Senate and your influence among your fellow members, to pass House Bill No. 128, which is entitled, "An act to provide for the state temperance commissioner, define his duties, power, and fixing his compensation and bond." And we further urge you to use all means in your power to strengthen and assist this act by any judicious amendment or additions to it that will make it more effective.

JOSEPH SHAW,  
(And 26 Others.)

Referred to committee on temperance.

Mr. LaMoure presented the following petition:

*To Hon. Judson LaMoure, Senator First Legislative District:*

We, the undersigned petitioners, pray the Fifth Legislative assembly of the state of North Dakota, now in session at Bismarck, N. D., do hereby request that you will use your utmost endeavors, by both your vote in the Senate and your influence among your fellow members, to pass House Bill No. 128, which is entitled "An act to provide for the state temperance commissioner, define his duties, power, and fixing his compensation and bond." And we further urge you to use all means in your power to strengthen and assist this act by any judicious amendment or additions to it that will make it more effective.

W. DOUGLAS,  
(And 38 others.)

Referred to committee on temperance.

Mr. LaMoure presented the following petition:

*To Hon. J. LaMoure:*

DRAYTON, N. D.

Support temperance commissioner bill when it comes to the Senate.

J. M. WYLIE.

Referred to committee on temperance.

Mr. LaMoure presented following telegram from Bowesmont, N. D.:

*To Judson LaMoure:*

Give temperance commissioner bill your support.

JOHN HALCROW.

Referred to committee on temperance.

Mr. Fuller presented the following petition:

*To the Senators and Representatives of the Fifth Legislative Assembly at Bismarck:*

We, the undersigned citizens of Jamestown and Stutsman county, do respectfully urge you to pass House Bill No. 128, known as the state temperance commissioner bill.

L. F. WRIGHT,  
(And 8 others).

Referred to committee on temperance.

Mr. Fuller presented the following petition:

*To the Senators and Representatives of the Fifth Legislative Assembly at Bismarck:*

We, the undersigned citizens of Jamestown and Stutsman county, do respectfully urge you to pass House Bill No. 128, known as the temperance commissioner bill.

J. W. BALCK,  
(And 26 others).

Referred to committee on temperance.

Mr. Arnold presented the following petition:

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

The undersigned residents and voters of Larimore, Grand Forks county petition your honorable body to pass House Bill No. 128, providing for state temperance commissioner and deputies, and your petitioners will ever pray.

H. P. COOPER,  
(And 24 others).

Referred to committee on temperance.

Mr. Arnold presented the following petition:

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

We, the undersigned voters do hereby ask and pray that you will use your influence to pass House Bill No. 128.

H. A. SPICER,  
(And 10 others.)

Referred to the committee on temperance.

Mr. Dobie presented the following petition:

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

We, the undersigned voters of the First and Second legislative districts, do respectfully petition your honorable body to vote for and secure the passage of House Bill No. 145, which extends the time of residence in divorce cases to one year.

E. A. TAYLOR,  
(And 21 others.)

Referred to the committee on temperance.

Mr. Dobie presented the following petition:

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

We, the undersigned voters of the first and second legislative districts, do respectfully urge that you will give your influence and vote in support of House Bill No. 123, providing for the appointment of a state temperance commissioner.

W. R. BALDWIN,  
(And 27 Others.)

Referred to the committee on temperance.

Mr. Dobie presented the following petition:

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

We, the undersigned voters of the first and second legislative districts, do respectfully urge that you will give your influence and vote in support of House Bill No. 128, providing for the appointment of a state temperance commissioner.

J. H. JOHNSON,  
(And 23 others.)

Referred to the committee on temperance.

Mr. Dunlap presented the following petition:

*To the Fifth Legislative Assembly Now in Session at Bismarck, N. D.:*

We, the undersigned voters of Nelson county, state of North Dakota, do hereby petition the legislative assembly now in session, praying the passage of House Bill No. 128, for an act to provide for a state temperance commissioner.

E. P. LACELL,  
(And 16 others.)

Referred to the committee on temperance.

### THIRD READING OF HOUSE BILLS.

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 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Fuller,  
Levang,  
Little,

Messrs—  
McCanna,  
McGillivray,

Messrs—  
Plain,  
Viets.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 4, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House request the return to the House for the purpose of receding from amendments adopted yesterday

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.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. White moved

That the bill be returned as per request of the House,

Which motion prevailed, and

The bill was returned.

Mr. Marshall asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

REPORTS OF STANDING COMMITTEES.

A majority of the committee on cities and municipalities made the following report:

MR. PRESIDENT:

A majority of your committee on cities and municipalities to whom was referred

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 not pass.

J. S. GREEN,  
Chairman.



A minority of the committee on cities and municipalities made the following report:

MR. PRESIDENT:

A minority of your committee on cities and municipalities to whom was referred

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.

D. W. McCANNA,  
Minority.

Mr. Green moved

The adoption of the majority report.

Mr. Arnold moved

As a substitute that the minority report be adopted,

Which motion prevailed, and

The minority report was adopted.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

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,

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 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.

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

T. F. MARSHALL,  
Chairman.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands to whom was referred

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 recommend that the same do pass.

D. W. McCANNA,  
Chairman

The committee on state affairs made the following report

MR. PRESIDENT:

Your committee on state affairs to whom was referred

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.,

Have had the same under consideration 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,

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

T. F. MARSHALL,  
Chairman.

The committee on highways, bridges and ferries made the following report:

MR. PRESIDENT:

Your committee on highways, bridges and ferries to whom was referred

House Bill No. 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:

Amend section 16 by adding the following at the end thereof:

"Provided, that nothing in this act contained shall be so 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 when so amended recommend that the same do pass.

R. McCARTEN,  
Chairman.

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

The committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

House Bill No. 142,

Being a concurrent resolution to amend the constitution of the state of North Dakota,

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

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,

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

C. B. LITTLE,

Chairman.

The committee on corporations other than municipal made the following report:

MR. PRESIDENT:

Your committee on corporations other than municipal to whom was referred

House Bill No. 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 do pass.

D. C. TURRS,

Chairman.

The committee on warehouses, grain and grain grading, made the following report:

MR. PRESIDENT:

Your committee on warehouses, grain and grain grading to whom was referred

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,

Have had the same under consideration and recommend that the same be returned without recommendation.

D. T. DAVIS,

Chairman.

Mr. Little moved

That Senate Bill No. 162 be recalled from the House for correction.

Which motion prevailed.

Substitute for House Bill No. 33 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 21, nays 6, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	Marshall,
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Rourke,
Clark,	Hanscom,	Tufts,
Davis,	LaMoure,	Viets,
Enger,	Little,	White.
Gordou,	Mansfield,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Creel.	Dunlap.	McCarten,
Dobie,	McCanna,	Plain.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller,	Strom,	Valentine.
Levang,		

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which substitute for House Bill No. 109 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

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

There being no objection the Senate returned to the seventh order of business.

#### REPORT OF CONFERENCE COMMITTEE.

The conference committee on House Bill No. 3 made the following report:

MR. PRESIDENT:

Your conference committee to whom was referred the differ-

ences 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 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.

Have met the House 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 herein-after specified:

1. The amendment proposed to the fourth subdivision of section 16.
2. The amendment proposed to section 82 by inserting and adding immediately 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.

C. B. LITTLE,  
P. H. ROURKE,  
C. G. BROWN,

Committee on Part of the Senate.

J. B. POWER,  
R. J. MITCHELL,  
J. J. DOUGHERTY,

Committee on Part of the House.

Mr. Little moved  
The adoption of the report.

The question being upon the adoption of the report.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Benedict,  
Brown,  
Clark,  
Davis,

Messrs—  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,

Messrs—  
McGillivray,  
Plain,  
Rourke,  
Stiom,  
Tufts,

Messrs—  
Dobie,  
Dunlap,  
Enger,  
Gordon,

Messrs—  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—  
Valentine,  
Veits,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Creel,  
Fuller,

Messrs—  
Levang.

Messrs—  
McCarten.

So the conference committee report was adopted.

President pro tem. Little in the chair.

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.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—  
Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Enger,

Messrs—  
Gordon,  
Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,

Messrs—  
Marshall,  
McCarten,  
Plain,  
Rourke,  
Strom,  
Tufts,  
White,  
Wishek.

Absent and not voting:

Messrs—  
Dunlap,  
Fuller,  
Levang,

Messrs—  
McCanna,  
McGillivray,

Messrs—  
Valentine,  
Veits.

So the bill passed and the title was agreed to.

House Bill No. 102,

A bill for an act to regulate appeals from justices courts on questions of law,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Benedict,  
Brown,

Messrs—  
Enger,  
Haggart,  
Hanna,

Messrs—  
McGillivray,  
Plain,  
Rourke,

Messrs--	Messrs--	Messrs--
Clark,	Hanscom,	Strom,
Creel.	Levang,	Tufts,
Davis,	Little,	Viets,
Dobie,	Mansfield,	Wishek.
Dunlap,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Fuller,	LaMoure,	McCarten,
Gordon,	Marshall,	Valentine,
Green,	McCanna,	White.

So the bill passed and the title agreed to.

Mr. Hanna moved

That the vote by which House Bills Nos. 101 and 102 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

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.

The roll being called there were ayes 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs--	Messrs--	Messrs--
Arnold,	Hanna,	McCarten,
Benedict,	Hanscom,	McGillivray,
Brown,	LaMoure,	Plain,
Clark,	Levang,	Rourke,
Creel,	Little,	Strom,
Davis,	Mansfield,	Tufts,
Enger,	Marshall,	White,
Gordon,	McCanna,	Wishek.
Haggart,		

Absent and not voting:

Messrs--	Messrs--	Messrs--
Fuller,	Valentine,	Viets.
Green,		

Messrs. Dobie and Dunlap voting in the negative.

So the bill passed and the title was agreed to.

Mr. Hanna 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.

President presiding.

On Mr. Haggart's motion, seconded by Mr. Tufts, prayer was offered by the chaplain for the success of the incoming republican administration.

Mr. Hanna moved

That the Senate take a recess until 2 o'clock p. m.,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Strom asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business,

#### REPORTS OF STANDING COMMITTEES.

The committee on agriculture made the following report:

MR. PRESIDENT:

Your committee on agriculture to whom was referred

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.

H. H. STROM,  
Chairman.

#### 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 hire, 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. LaMoure moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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,

Senate Bill 126,

A bill for an act prescribing the obligations of drovers and herders of domestic animals, and the remedies for their violations.

Also,

#### 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 Senate of the Fifth Legislative Assembly, the House Concurring:*

That the senators and representatives of this state are hereby requested to

use their earnest endeavors to secure the reappointment of Clement A. Lonnsberry 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. Ranch and Hon. M. N. Johnson, and to President-elect McKinley, duly certified copies of this resolution.

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. 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.

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 for the regulation of the same.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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,

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. 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 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,

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,

A Concurrent Resolution,

Recommending the appointment of Colonel Clement A. Lounsberry as a special agent of the government land office.

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.

There being no objection their titles were read and the President affixed his signature.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

March 4, 1897.

MR. PRESIDENT:

I have the honor to return 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.

As requested by the Senate.

Very respectfully,

H. E. LAVAYEA,

Chief Clerk.

Mr. Little moved  
That the rules be suspended and that  
All House bills be given their first and second reading and reference,

Which motion prevailed, and

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,

Was read the first and second times, and  
Referred to the committee on state affairs.

Mr. Haggart moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Substitute for House Bill No. 30.

The secretary announced that the President was about to sign

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.

Also,

House Bill No. 149,

A bill for an act to amend sections 1895 and 1896 of the Revised Codes.

There being no objection their titles were read and the President affixed his signature.

Mr. Enger asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report:

MR. PRESIDENT:

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 the same be amended as follows:

In line 3 of section 1 of printed bill insert after the word "penalty" the words "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.

F. H. ENGER.

Chairman.

Mr. Enger moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

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 stock.

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 first and second times, and  
Referred to the committee on elections.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 4, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith  
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,

Which the House has amended as follows:

By striking out all of lines 22 and 23 of section 1.

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 "agriculture 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 passed as amended.

I also have the honor to transmit herewith  
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,

Which the House has passed unchanged.

Yours, respectfully,

H. E. LAVAYEA,

Chief Clerk.

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 first and second times, and

Referred to the committee on state affairs.

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 first and second times, and

Referred to the committee on public lands.

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.

House Bill No. 90,

A bill for an act to amend article 3 of section 7594 of the Revised Codes of North Dakota,

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 agriculture.

#### 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.

Was read the first and second times, and

Referred to the committee on federal relations.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors.

Also,

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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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.

Also,

Senate Bill No. 68,

A bill for an act relating to the duty of sheep inspectors.

There being no objection their titles were read and the President affixed his signature.

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 first and second times, and

Referred to the committee on judiciary.

Mr. Little moved

To correct the Journal of the fifty-seventh day by incorporating

therein the motion made by him to amend Senate Bill No. 162 which was adopted by the Senate and that the bill be correctly engrossed and returned to the House, the amendments being as follows:

Amend section 2 in line 8 after the word "commission" by inserting the following words "who shall serve without compensation."

Strike out all of section 5.

Amend section 6 by striking out all of said section after the word "purpose," in line 26, being the words "as they may be delivered to him by the treasurer of the state of North Dakota from time to time."

Amend the bill by striking out all of section 3, and inserting in lieu thereof:

"Said commission shall have power and is hereby authorized to secure suitable space on the grounds or in any building erected by the exposition authorities by any state or states, individuals or corporations for the purposes of the exposition, in which to place the exhibits from this state, provided that no expense for rental or maintenance shall be chargeable to the state for such space; provided further, that the said commission shall have authority to receive contributions from individuals, corporations, towns, cities or counties for the purpose of this exposition, and to co-operate with any individual, corporations, schools, colleges, associations or societies desiring to make an exhibit on behalf of the state."

Amend section 4 by striking out the words:

"And for the construction, maintenance and management of the building above provided for."

Also strike out the words "herein appropriated" at the close of said section, and insert in lieu thereof the words "contributed for the purpose."

Strike out all of said section after the words "hereinafter appropriated."

Amend section 6 by striking out the words "hereinafter appropriated" and insert in lieu thereof the words "contributed for the purpose."

Strike out all of the last sentence of said paragraph, being the words "after time to time."

Strike out all of sections 8 and 9. (Which carry the appropriation or relate thereto)

Amend the emergency clause by inserting after the word "exist" the words "in this that it is essential that preparations for this exhibit shall commence at once."

Amend title by striking out the words "and to appropriate money therefor"

Which motion prevailed, and

The amendments were adopted as read, and

The Journal of the fifty-seventh day was so corrected.

### THIRD READING OF HOUSE BILLS CONTINUED.

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 20, nays none, absent and not voting 11.



Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Fuller.	McCar'en,
Clark,	Gordon,	McGillivray,
Creel,	Green,	Plain,
Davis,	Haggart,	Strom,
Dobie,	LaMoure,	White.
Dunlap,	Little.	Wishek.
Enger,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Levang,	Tufts,
Brown,	Mansfield,	Valentine,
Hanna,	McCanna.	Viets.
Hauscom,	Rourke.	

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the vote by which House Bill No. 137 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Rourke moved

That the vote by which House Bill No. 122 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Rourke moved

That the Senate do not concur 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,"

Which motion prevailed.

Mr. LaMoure moved

That a conference committee of three be appointed on Senate Bill No. 23,

Which motion prevailed, and

The President appointed as such committee Messrs. LaMoure, Rourke and White.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 17, nays 2, absent and not voting 12.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Strom,
Clark,	Marshall,	Tufts,
Creel,	McCarten,	Valentine,
Dobie,	McGillivray,	Viets,
Gordon,	Plain,	Wishek.
Hanna,	Rourke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Little,
Brown,	Green,	Mansfield,
Dunlap,	Haggart,	McCanna,
Enger,	Levang,	White.

Messrs. Davis and LaMoure voting in the negative.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House Bill No. 91 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays 1, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McGillivray,
Benedict,	Green,	Strom,
Brown,	Hanna,	Tufts,
Clark,	Hanscom,	Valentine.
Creel,	Little,	Viets,
Dobie,	Mansfie'd,	Wishek.
Dunlap,	Marshall.	
Enger,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Levang,	Rourke,
Fuller,	McCanna,	White.
Haggart,	Plain,	

Mr. LaMoure voting in the negative.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House Bill No. 32 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. McCanna asked unanimous consent to return to the sixth order of business.

There being no objection the Senate returned to the sixth order of business.

The committee on public lands made the following report:

MR. PRESIDENT:

Your committee on public lands 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,

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

D. W. McCANNA,  
Chairman.

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 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Gordon,  
Hanna,

Messrs—

Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,  
McGillivray,

Messrs—

Plain,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Dunlap,  
Enger,

Messrs—

Fuller,  
Green,

Messrs—

Hazgart.

So the bill passed and the title was agreed to.

Mr. Wishek 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.

## 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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 30, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold.	Gordon,	McCarten.
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts.
Dobie,	Little.	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.

Mr. Green being absent.

So the bill passed and the title was agreed to.

Mr. Wishek 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.

## 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.

The roll being called there were ayes 29, nays none, absent and not voting, 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarten,
Brown,	Haggart,	Plain,
Clark,	Hanna,	Rourke,
Creel,	Hanscom,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	Valentine,
Dunlap,	Little,	White,
Enger,	Mansfield,	Wishek.
Fuller,	Marshall,	

Messrs. McGillivray and Viets being absent and not voting.

So the bill passed and the title was agreed to.

Mr. White moved

That the vote by which House Bill No. 61 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Hanscom asked unanimous consent to return to the sixth order of business,

There being no objection the Senate returned to the sixth order of business.

#### REPORTS OF STANDING COMMITTEES.

The committee on stock made the following report:

MR. PRESIDENT:

Your committee on stock 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.

A. L. HANSCOM,  
Chairman.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McGillivray,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Davis,

Messrs—

McCanna,

Messrs—

Plain.

So the bill passed and the title was agreed to

Mr. Rourke 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.

Mr. Strom moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 14, nays 16, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Clark,  
Creel,  
Davis,  
Dobie,

Messrs—

Dunlap,  
Enger,  
LaMoure,  
Levang,  
Marshall,

Messrs—

McCarten,  
Rourke,  
Strom,  
Tufts,

Those voting in the negative were:

Messrs—

Benedict,  
Brown,  
Fuller,  
Gordon,  
Green,  
Haggart,

Messrs—

Hanna,  
Hanscom,  
Little,  
Mansfield,  
McGillivray,

Messrs—

Plain,  
Valentine,  
Viets,  
White,  
Wishek.

Mr. McCanna being absent and not voting.

So the motion did not prevail.

Mr. McGillivray moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

The committee on federal relations made the following report:

MR. PRESIDENT:

Your committee on federal relations to whom was referred Joint memorial praying 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.

A. V. BENEDICT,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE ON PUBLIC EXPENDITURE.

The select committee on public expenditures made the following report:

MR. PRESIDENT:

Your select committee on public expenditure appointed by reso-

lution of February 10, 1897, having completed as thorough an examination into the expenditure of the several branches of the executive department of the state government as was practicable within the time at their disposal, and reported such bills as in their judgment would best promote the end in view, as expressed by the resolution under which they have acted, herewith submit their final report:

On the 19th day of February the committee briefly communicated the general conclusions reached by them in the progress of their investigation and the general purport of the bill or bills which they had in preparation. The bills which they have submitted to the consideration of this body in order to bring those conclusions and the results of their investigation before the Senate in more definite form, embrace those which appear on the records as Senate Bills Nos. 148, 149, 156, 167, 170, 172, 173, 174, 175, 176, 177, 184 and 191. It is deemed unnecessary to state here the specific object of each of these measures in detail, since that has already been done on the floor of the Senate, in the progress of their consideration. But your committee deem it proper to say that in their preparation your committee have kept strictly within the line marked out for them in the original resolution, and they have accordingly been prepared with a view solely to the furtherance of re-renchment in the matters wherein it was thought it could most readily be effected and with the least danger of jeopardizing any public interests.

It has not been the aim to cast any reflections upon the management of any branch of the state government in the past, nor to offer anything in the way of apology or extenuation. Some of these bills are designed to repeal provisions of the present law, which impose useless or unnecessary duties on the officers affected, and thereby resulted in expenditures which ought no longer to be incurred. Others amend the present provisions with the same end in view, and with the further purpose of limiting and reducing the present rate of expenditures to such as seem sufficient and more in keeping with present conditions. And in this connection your committee desire especially to direct attention to the fact that these changes are deemed timely and fair for the reason that conditions have materially changed since the enactment of the laws so affected. There were extraordinary duties imposed upon many if not all of the branches of the executive department, in the organization of the government, in the change of system thus introduced, and in getting the machinery at work in an orderly and systematic manner, which are no longer necessary.

Your committee is of the opinion that the passage of the bills herein referred to will result of a saving of many thousands of dollars in the management of state affairs, without in any manner crippling the public service, and desires to express its gratification at the favorable consideration which they have received from the Senate, and its hope that the House will take up the work and lend its aid to the end in view in a like spirit.

J. H. WISHEK,  
P. H. ROURKE,  
FRANK WHITE,  
J. S. GREEN,  
D. W. McCANNA,

Select Committee on Public Expenditure.

Mr. Wishek moved  
The adoption of the report,  
Which motion prevailed, and  
The reports was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 4, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House has concurred in the Senate amendments to

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,

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,

And passed as amended.

I also have the honor to transmit herewith

A Concurrent Resolution,

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

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate concur in the concurrent resolution.

Motion ruled out of order.

Mr. Little appealed from the ruling of the chair.

Roll call demanded.

The question being upon the appeal from the decision of the chair.

The roll being called there were ayes 18, nays 12, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,

Messrs—

Dunlap,  
Eger,  
Hanna,  
LaMoure,  
Levang,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Rourke,  
Strom,  
Tufts,  
Wishek.

Those voting in the negative were:

Messrs—

Brown,  
Fuller,  
Gordon,  
Green,

Messrs—

Hagart,  
Hanscom,  
Little,  
Mansfield,

Messrs—

McGillivray,  
Plain,  
Viets,  
White.



Mr. Valentine being absent and not voting.

So the decision of the chair was sustained.

By unanimous consent

The committee on state affairs made the following report:

MR. PRESIDENT:

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 do pass.

T. F. MARSHALL,  
Chairman.

The committee on state affairs made the following report:

MR. PRESIDENT:

Your committee on state affairs to whom was referred

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,

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

T. F. MARSHALL,  
Chairman.

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 third time.

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

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Enger,  
Fuller,

Messrs—

Gordon,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCauna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Tufts,  
White,  
Wishek.

Absent and not voting:

Messrs—

Dunlap,  
Green,

Messrs—

Strom,  
Valentine,

Messrs—

Viets.

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

Mr. Hanna moved

That the vote by which House Bill No. 107 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

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.

The roll being called there were ayes 20, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Benedict,	Gordon,	Plain.
Clark,	LaMoure,	Rourke,
Creel,	Levang,	Tufts,
Davis,	Little,	Viets,
Dobie,	Mansfield,	White.
Enger,	McCanna,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Brown,	Hanscom,	McCarten.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunlap,	Hanna,	Valentine.
Green,	Marshall,	Wishek.
Haggart,	Strom,	

So the bill passed and the title was agreed to.

Mr. Tufts moved

That the vote by which House Bill No. 104 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. Hanna moved

That the Senate do now go into executive session to receive the sealed message from the governor,  
Which motion prevailed, and  
The Senate went into executive session.

In open session.

The following nominations by the governor were announced:

C. A. Heegaard of Morton county, Henry Gilbert of Billings county, W. J. Etherington of Oliver county, A. P. Folsom of Stark county and Horace Walker of Mercer county; the first two for a period of four years each, and the remaining three for a period of two years each from and after Tuesday, April 6, 1897, as trustees of the reform school, agreeable to the provisions of Senate Bill No 73, approved February 25, 1897.

H. A. Nichol森 of Ramsey county, as trustee of the deaf and dumb asylum for a period of four years, from and after Tuesday, April 6, 1897, agreeable to section 952 of the Revised Codes, this appointment being made to fill the vacancy caused by the resignation of D. C. McLeod, heretofore appointed, who has resigned

Paul Bilden of Grand Forks county, as district veterinarian of the first veterinarian district.

W. F. Crewe of Ramsey county, as district veterinarian of the second veterinarian district.

C. H. Martin of Cass county, as district veterinarian of the third veterinarian district.

C. H. Potter of Kidder county, as district veterinarian of the fourth veterinarian district.

Wm. Mackin of Morton county, as district veterinarian of the sixth veterinarian district.

W. S. Stinson of Pembina county, as district veterinarian of the seventh veterinarian district.

R. H. Treacy of Kidder county, as district veterinarian of the eighth veterinarian district.

F. W. Tompkins of Benson county, as district veterinarian of the ninth veterinarian district.

Each for the term of two years, from and after the 5th day of March, 1897, agreeable to the provisions of section 1595 of the Revised Codes of North Dakota.

F. G. Barlow of Foster county, E. D. Skinner of Ward county, Thos. J. Baird of Nelson county, J. H. Maltby of Sargent county, J. A. Fields of Burleigh county, Harry Cooper of Traill county, Roderick Weingant of Walsh county, as members of the state board of agriculture, each to hold his office for the term of two years, from and after Tuesday, April 6, 1897, agreeable to the provisions of section 156 of the Revised Codes of North Dakota.

T. W. Millham, B. A. Crabtree and Thomas Faus, all of Dickey county, as trustees of the industrial school at Ellendale, for the term of two years each, from and after Tuesday, April 6, 1897, agreeable to section 975 of the Compiled Laws.

### 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.

The roll being called there were ayes 21, nays 2, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Haggart,  
Hanscom,  
LaMoure,  
Little,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
Pain,  
Rourke,  
Tufts,  
Valentine,  
Viets,  
Wishek.

Absent and not voting:

Messrs—

Brown,

Messrs—

Hanna,

Messrs—

McGillivray,

Messrs—  
Creel,  
Green,

Messrs—  
Levang,  
Marshall,

Messrs—  
Whi.e.

Messrs. Arnold and Strom voting in the negative.

So the bill passed and the title was agreed to.

Mr. Plain moved

That the title be amended by striking out all after the word  
“forestry.”

Which motion prevailed and

The title was agreed to as amended.

Mr. McCanna moved

That the vote by which House Bill No. 12 was passed be recon-  
sidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

The committee on enrolled and engrossed bills made the follow-  
ing report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined  
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,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign  
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 its title was read and the President  
affixed his signature.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 4, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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. 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. 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. 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. 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.

Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Rourke moved

To expunge from the records pages 58 and 59 of to-day's Journal as per the secretary's written records,

Which motion prevailed.

Mr. Hanna moved

That House Bill No. 14 be recalled from the House,

Which motion prevailed.

Mr. Gordon moved

That the Senate concur in the concurrent resolution received from the House today.

Motion ruled out of order.

Mr. Little appealed from the decision of the chair.

Roll call demanded.

The question being upon the appeal from the chair.

The roll being called there were ayes 14, nays 16, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold.	Hanna,	McCarten,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Strom,
Dunlap,	Marshall,	Tufts.
Enger,	McCanna,	

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Benedic,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanscom,	Viets,
Creel,	Little,	White,
Fuller,	Mansfield,	Wishek.
Gordon.		

Mr. Valentine being absent and not voting.

So the chair was not sustained.

Mr. Little moved

The previous question,

Which motion prevailed, and

The following concurrent resolution was read:

#### CONCURRENT RESOLUTION.

*Be it Resolved by the House, the Senate Concurring;*

That joint rule No. 10 is hereby set aside.

• Mr. Rourke moved

A call of the Senate,

Which motion prevailed.

Mr. Little moved

That further proceedings under the call be dispensed with,

Which motion prevailed.

Mr. Strom moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 16, nays 14, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCarten,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Strom,
Dunlap,	Marshall,	Tufts,
Enger,	McCanna,	

Those voting in the negative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Creel,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanscom,  
Little,  
Mansfield,

Messrs—

McGillivray,  
Plain,  
Viets,  
White,  
Wishek.

Mr. Valentine absent and not voting.

So the motion was lost.

Mr. Rourke moved a call of the Senate,  
Which motion prevailed.

Mr. Little moved

That further proceedings under the call be dispensed with.

Roll call demanded.

The roll being called there were ayes 16, nays 14, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Creel,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanscom,  
Little,  
Mansfield,

Messrs—

McGillivray,  
Plain,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Arnold,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Hanna,  
LaMoure,  
Levang,  
Marshall,  
McCanna,

Messrs—

McCarten,  
Rourke,  
Strom,  
Tufts,

Mr. Valentine absent and not voting.

So the call was dispensed with.

Mr. Rourke moved

That we do now adjourn.

Roll call demanded.

The roll being called there were ayes 14, nays 16, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Arnold,  
Clark,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Hanna,  
LaMoure,  
Levang,  
McCanna,

Messrs—

McCarten,  
Rourke,  
Strom,  
Tufts.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Haggart.	McGillivray,
Brown,	Hanscom,	Plain,
Creel,	Little.	Viets,
Fuller,	Mansfield,	White,
Gordon,	Marshall,	Wishek.
Green,		

Mr. Valentine being absent and not voting.

So the motion was lost.

The Speaker announced that the President was about to sign 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.

Also,

House Bill No. 102,

A bill for an act to regulate appeals in justices' courts on questions of law.

Also,

House Bill No. 76,

A bill for an act to amend section 1949 of the Revised Codes, relating to depositories of county funds.

There being no objection their titles were read and the President affixed his signature.

Mr. Strom moved

That the Senate take a recess until 10 o'clock tomorrow.

Mr. Little moved

To lay the motion on the table,

Which motion prevailed.

Mr. Rourke moved

That the Senate do now adjourn.

Roll call demanded.

The question being upon the motion to adjourn.

The roll being called there were ayes 14, nays 16, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCarten,
Clark,	Hanna,	Rourke,
Davis,	LaMoure,	Strom,
Dobie,	Levang.	Tufts.
Dunlap,	McCanna,	



Those voting in the negative were:

Messrs—

Benedict,  
Brown,  
Creel,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanscom,  
Little,  
Mansfield,  
Marshall,

Messrs—

McGillivray,  
Plain,  
Viets,  
White,  
Wishek.

Mr. Valentine being absent and not voting:

So the motion was lost.

Mr. Strom moved

That when the Senate adjourn it meet at 11 o'clock tomorrow,  
Which motion prevailed.

Mr. Strom moved

That the Senate do now adjourn.

Roll call demanded.

The roll being called there were ayes 14, nays 16, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Arnold,  
Clark,  
Davis,  
Dobie,  
Danlap,

Messrs—

Eger,  
Hanna,  
LaMoure,  
Levang,  
McCanna,

Messrs—

McCarten,  
Rourke,  
Strom,  
Tufts.

Those voting in the negative were:

Messrs—

Benedict,  
Brown,  
Creel,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanscom,  
Little,  
Mansfield,  
Marshall,

Messrs—

McGillivray,  
Plain,  
Viets,  
White,  
Wishek.

Mr. Valentine being absent and not voting.

So the motion was lost.

Previous question demanded.

Mr. Rourke moved

A call of the Senate,  
Which motion prevailed.

The roll being called Mr. Valentine was found absent.

Mr. Little moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

The question recurring to the adoption of the resolution.

The roll being called there were ayes 16, nays 14, absent and

not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanscom,	Viets,
Creel,	Little,	White,
Fuller,	Mansfield,	Wishek.
Gordon,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCarten,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Strom,
Dunlap,	Marshall,	Tufts.
Enger,	McCanna,	

Mr. Valentine being absent and not voting.

So the resolution was adopted.

Mr. Little moved

That the vote by which the concurrent resolution was passed be reconsidered, and the motion to reconsider be laid on the table, Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

#### HOUSE OF REPRESENTATIVES.

March 4, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

Senate Bill No. 91,

A bill for an act to appropriate moneys in the county of Stark in payment of expenses incurred in said county in the prosecution of criminal cases during the year 1896 arising in the unorganized counties of Dunn, Wallace, Hettinger and Allred, 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,

House 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. 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 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. 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.

Which the House has passed unchanged.

Also,

I have the honor to transmit herewith

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.

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

Respectfully,

H. E. LAVAYEA,

Chief Clerk.

Mr. Strom moved

That the Senate adjourn,

Which motion was lost.

Mr. Little moved

That House Bill No. 209 receive its first and second reading and reference,

Which motion prevailed, and

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 first time.

Mr. Rourke moved

That the Senate do now adjourn.

Which motion was lost.

House Bill No. 209

Was read the second time, and

Referred to the committee on temperance.

Mr. Green moved  
That House Bill No. 209 be referred to the committee on judiciary.

Mr. Rourke moved  
A call of the House,  
Which motion prevailed.

Mr. McGillivray moved  
That further proceedings under the call of the Senate be dispensed with,  
Which motion prevailed.

Previous question demanded.

The question recurring to the motion to refer the bill to the judiciary committee.

The motion prevailed

The bill was referred to the judiciary committee.

Mr. McGillivray moved  
That the Senate take a recess of 10 minutes,  
Which motion prevailed and,  
The Senate took a recess.

#### SENATE REASSEMBLED.

Mr. White moved  
That the reports of the committees on corporations other than municipal, the committee on judiciary and committee on elections be received,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The committee on elections made the following report:

MR. PRESIDENT:

Your committee on elections to whom was referred  
House Bill No. 136,  
A bill for an act to amend section 481 of the Revised Codes, relating to election precincts,  
Have had the same under consideration and recommend that the same do pass.

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

By adding after section 8 the following:

"Sec. 9. The provisions of this law shall be in effect and apply to the primary elections of such political party in a county or counties, where the central county committee of such party decide by a majority vote to adopt and work under its provisions.

Renumber Sec. 9 to read Sec. 10.

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

The committee on corporations other than municipal made the following report:

MR. PRESIDENT:

Your committee on corporations other than municipal to whom was referred

House Bill No. 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,

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

D. C. TUFTS,  
Chairman.

A majority of the committee on judiciary made the following report:

MR. PRESIDENT:

A majority of your committee on judiciary 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 do pass.

C. B. LITTLE,  
Chairman.  
FRANK WHITE,  
A. C. MCGILLIVRAY,  
J. H. WISHEK,  
C. G. BROWN,

A minority of your committee on judiciary made the following report:

MR. PRESIDENT:

Your committee on judiciary to whom was referred

House Bill No. 209,

A bill for an act to amend sections 7593, 7602, 7608 and 7616, 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 not pass.

P. H. ROURKE,

L. B. HANNA,

D. W. McCANNA,

Minority.

Mr. Little moved

That the Senate do now adjourn,

Which motion prevailed and

The Senate adjourned.

J. O. SMITH,

Secretary.

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## SIXTIETH DAY.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

March 5, 1897.

The Senate met at 11 o'clock a. m. pursuant to adjournment.

The President in the chair.

Prayer by the chaplain.

Roll called.

All member present.

Mr. Little moved

That the reading of the Journal be dispensed with and a committee be appointed to correct the same,

Which motion prevailed,

And the President appointed as such committee Messrs. Gordon, Fuller and Green.

The secretary announced that the President 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 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,

There being no objection its title was read and the President affixed his signature.

PRESENTATION OF PETITIONS AND COMMUNICATIONS.

Mr. Strom presented the following petition:

*To the North Dakota Senate:*

The undersigned societies and individuals hereby earnestly petition your honorable body to favor the proposed increase of the penalty clause of the Sunday law.

The above petition was endorsed by a vote of 137 at a meeting held in the Lutheran M. E. church of Hillsboro.

J. LORME,  
Pastor of Lutheran Church.  
M. HILAND,  
Pastor of M. E. Church.

Referred to the committee on temperance.

Mr. Clark presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals earnestly petition your honorable body to increase the penalty clause of our state Sabbath observance law.

The above petition was endorsed by a vote of 200 by the Presbyterian church representing a membership of 200 at a meeting held at Grafton on February 14, 1897.

C. D. McDONALD,  
Pastor.

Referred to the committee on temperance.

Mr. Clark presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals earnestly petition your honorable body to increase the penalty clause of our state Sabbath observance laws.

The above petition was endorsed by a vote of 34 to 0 by the Methodist church, representing a membership of 40, at a meeting held in Ardock on Feb. 14, 1897.

W. BAKER,  
Pastor.

Referred to the committee on temperance.

Mr. Clark presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals hereby earnestly petition your honorable body to favor the bill providing for an increase of the penalty clause of our Sabbath law.

The above petition was signed by a vote of 60 to 0 by the Methodist Episcopal church, representing a membership of 75, at a meeting held in Grafton on Feb. 7, 1897.

Z. JAMES,  
Pastor.

Referred to committee on temperance.

Mr. Clark presented the following petition:

*To the North Dakota Senate:*

The undersigned society and individuals earnestly petition your honorable body to increase the penalty clause of our state Sabbath observance law.

The above petition was endorsed by a vote of 40 to 0 by the Baptist congregation of — by Hankinson church, representing a membership of —, at a meeting held in Grafton on Feb. 7, 1897.

A. F. NEWCOMS,  
Pastor.

Referred to the committee on temperance.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 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.

Senate Bill No. 9,

A bill for an act to provide for the maintenance of 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, N. D., and making an 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. 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. 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. 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. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes.

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. 42,

A bill for an act providing for an appropriation for the current

and contingent expenses of the state normal school of Valley City, North Dakota.

Also,

Senate Bill No. 61,

A bill for an act making appropriation for the current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural College and Experiment Station of Fargo, 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,

And find the same correctly enrolled.

C. N. VALENTINE,

Chairman.

The secretary announced that the President was about to sign 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. 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. 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. 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. 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.

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. 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. 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. 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. 159,

A bill for an act to provide for reprinting laws of 1895 not found in the Revised Codes.

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.

There being no objection, the titles were read and the Speaker affixed his signature.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

MR. PRESIDENT:

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 do pass.

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.

Have had the same under consideration 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.

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

C. B. LITTLE,  
Chairman.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
March 5, 1897.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit herewith  
Senate Bill No. 140,

A bill for and 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.

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.

Which the House has passed unchanged.

I also have the honor to inform you that the House has concurred 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 report,

And passed the same as amended.

I have also the honor to inform you that the House has concurred in Senate

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 Sylvania 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 Sylvania 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 Sylvania museum.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Rourke moved

That no business be done by this Senate after 8 p. m. today except the enrolling and signing of bills and that the House be notified of the action of the Senate,

Which motion prevailed.

Mr. Rourke moved

A call of the Senate,

Which motion prevailed.

Mr. Little moved

That further proceedings under the call be dispensed with,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The committee on education made the following report:

MR. PRESIDENT:

Your committee on education to whom was referred

House Bill No. 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,

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

H. F. ARNOLD,  
Chairman.

R. McCARTEN,  
JAMES DOBIE,  
FRANK WHITE,  
W. E. MANSFIELD.

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.

The roll being called there were ayes 16, nays 14, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger.  
Hanna,  
LaMoure,  
Levang,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Rourke,  
Strom,  
Tufts.

Those voting in the negative were:

Messrs—  
Benedict,  
Fuller,  
Gordon,  
Green,  
Haggart,

Messrs—  
Hanscom,  
Little,  
Mansfield,  
McGillivray,  
Plain,

Messrs—  
Valentine,  
Viets,  
White,  
Wishek.

Mr. Creel being absent and not voting.

So the bill passed without the emergency clause and the title was agreed to.

Mr. Rourke 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.

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 return 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,

In compliance with the request of the Senate.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 find the same correct and recommend that the Journal of the fifty-ninth day be approved.

W. A. GORDON,  
Chairman.

Mr. Clark moved

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.

## REFERENCE OF THE JOURNAL.

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

MR. PRESIDENT:

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 it be amended as follows:

In first and second lines from bottom of first page transpose the names Dunlap and Dobie.

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

C. DUNLAP,  
Chairman.

Mr. Viets 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 as corrected.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign Senate Bill No. 150,

A bill for an act to amend the probate code of the state of North Dakota.

There being no objection its title was read and the President affixed his signature.

## THIRD READING OF HOUSE BILLS AND MEMORIALS.

House Bill No. 209,

A bill for an act to amend sections 7593, 7602, 7608 and 7616, Revised Codes of North Dakota, relating to prohibition and unlawful dealing in intoxicating liquors,

Was read the third time.

Mr. Little moved

A call of the Senate,

Which motion prevailed.



The roll being called,  
All members were found to be present.

So the call was dispensed with.

The question being upon the final passage of the bill.

The roll being called there were ayes 16, nays 15, absent and not voting none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanscom,	Plain.
Creel,	LaMoure,	Valentine.
Fuller,	Little,	Viets,
Gordon,	Mansfield,	White,
Green,	McGillivray,	Wishek.
Haggart,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Arnold,	Dunlap,	McCanna,
Brown,	Enger,	McCarten,
Clark,	Hanna,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Marshall,	Tufts.

Messrs. Dobie, LaMoure, McGillivray, Rourke and Valentine explaining their votes.

So the bill passed and the title was agreed to.

Mr. Little 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.

By unanimous consent Mr. Strom offered the following

#### CONCURRENT 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 Senate of the State of North Dakota, the House of Representatives 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 215 of the constitution of the state of North Dakota be amended to read as follows:

"Subdivision 1. The seat of government at the city of Hillsboro, in the county of Traill.

## 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  
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 House has amended as follows:

House amendments to Senate Bill No. 76:

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."

And passed as amended.

Also,

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,

Which the House has amended as follows:

Amend the report of the conference committee by adding the word "board of railroad commissioners and their secretary" after the word deputies.

And passed as amended.

I have also the honor to inform you that the House has concurred in the Senate amendments to

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 passed the same as amended.

Yours, respectfully,

H. E. LAVAYEA,  
Chief Clerk.

Mr. Little moved

That the Senate take a recess of 45 minutes;

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

The courtesies of the floor were extended to J. B. Smith and

Chas. Mitchell of Jamestown, Edward Braddock and Dr. R. H. Ross of Fort Yates.

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 final passage of the bill.

The roll being called there were ayes 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McCanna,
Brown,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Davis,	Hanscom,	Tufts,
Dobie,	LaMoure,	Valentine.
Dunlap,	Levang,	Viets,
Enger,	Mansfield,	White,
Fuller,	Marshall.	Wishek.
Gordon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Strom.
Creel,	Plain,	

Mr. Rourke voting in the negative.

So the bill passed and the title was agreed to.

Mr. Benedict 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. 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 23, nays 2, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanna,	McGillivray,
Brown,	Hanscom,	Rourke,
Clark,	LaMoure,	Tufts,
Dobie,	Levang,	Valentine.
Dunlap,	Little,	Viets,
Gordon,	Mansfield,	White,
Green,	Marshall,	Wishek.
Haggart,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Davis,	McCarten,
Creel,	Fuller,	Strom.

Messrs. Enger and Plain voting in the negative.

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the Senate concur in the House amendments to Senate Bill No. 76,

A bill for an act to appropriate for contingent expense, furnishing and for making needed permanent improvements for the soldiers' home at Lisbon,

Which motion prevailed.

The question being upon the concurrence in the House amendments to Senate Bill No. 76,

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Hanna,	McGillivray,
Brown,	Hanscom,	Rourke,
Clark,	Levang,	Strom,
Dobie,	Little,	Tufts,
Dunlap,	Mansfield,	Valentine,
Enger,	Marshall,	Viets,
Gordon,	McCanna,	White,
Green,	McCarten,	Wishek.
Haggart,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Davis.	LaMoure,
Creel,	Fuller.	Plain.

So the House amendments were concurred in, the bill passed and the title was agreed to.

Mr. White moved

That the Senate do now concur in the 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.

Mr. Rourke moved as a substitute

That the Senate do not concur in the 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.

Mr. White moved

A call of the Senate,  
Which motion prevailed.

Mr. Marshall moved

That further proceedings under the call of the Senate be dispensed with,

Which motion prevailed.

Mr. Rourke moved

That House Bill No. 113 be made a special order for 5 o'clock today,

Which motion prevailed.

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

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,

Which the House has amended as follows:

In engrossed copy of bill, line 5, use the words "six hundred" where the words "one thousand" occur.

And passed as amended.

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;

Which the House has amended as follows:

Strike out the figures "\$3,000" in line 21 of 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 passed as amended.

Also,

Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion,

Which the House has 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 passed as amended.

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.

Which the house has 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 passed as amended.

Also,

Senate Bill No. 134,

A bill for an act concerning land titles.

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 House has passed.

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,

Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

EXECUTIVE SESSION.

Mr. Valentine moved

That the Senate do now go into executive session,

Which motion prevailed, and

The Senate went into executive session.

IN OPEN SESSION.

The appointment of Chas. N. Ferrier as veterinary surgeon for the Fifth judicial district was announced.

Mr. Haggart presented a petition in favor of resubmission by

Alex. Stern, J. B. Folsom, O. J. deLendrecie, J. W. Von Neida, P. G. Trozier and 922 others.

Mr. McCanna moved

That the vote by which House Bill No. 182 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 14,

A bill for an act to amend sections 3231, 3254, 3355, 3256 and 3258, of chapter 20, of the Revised Codes of 1895, relating to banking,

Was read the third time.

Mr. Hanna moved to amend the bill as follows:

On page 3 of engrossed bill in line 1 strike out the word "twice" and insert the word "once."

On page 3 of engrossed bill in line 5 strike out the word "semi."

Which motion prevailed, and

The amendments were adopted.

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

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Arno d,  
Benedict,  
Clark,  
Davi-  
Dobie,  
Enger,  
Fuller,

Messrs—

Gordon.  
Green,  
Haggart,  
Hanna,  
Hanscom,  
Little,  
Marshall.

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
White.

Absent and not voting:

Messrs—

Brown,  
Creel,  
Dunlap,  
LaMoure,

Messrs—

Levang,  
Mansfield,  
Tufts,

Messrs—

Valentine,  
Viets,  
Wishek.

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

Mr. Hanna 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. Fuller presented a petition signed by Calvert Cooper and 51 others of Jamestown, N. D., favoring the passage of House Bill No. 128.

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.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Hanna,  
Hanscom,  
LaMoure,  
Little,  
Marshall,  
McCanna,

Messrs—

McCarten,  
Plain,  
Rourke,  
Strom,  
Tufts,  
White,  
Wishek.

Absent and not voting:

Messrs—

Brown,  
Creel,  
Green,

Messrs—

Haggart,  
Levang,  
Mansfield,

Messrs—

McGillivray,  
Valentine,  
Viets.

So the bill passed and the title was agreed to

Mr. McCarten moved

That the vote by which House Bill No. 83 was passed be reconsidered and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Marshall moved

That the Senate do now concur in the House amendments to House Bill No. 145,

Which motion prevailed.

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.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Haggart,  
Hanna,  
LaMoure,  
Little,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
White.



Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Hanscom,	Valentine,
Creel,	Levang,	Viets,
Green,	Mansfield,	Wishek.

So the House amendments were concurred in and the bill passed and the title was agreed to.

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.

Mr. Marshall moved

That the further consideration of  
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,

Be indefinitely postponed,

Which motion prevailed, and

The bill was indefinitely postponed.

The President presiding.

Mr. Little moved

That the Senate concur in the House amendments to  
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,

Which motion prevailed.

The question being upon the concurrence in the House amendments.

The roll being called there were ayes 21, nays none, absent and not voting, 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Haggart,	McCarten,
Clark,	Hanna,	McGillivray,
Dobie,	Hanscom,	Plain,
Dunlap,	LaMoure,	Rourke,
Enger,	Little,	Strom,
Fuller,	Mansfield,	Tufts.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Levang,	Viets,
Creel,	Marshall,	White.
Davis,	Valentine,	Wishek.
Green,		

So the House amendments were concurred in and the bill passed and the title was agreed to.

Mr. Little moved

That the Senate do now concur in the House amendments to Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Which motion prevailed.

The question being upon the concurrence in House amendments to Senate Bill No. 165.

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs—

Fuller,  
Gordon,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Brown,  
Green,  
Haggart,

Messrs—

Hanscom,  
Levang,  
Marshall,

Messrs—

Valentue,  
Viets,  
White.

So the House amendments were concurred in and the bill passed, and the title was agreed to.

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,

Was read the third time.

Mr. LaMoure moved

That Mayor Johnson of Fargo be permitted to address the Senate on House Bill No. 66,

Which motion prevailed, and

And Mayor Johnson addressed the Senate.

The secretary announced that the President was about to sign House Bill No. 61,

A bill for an act to amend section 1804 of the Revised Codes of North Dakota.

Also,

House Bill No. 32,

A bill for an act to amend section 5252 of the Revised Codes.

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.

There being no objection their titles were read and the President  
affixed his signature.

The question being upon the final passage of the bill.

The roll being called there were ayes 23, nays 1, absent and  
not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedic <sup>t</sup> ,	Haggart,	McCar en,
Brown,	Hanna,	Plain,
Clark,	Hauscom,	Strom,
Creel,	Levang,	Tufts,
Dobie,	Little,	White.
Dunlap,	Mansfield,	Wishek.
Enger,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	LaMoure,	Rourke.
Fuller,	McGillivray,	Valentine.
Green,		

Mr. Viets voting in the negative.

So the bill passed and the title was agreed to.

Mr. Benedict moved

That the vote by which House Bill No. 66 was passed be re-  
considered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

#### 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 committee recedes from the House amendment, and amends 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 after the word "bire" in line 17 of section 131.

J. H. WISHEK,  
P. H. ROURKE,  
R. McCARTEN,  
FRANK WHITE,  
T. M. MARSHALL,  
Senate Committee.

F. TWICHELL,  
J. D. WALLACE,  
C. L. LINDSTROM,  
J. B. SHARPE,  
House Committee.

Mr. Wishek moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

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.

The roll being called there were ayes 20, nays 6, absent  
and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	McCanna,
Benedict,	Ful'er,	McGillivray,
Clark,	Gordon,	Plain,
Creel,	Hanna,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Viets.
Dunlap,	Mansfield,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Green,	Marshall,	Valentine,
Hanscom,	Rourke,	White.

Absent and not voting: 5

Messrs—	Messrs—	Messrs—
Brown,	LaMoure,	Wishek.
Haggart,	McCarten,	

So the bill passed and the title was agreed to.

Mr. Strom moved

That the vote by which House Bill No. 13 was passed be reconsidered and the motion to reconsider be laid on the table,  
Which motion prevailed.

Mr. White moved

That all bills passed be messaged to the House without the motion to reconsider,  
Which motion prevailed.

Mr. Green moved

That the Senate concur in the House amendments to Senate Bill No. 106,  
Which motion prevailed.

The question being upon the concurrence in the House amendment to Senate Bill No. 106,

The roll being called there were ayes 25, nays 1, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	McCarten.
Brown,	Hanna,	McGillivray,
Clark,	Hanscom,	Plain,
Creel,	LaMoure,	Rourke,
Dobie,	Little,	Tufts.
Dunlap,	Mansfield,	Valentine,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Veits.
Davis,	Levang.	

Mr. Strom voting in the negative.

So the House amendments were concurred in, the bill passed and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 51,

A bill for an act to appropriate money to pay the necessary expenses of the board of university and school lands,

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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.

There being no objection its title was read and the President affixed his signature.

Mr. White moved

That the Senate do not concur in the 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 a conference committee of three be appointed,  
Which motion prevailed.

The President appointed as such committee Messrs. Rourke, White and Wishek.

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.

The roll being called there were ayes 25, nays 2, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon,

Messrs—

Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Leving,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McGillivray,  
Plain,  
S'rom,  
Tufts,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Davis,  
Green,

Messrs—

McCanna,

Messrs—

Valentine.

Messrs. Creel and Rourke voting in the negative.

So the bill passed and the title was agreed to.

Mr. Haggart moved

That the vote by which House Bill No. 53 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Mansfield,
Brown,	Fuller,	Marshall,
Clark,	Gordon,	McCanna,
Creel,	Haggart,	McCarten,
Davis,	Hanna,	Plain,
Dobie,	Hanscom,	Rourke,
Dunlap,	LaMoire,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	McGillivray,	Valentine,
Green,	Strom,	Viets,
Levang,	Tufts,	White.
Little,		

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 5, 1897.

MR. PRESIDENT:

I have the honor to return 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. 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. 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.

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. 196,

A bill for an act to increase the revenues of the state by changing the boundaries of the county of Morton,  
Which the House has passed unchanged.

Respectfully,

H. E. LAVAYEA,

Chief Clerk

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 18, nays 6, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,

Messrs—

Fuller,  
Gordon,  
Green,  
Hanna,  
Hanscom,  
Little,

Messrs—

Mansfield,  
Marshall,  
McCanna,  
Rourke,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Dobie,  
Dunlap,

Messrs—

Enger,  
Levang,

Messrs—

Plain,  
Strom.

Absent and not voting:

Haggart,  
LaMoure,  
McCarten.

McGillivray,  
Tufts,

Valentine,  
Viets.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the vote by which House Bill No. 118 was passed be reconsidered, and the motion to reconsider be laid on the table,  
Which motion prevailed.

The committee on judiciary made the following report:

MR. PRESIDENT:

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 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.

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

C. B. LITTLE,  
Chairman.

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,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Benedict,	Gordon,	McCanna,
Brown,	Green,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Davis,	LaMoure,	Rourke,
Dobie,	Levang,	Strom,
Dunlap,	Little,	Tufts,
Enger,	Mansfield,	White,
Fuller,	Marshall,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Valentine,	Viets.
Haggart,		

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 5, 1897.

MR. PRESIDENT:

I have the honor to inform you that the House has concurred 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,

And passed the same as amended.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. LaMoure moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

Mr. Haggart nominated Mr. Horace Arnold for President pro tem. of the Senate.

There being no other nominations,

The roll being called there were ayes 30, nays none, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,  
Gordon.

Messrs--

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Strom,  
Tufts,  
Valentiné,  
Viets,  
White,  
Wishek.

Mr. Arnold having received 30 of the votes cast, was declared elected President pro tem.

Mr. Wishek moved

That the report of the conference committee in regard to Senate Bill No. 149 be withdrawn,

Which motion prevailed.

## 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 inform you that the House concurred 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,

And have passed the same as amended.

I also have the honor to transmit herewith a resolution which the House has adopted.

I have also been directed to request that

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,

Be transmitted to the House without delay.

Respectfully,

H. E. LAVAYEA.

Chief Clerk.

Mr. Little moved

That a voucher be drawn for Rev. Rice for 60 days' service as chaplain of the Senate,

Which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE.

The joint conference committee 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."

J. H. WISHEK,  
P. H. ROURKE,  
R. MCCARTEN,  
FRANK WHITE,  
J. H. MARSHALL,  
Senate Committee.

F. TWICHELL,  
J. D. WALLACE,  
C. L. LINDSTROM,  
JOHN CARLIN,  
J. B. SHARPE,  
House Committee.

Mr. Wishek moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The following resolution from the House was read:

#### 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. Green moved  
That the resolution be referred to the steering committee.

Mr. Marshall moved  
As a substitute that the resolution be adopted,  
Which motion prevailed.

Mr. Strom moved that  
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,

Be recalled from the committee on judiciary and referred to the steering committee.

## 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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 24, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Mansfield,
Benedict,	Enger,	Marshall,
Brown,	Fuller,	McCanna,
Clark,	Haggart,	McCarten,
Creel,	Hanna,	McGillivray,
Davis,	Hanscom,	Strom,
Dobie,	Levang,	Tufts,
Dunlap,	Little,	Viets.

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoire,	Valentine,	Wishek.
Rourke,	White.	

Messrs. Green and Plain voting in the negative.

So the bill passed and the title was agreed to.

## 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 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Marshall,
Benedict,	Green,	McCanna,
Brown,	Haggart,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Valentine,
Davis,	Levang,	Viets,
Dobie,	Little,	Wishek.
Enger,	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunlap,	McCarten,	Tufts,
Fuller,	Rourke,	White.
LaMoire,	Strom,	

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That House Bill No. 142 be made a special order for 5:30 o'clock today,

Which motion prevailed.

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 23, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Enger,	Mansfield,
Benedict,	Fuller,	Marshall,
Brown,	Gordon,	McCanna,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	Wishek.
Dunlap,	Little,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Haggart,	Rourke,	Viets,
McCarten.	Valentine,	White.
McGillivray,		

Mr. Green voting in the negative.

Mr. Green explaining his vote.

So the bill passed and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 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. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

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 improvement thereat.

Also,

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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign Senate Bill No. 165,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

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. 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. 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. 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,

There being no objection their titles were read and the President affixed his signature.

Mr. Little moved

That the request of the House asking for the return of House Bill No. 131 be granted and the bill returned,  
Which motion prevailed.

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.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCarten,
Benedict,	Hanna,	McGillivray,
Brown,	Hanscom,	Plain,
Clark,	LaMoure,	Strom,
Creel,	Levang,	Tufts,
Davis,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	Wishek.
Fuller,	McCauna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dobie,	Green,	White.
Gordon,	Rourke,	

So the bill passed and the title was agreed to.

Mr. Haggart moved that

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,

Be made a special order for 5 o'clock,

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.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Mansfield,
Benedict,	Gordon,	Marshall,
Brown,	Haggart,	McCauna,



Messrs—  
 Clark,  
 Davis,  
 Dobie,  
 Dunlap,  
 Enger,

Messrs—  
 Hanna,  
 Hanscom,  
 LaMoure,  
 Levang,  
 Little,

Messrs—  
 McCarten,  
 McGillivray,  
 Plain,  
 Viets.

Absent and not voting:

Messrs—  
 Creel,  
 Green,  
 Rourke,

Messrs—  
 Strom,  
 Tufts,  
 Valentine,

Messrs—  
 White,  
 Wishek.

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

The secretary announced that the President was about to sign 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.

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. 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. 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. 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. 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.

There being no objection their titles were read and the President affixed his signature.

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 third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Benedict,  
Brown,  
Clark,  
Davis,  
Dobie,  
Dunlap,  
Enger,  
Fuller,

Messrs—

Gordon,  
Green,  
Haggart,  
Hanna,  
LaMoure,  
Levang,  
Mausfield,

Messrs—

Marshall,  
McCanna,  
McGillivray,  
Plain,  
Strom,  
Tufts,  
Wishek.

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Hanscom,

Messrs—

Little,  
McCarten,  
Rourke,

Messrs—

Valentine,  
Viets,  
White.

So the bill passed and the title was agreed 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 report of state treasurer,

Was read the third time.

Mr. Strom moved

To amend the bill at the end of section 1 "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."

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 21, nays 1, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,

Messrs—

Enger,  
Fuller,  
Haggart,

Messrs—

Marshall,  
McCarten,  
McGillivray,

Messrs—  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—  
Hanna,  
Hanscom,  
LaMoure,  
Mansfield,

Messrs—  
Plain,  
Strom,  
Tufts,  
Viets.

Absent and not voting:

Messrs—  
Benedict,  
Green,  
Levang,

Messrs—  
Little,  
McCanna,  
Rourke,

Messrs—  
Valentine,  
White,  
Wishek.

Mr. Gordon voting in the negative.

So the bill passed as amended.

Mr. Marshall moved to amend the title

By striking out the words "paragraph 17 of,"

Which motion prevailed, and

The title was agreed to.

Mr. Arnold in the chair.

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.

Mr. Hanna moved

The further consideration of House Bill No. 122 be indefinitely postponed,

Which motion did not prevail.

The question being upon the final passage of the bill.

The roll being called there were ayes 19, nays 7, absent and not voting 5.

Those voting in the affirmative were:

Messrs—  
Arnold,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—  
Enger,  
Levang,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—  
McGillivray,  
Rourke,  
Strom,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—  
Green,  
Havgart,  
Hanna,

Messrs—  
Hanscom,  
LaMoure,

Messrs—  
Plain,  
Tufts.

Absent and not voting:

Messrs—  
Benedict,  
Fuller,

Messrs—  
Gordon,  
Little,

Messrs—  
Valentine.

So the bill passed and the title was agreed to.

Mr. Haggart moved that  
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,  
Be made a special order for 5:45.

Mr. LaMoure moved

A call of the house,  
Which motion prevailed.

The roll being called Messrs. Little, Mansfield and Valentine were found to be absent.

Mr. McGillivray moved

That the call be dispensed with,  
Which motion did not prevail.

Mr. Marshall moved

That further proceedings under the call be dispensed with,  
Which motion prevailed.

The President presiding.

The secretary announced that the President 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,

Concurrent resolution for an amendment to the constitution relating to election franchise.

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.

There being no objection their titles were read and the President affixed his signature.

Mr. Marshall moved that

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,  
Be made a special order for 6 o'clock p. m.,  
Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 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,

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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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,

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,

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 objection their titles were read and the President affixed his signature.

## 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

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 House has passed unchanged.

I have also the honor to inform you that the House has concurred in the Senate amendment 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.

I have also the honor to inform you that the House has adopted the report of the joint conference committee on

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,

And passed the bill as amended by said committee.

Respectfully,

H. E. LAVAYEA,  
Chief Clerk.

## SPECIAL ORDER.

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.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Fuller,  
Gordon,  
Green,  
Hanna,  
LaMoure,  
Marshall,  
McCanna,

Messrs--

McCarten,  
McGillivray,  
Plain,  
Rourke,  
Tufts,  
Valentine,  
Viets,  
Wishek.

## Absent and not voting:

Messrs—  
Haggart,  
Hanscom,  
Levang,

Messrs—  
Little,  
Mansfield,

Messrs—  
Strom,  
White.

So the bill passed and the title was agreed to.

Mr. LaMoure moved  
That the Senate take a recess of 20 minutes,  
Which motion prevailed, and  
The Senate took a recess.

The Senate reassembled.

## REPORTS OF CONFERENCE COMMITTEES.

## MR. PRESIDENT:

Your conference 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. Wishek moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

## MR. PRESIDENT:

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. LaMoure moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT:

I have the honor to transmit 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,

Which the House has amended by unanimous consent

By striking out "section 2" and inserting in place thereof "section 3067," and by adding after the word "interest" on line 3 of section 2 of the engrossed bill the words "on the same grade," and to strike out all after the word "companies."

On line 6, of page 2 of engrossed bill to and including the word "state" on line 14 of page 2, engrossed bill, and on line 19 of page 2 of engrossed bill after the word "village," insert the words "within five feet of the same grade."

And passed as amended.

I have also the honor to inform you that the House has adopted the report of the joint conference committee on Senate Bills Nos. 23 and 184.

Respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. White moved  
That the Senate return Senate Bill No. 184 so that the House could pass the same as amended,  
Which motion prevailed, and  
The bill was returned.



## 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,

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. 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 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 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. 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. 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. 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.

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.

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.

I have the honor to be,

Yours respectfully,  
FRANK A. BRIGGS,  
Governor.

Mr. Little moved  
That the Senate take a recess of 1 hour and 25 minutes,  
Which motion prevailed and,  
The Senate took a recess.

## SENATE REASSEMBLED.

President pro tem. Little in the chair.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
March 5, 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 House has amended as follows and passed as amended:

Strike out in the engrossed bill out of the title the word "sections" and the figures "3003," and insert the word "section."

Strike out all of section 3003" of section 1.

After the words "rooms" on 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, 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.

I also 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 offices, members of boards and employes of public institutions,

Which the House has amended as recommended by the joint conference committee and passed as amended.

I have also the honor to inform you that the House has refused to 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,

And that the House has appointed a conference committee consisting of Messrs. Power, Francis and Hurley to confer with a like committee from the Senate upon the same.

I have also the honor to inform you that the House has concurred in the Senate amendments 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,

And passed the same as amended.

Respectfully yours,

H. E. LAVAYEA,

Chief Clerk.

Mr. Rourke moved

That the Senate concur in the House amendments to

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,

Which motion prevailed.

The question being upon the concurrence in the House amendments to Senate Bill No. 73.

The roll being called there were ayes 21, nays 1, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Fuler,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoure,  
Levang,  
McCanna,

Messrs—

McCarten,  
Plain,  
Rourke,  
Strom,  
Viets,  
White,  
Wishek.

Absent and not voting:

Messrs—

Davis,  
Dobie,  
Dunlap,

Messrs—

Enger,  
Mansfield,  
Marshall,

Messrs—

McGillivray,  
Tufts,  
Valentine.

Mr. Little voting in the negative.

So the House amendments were concurred in, the bill passed and the title was agreed to.

Mr. Rourke moved

That the Senate concur in the House amendments to

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;

Which motion prevailed.

The question being upon the concurrence in the House amendments to Senate Bill No. 102.

The roll being called there were ayes 23, nays 1, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Plain,
Benedict,	Green,	Rourke,
Brown,	Hanna,	Strom,
Clark,	LaMoure,	Valentine,
Creel,	Levang.	Viets,
Dobie,	Little,	White,
Dunlap,	McCanna,	Wishek.
Fulier,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Mansfield,	McGillivray,
Enger,	Marshall,	Tufts.
Haggart,		

Mr. Hanscom voting in the negative.

So the House amendments were concurred in and the bill passed and the title was agreed to.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 139,

A bill for an act to amend section 1760 of the Revised Codes relating to the inspection of illuminating oils.

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. 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. 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. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 833, 842 and 865 of the Revised Codes of 1895, relating to education.

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.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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. 139,

A bill for an act to amend section 1760 of the Revised Codes, relating to the inspection of illuminating oils,

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,

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 Soldier's Home at Lisbon.

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 building of a state fair at Mandan, and an appropriation of money therefor.

Also,

Senate Bill No. 140,

A bill for an act to amend sections 625, 628, 636, 641, 642, 546, 649, 651, 652, 567, 671, 676, 683, 689, 701, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 641, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895.

Also,

Senate Bill No. 140,

A bill for an act to amend sections 2133, 2136, 2154, 2251 and 2252 of the Revised Codes of North Dakota.

Also,

House Bill No. 128,

A bill for an act to provide for a state temperance commissioner.

Also,

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. 34,

A bill for an act to amend section 5732 of the Revised Codes of North Dakota.

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,

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.

There being no objection their titles were read and the President affixed his signature.

Mr. Rourke moved

That the Senate concur in the House amendments to Senate Bill No. 184,

Which motion prevailed.

The question being upon the concurrence in House amendments.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Dobie,  
Dunlap,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
Hanscom,  
LaMoire,  
McCanna,  
McCarten,  
Plain,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White.  
Wishek.

Absent and not voting:

Messrs—

Davis,  
Enger,  
Fuller,

Messrs—

Little,  
Levang,  
Mansfield,

Messrs—

Marshall,  
McGillivray.

So the House amendments were concurred in.

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.



Mr. Rourke moved

That a conference committee of three be appointed on House Bill No. 213,

Which motion prevailed, and

The President appointed as such committee Messrs. Arnold, Rourke and LaMoure.

Mr. Rourke moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

March 5, 1897.

MR. PRESIDENT:

I have the honor to transmit herewith

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,

Which the House has passed unchanged.

Respectfully yours,

H. E. LAVAYEA,

Chief Clerk.

Mr. Strom moved

That the secretary of state be requested to furnish each member with a copy of the Journal of the sixtieth day,

Which motion prevailed.

Mr. Rourke moved that a vote of thanks be tendered to the lieutenant governor for the impartial manner in which he has conducted the affairs during this session,

Which motion prevailed.

Mr. Rourke moved

That the chair which he occupies be given him,

Which motion prevailed.

Mr. Hanna moved

That the thanks of the Senate be tendered to the secretary for his work and his chair also be given him,

Which motion prevailed.

Mr. LaMoure offered the following resolution:

*Resolved*, That the thanks of the members of this Senate be extended to Mrs. Lambert, proprietress of the Capitol restaurant, for the splendid manner in which said restaurant has been conducted, and the courteous manner in which all members have been treated by her.

- Mr. LaMoure moved  
The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.
- Mr. Wishek moved  
That in view of the services rendered by the assistant secretary  
he also be tendered his chair,  
Which motion prevailed.
- Mr. Benedict moved  
That other clerks at the desk be given their chairs,  
Which motion prevailed.
- Mr. McGillivray moved  
That the Senate take a recess of 30 minutes,  
Which motion prevailed, and  
The Senate took a recess.

## THE SENATE REASSEMBLED.

Mr. Creel reported, in response to a resolution by Mr. LaMoure, that the state military board had on hand \$320.43, which Governor Allin had authorized the board to expend in improving the state encampment grounds, a report of which had been filed with the governor.

- Mr. Little moved  
That the Senate take up  
Senate Bill No. 34,  
Senate Bill No. 163,  
Senate Bill No. 42,  
Senate Bill No. 76,  
Senate Bill No. 61,  
Senate Bill No. 48,  
Senate Bill No. 9,  
Senate Bill No. 65,  
Senate Bill No. 177,  
Senate Bill No. 69,  
And pass them over the Governor's veto,  
Which motion prevailed.
- Mr. Little moved  
That Senate Bill No. 34, be passed, the governor's objections  
to the contrary notwithstanding.  
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.
- The question then being, shall the act pass, the objections of his excellency the Governor to the contrary notwithstanding.

The roll being called there were ayes 24, nays 6, absent and not voting, 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	Plain,
Benedict,	Hanna,	Rourke,
Brown,	LaMoure,	Strom,
Clark,	Little,	Tufts.
Enger,	Mansfield,	Valentine,
Fuller,	Marshall,	Viets,
Gordon,	McCanna,	White,
Green,	McGillivray,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Creel,	Dunlap,	Levang.
Dobie,	Hanscom,	McCarten.

Mr. Davis being absent and not voting.

The necessary two-thirds voting in the affirmative, the act passed, the objections of the governor to the contrary notwithstanding.

Mr. Haggart moved

That Senate Bill No. 163 be passed, the governor's objection 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 act pass, the objections of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 25, nays 5, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Haggart,	Rourke,
Brown,	Hanna,	Strom,
Clark,	LaMoure,	Tufts.
Creel,	Little,	Valentine,
Davis,	Mansfield,	Veits,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Plain.
Dunlap,	McCarten,	

Mr. Hanscom being absent and not voting.

The necessary two-thirds voting in the affirmative the act passed the objections of the governor to the contrary notwithstanding.

Mr. Rourke moved

That Senate Bill No. 76 be passed, the governor's objection to the contrary notwithstanding.

Senate Bill No. 76,

A bill for an act to appropriate for contingent expense, furnishing and for making needed permanent improvements for the soldiers' home at Lisbon,

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the act pass, the objections of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 24, nays 5, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Haggart,	Rourke,
Brown,	Hanna.	Strom,
Clark,	LaMoure,	Tufts,
Creel,	Little,	Valentine,
Enger.	Mansfield,	Viets,
Fuller,	Marshall,	White,
Gordon,	McCanna,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Plain.
Dunlap.	McCarten,	

Messrs. Davis and Hanscom being absent and not voting.

The necessary two-thirds voting in the affirmative the act passed the objections of the governor to the contrary notwithstanding.

Mr. Haggart moved

That Senate Bill No. 61 be passed, the governor's objection to the contrary notwithstanding.

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 then being shall the act pass, the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 24, nays 5, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Haggart,	Rourke,
Brown,	Hanna,	S rom,
Clark,	LaMoure,	Tufts,
Creel,	Little,	Valentine,
Enger,	Mansfield,	Viets,
Fuller,	Marshall,	White,
Gordon,	McCanna,	Wishek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Dobie,	Levang,	Plain.
Dunlap,	McCarten,	

Messrs. Davis and Hanscom 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.

Mr. Little moved

That Senate Bill No. 42 be passed, the governor's objection to the contrary notwithstanding.

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 then being, shall the act pass, the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 22, nays 6, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	Rourke,
Brown,	LaMoure,	Strom,
Creel,	Little,	Tufts,
Enger,	Mansfield,	Valentine,
Fuller,	Marshall,	Viets,
Gordon,	McCanna,	White,
Green,	McGillivray,	Wishek.
Haggart,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	McCarten,
Dobie,	Levang,	Plain.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Clark,	Davis,	Hanscom.

The necessary two-thirds votnig in the affirmative, the act passed, the objection of the governor to the contrary notwithstanding.

Mr. Strom moved

That Senate Bill No. 48 be passed, the governor's objection to the contrary notwithstanding.

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,

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the act pass the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 23, nays 6, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Brown,  
Clark,  
Creel,  
Enger,  
Fuller,  
Gordon,  
Green,

Messrs—

Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McGillivray,

Messrs—

Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Benedict,  
Dobie,

Messrs—

Dunlap,  
Levang.

Messrs—

McCarten,  
Plain.

Messrs. Davis and Hanscom voting in the negative.

The necessary two-thirds voting in the affirmative the act passed the objection of the governor to the contrary notwithstanding.

Mr. Creel moved

That Senate Bill No. 9 be passed the governor's objection, 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 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,

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the act pass the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 28, nays 1, absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Benedict,	Haggart,	Plain,
Brown,	Hanna,	Rourke,
Clark,	LaMoure,	Strom,
Creel,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

Mr. McCarten voting in the negative.

Messrs. Davis and Hanscom absent and not voting.

The necessary two-thirds voting in the affirmative the act passed the objection of the governor to the contrary notwithstanding.

Mr. Fuller moved

That Senate Bill No. 65 be passed, the governor's objection 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 act pass, the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 31, nays none, absent and not voting none.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arno d,	Green,	McCarten.
Benedict,	Haggart,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	LaMoure,	Strom,
Davis,	Levang,	Tufts,
Dobie,	Little,	Valentine,
Dunlap,	Mansfield,	Viets,
Enger,	Marshall,	White,
Fuller,	McCanna,	Wishek.
Gordon,		

The necessary two-thirds voting in the affirmative the act passed the objection of the governor to the contrary notwithstanding.

Mr. Arnold moved

That Senate Bill No. 177 be passed, the governor's objection to the contrary notwithstanding.

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 act pass, the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 25, nays 5, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Benedict,  
Brown,  
Clark,  
Creel,  
Davis,  
Enger,  
Fuller,  
Gordon,

Messrs—

Green,  
Haggart,  
Hanna,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Rourke,  
Strom,  
Tufts,  
Valentine,  
Viets,  
White,  
Wishek.

Those voting in the negative were:

Messrs—

Dobie,  
Dunlap,

Messrs—

Levang,  
McCarten.

Messrs—

Plain.

Mr. Hanscom being absent and not voting:

The necessary two-thirds voting in the affirmative, so the act passed, the objections of the governor to the contrary notwithstanding.

Mr. Arnold moved

That Senate Bill No. 69 be passed the objections of the governor, to the contrary notwithstanding.

Senate Bill No. 69,

A bill for an act making appropriation for the maintenance of the state university and for needed improvements of the state university.

And the message of the governor vetoing the same was reconsidered, and

The question then being shall the act pass the objection of his excellency the governor to the contrary notwithstanding.

The roll being called there were ayes 24, nays 6, absent and not voting 1.



Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Green,	McGillivray,
Brown,	Haggart,	Rourke,
Clark,	Hanna,	Strom,
Creel,	LaMoure,	Tufts,
Davis,	Little,	Valentine,
Enger,	Mausfield,	Viets,
Fuller,	Marshall,	White,
Gordon,	McCanna,	Wihek.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Benedict,	Dunlap,	McCarten,
Dobie,	Levaug,	Plain.

Mr. Hanscom 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.

The secretary announced that the President 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 No. 171,

A bill for an act to amend section 1633 of the Revised Codes of North Dakota relating to noxious weeds, manner of destroying.

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. 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.

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. 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. 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.

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. 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. 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. 115,

A bill for an act providing for garnishment proceedings in justice court, and prescribing the mode of procedure therein.

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.

There being no objection their titles were read and the President affixed his signature.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

MR. PRESIDENT:

Your committee on enrolled and engrossed bills have examined Senate Bill No. 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. 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.

Also,

Senate Bill No. 188,

A bill for an act to provide for the compensation of messenger of the House and Senate of the Fifth and future legislative assemblies.

And find the same correctly enrolled.

C. N. VALENTINE,  
Chairman.

The secretary announced that the President was about to sign 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. 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. 102,

A bill for an act to amend sections 3003 and 3006 of the Revised Codes of the state of North Dakota.

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.

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, the titles were read and the President affixed his signature.

Mr. Little moved

That the Senate take a recess of 15 minutes,

Which motion prevailed, and

The Senate took a recess.

The Senate reassembled.

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.

Mr. Hanna moved

To amend the bill by adding to the bill the words "state warrant" after the word "state" in line 8 of the printed bill.

The motion prevailed, and

The amendment was adopted.

Mr. Little moved that

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,

Be placed upon its final passage.

Which motion was lost.

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 24, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Haggart,	McCanna,
Benedict,	Hanna,	McCarten,
Clark,	Hanscom,	McGillivray,
Dobie,	LaMoire,	Plain,
Dunlap,	Levang,	Rourke,
Enger,	Little,	Tufts,
Fuller,	Mansfield,	Viets,
Gordon,	Marshall,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	Green,	Valentine,
Creel,	Strom,	White,
Davis,		

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

House Bill No. 142,  
Being a concurrent resolution to amend 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 22, nays none, absent  
and not voting 9.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCanna,
Benedict,	Green,	McCarten,
Clark,	Hanna,	McGillivray,
Creel,	Hanscom,	Plain,
Dobie,	Little,	Rourke,
Dunlap,	Mansfield,	Tufts,
Enger,	Marshall,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	LaMoire,	Valentine,
Davis,	Levang,	Viets,
Haggart,	Strom,	White.

So the bill passed and the title was agreed to

The secretary announced that the President 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, relating to election of county superintendent of schools.

There being no objection their titles were read and the President affixed his signature.

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.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	McGillivray,
Brown,	Gordon,	Plain,
Benedict,	Green,	Rourke,
Clark,	Haggart,	Strom,
Creel,	Hanna,	Tufts,
Dobie,	Mansfield,	Viets,
Dunlap,	Marshall,	Wishek.
Enger,	McCanna.	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	Levang,	Valentine,
Hanscom,	Little,	White.
LaMoure,	McCarten,	

So the bill passed and the title was agreed to.

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 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McGillivray,
Benedict,	Haggart,	Plain,
Brown,	Hanna,	Rourke,
Clark,	Hanscom,	Strom,
Creel,	Little,	Tufts,
Dobie,	Mansfield,	Valentine,
Dunlap,	Marshall,	Viets,
Enger,	McCanna,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Davis,	LaMoure,	McCarten,
Green,	Levang,	White.

So the bill passed and the title was agreed to.

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.

The roll being called there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Benedict,	Green,	McGillivray,
Brown,	Hanna,	Plain,
Clark,	Hanscom,	Rourke,
Creel,	Little,	Tufts,
Davis,	Mansfield,	Viets,
Dobie,	Marshall,	Wishek.
Enger,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Dunlap,	LaMoure,	Valentine,
Fuller,	Levang,	White.
Haggart,	Srom,	

So the bill 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, North Dakota,

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	Marshall,
Benedict,	Green,	McCarten,
Brown,	Haggart,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	LaMoure,	Tufts,
Dobie,	Little,	Viets,
Dun'ap,	Mansfield,	Wishek.
Fuller,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Enger,	McCanna,	Valentine,
Levang,	Strom,	White.

So the bill passed and the title was agreed to.

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.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McGillivray,
Brown,	Hanscom,	Plain,
Clark,	LaMoure,	Rourke,
Creel,	Little,	Strom,
Davis,	Mansfield,	Tufts,
Dobie,	Marshall,	Valentine,
Enger,	McCanna,	Viets,
Fuller,	McCarten,	Wishek.
Gordon,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Benedict,	Green,	Levang,
Dunlap,	Haggart,	White.

So the bill passed and the title was agreed to.

#### RESOLUTION.

*Resolved,* That the senate recognizing the unfailing courtesy and efficiency of Capt. A. E. Wood, the sergeant at arms of this body, hereby tender to him our thanks, and hope he may live long to enjoy the confidence of his many friends throughout the state.

Mr. McGillivray moved  
The adoption of the resolution.  
Which motion prevailed, and  
The resolution was adopted.

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.

The question being upon the final passage of the bill.



The roll being called there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Benedict,	Green,	McGillivray,
Clark,	Hanna,	Plain,
Creel,	Hanscom,	Rourke,
Davis,	Levang,	Strom,
Dobie,	Little,	Tufts,
Dunlap,	Mansfield,	Valentine,
Enger,	Marshall,	Viets,
Fuller,	McCanna,	Wishek.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Brown,	LaMoure,	White.
Haggart,		

So the bill passed and the title was agreed to.

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.

The roll being called there were ayes 29, nays 1, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Gordon,	McCarten,
Benedict,	Green,	McGillivray,
Brown,	Haggart,	Plain,
Clark,	Hanna,	Rourke,
Creel,	Hanscom,	Strom,
Davis,	LaMoure,	Tufts,
Dobie,	Levang,	Viets,
Dunlap,	Mansfield,	White,
Enger,	Marshall,	Wishek.
Fuller,	McCanna,	

Mr. Little voting in the negative.

Mr. Valentine being absent and not voting.

So the bill passed and the title was agreed to.

Mr. Wishek moved

That the bill clerk be presented with his chair,

Which motion prevailed.

Mr. Rourke moved

That the Senate work until 11:30 and then take a recess until 12,

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.

The roll being called there were ayes 21, nays 2, absent and not voting 8.

Those voting in the affirmative were:

Messrs--

Arnold,  
Brown,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,

Messrs--

Enger,  
Fuller,  
Gordon,  
Hanna,  
Hanscom,  
Levang,  
Mansfield,

Messrs--

Marshall,  
McCanna,  
McCarten,  
Plain,  
Tufts,  
White,  
Wishek.

Absent and not voting:

Messrs--

Benedict,  
Haggart,  
LaMoure,

Messrs--

Little,  
McGillivray,  
Rourke,

Messrs--

Strom,  
Viets.

Messrs. Green and Valentine voting in the negative.

So the bill passed and the title was agreed to.

House Bill No. 195,

A bill for an act to amend section 7589 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 22, nays 3, absent and not voting 6.

Those voting in the affirmative were:

Messrs--

Arnold,  
Benedict,  
Clark,  
Creel,  
Davis,  
Dobie,  
Dunlap,  
Enger,

Messrs--

Fuller,  
Gordon,  
Haggart,  
Hanna,  
Levang,  
Little,  
Mansfield,

Messrs--

McCanna,  
McGillivray,  
Rourke,  
Strom,  
Tufts,  
White,  
Wishek.

Those voting in the negative were:

Messrs--

LaMoure,

Messrs--

Plain,

Messrs--

Valentine.

Absent and not voting:

Messrs--

Brown,  
Green,

Messrs--

Hanscom,  
McCarten,

Messrs--

Marshall,  
Veits.

So the bill passed and the title was agreed to.

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.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller,	Marshall,
Benedict,	Gordon,	McGillivray,
Brown,	Green,	Strom,
Clark,	Haggart,	Tufts,
Creel,	Hanna,	Valentine,
Davis,	Hanscom,	Viets,
Dobie,	Levang,	White.
Dunlap,	Little,	Wishek.
Enger,	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
LaMoire,	McCarten,	Rourke.
McCanna,	Plain,	

So the bill passed and the title was agreed to.

Mr. Rourke moved

That the Senate take a recess until 11:50 o'clock,

Which motion prevailed, and

The Senate took a recess.

#### THE SENATE REASSEMBLED.

The courtesies of the floor were extended to J. D. Moulder and W. G. Cummings of Fargo.

Mr. Rourke moved

That Senate Bill No. 102 be recalled from the governor for correction,

Which motion prevailed.

Mr. Wishek moved

That S. B. Mahaney be presented with his chair,

Which motion prevailed.

By unanimous consent Mr. Green presented the following resolution:

*Resolved by the Senate of the Fifth Legislative Assembly of the State of North Dakota:*

That the President and secretary of the Senate be and they are hereby directed to place the following named employes of the Senate on the rolls for

the Fifth session at the rates of compensation hereinafter specified, for the time which they have served, and to execute vouchers to them accordingly:

	Per Day
Secretary.....	\$6
Assistant secretary.....	5
Assistant to the secretary.....	5
Stenographer.....	6
Bill clerk.....	5
Journal clerk.....	5
Assistant journal clerk.....	5
Chief enrolling and engrossing clerk.....	5
Enrolling and engrossing clerks.....	5
Clerk of appropriation committee.....	5
Clerk of bill room.....	5
Clerk of railroad committee.....	5
Clerk of judiciary.....	5
Postmaster.....	4
Doorkeeper of the Senate gallery.....	5
Janitor of the cloak room.....	4
Messenger.....	3
Sergeant-at-arms.....	5
Two assistant sergeant-at-arms.....	5
Janitor.....	4
Pages.....	2
Janitor of committee rooms.....	4
Watchman.....	4
Chaplain.....	2
Janitor of engrossing rooms.....	4
Assistant stenographer of the Sena'e.....	5

Mr. Green moved  
The adoption of the resolution.

Roll call demanded.

Point of order raised.

Resolution ruled out of order.

#### 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 inform you that the House has concurred in the Senate amendments 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 the same relating to banking,

And passed the same as amended.

Yours respectfully,  
H. E. LAVAYEA,  
Chief Clerk.

Mr. LaMoure moved

That the President appoint a committee of three to wait upon the House and notify them that the Senate is ready to adjourn,

Which motion prevailed, and

The President appointed as such committee Messrs. LaMoure, Haggart and Viets.

Mr. Little moved

That a committee of three be appointed to wait upon the governor and inquire if he had any communication to make to the Senate,

Which motion prevailed, and

The President appointed as such committee Messrs. Little, Rourke and Brown.

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 appointed to wait upon the governor reported that he had no further communication to make to the Senate.

Mr. McGillivray moved

That a committee of three be appointed to correct the Journal of the sixtieth day,

Which motion prevailed, and

The President appointed as such committee Messrs. McGillivray Plain and Little.

The secretary announced that the President 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.

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.

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.

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. 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 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. 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,

A Concurrent Resolution,  
Being a proposed amendment of section 176 of the constitution  
of the state of North Dakota.

Also,

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

Also,

House Bill No. 202,  
A bill for an act to provide for the erection and equipment o  
additional necessary buildings for the deaf and dumb asylum at  
the city of Devils Lake, in the county of Ramsey.

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 the same relating to  
banking.

There being no objection their titles were read and the Presi-  
dent affixed his signature.

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 with the proper certi-  
ficates,

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 Bis-  
marck and for making needed improvements thereat.

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 chemi-  
cal laboratory for the North Dakota agricultural college and ex-  
periment station.

Also,

Senate Bill No. 76,

A bill for an act to appropriate for current and contingent ex-  
penses, furnishing and for making needed permanent improve-  
ments for the Soldiers' Home at Lisbon.

Also,

Senate Bill No. 61,

A bill for an act making appropriation for the current and contingent expenses, buildings, improvements and necessary repairs for the North Dakota Agricultural College and Experiment Station of Fargo, 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, North Dakota.

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. 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 to provide for the maintenance of 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, N. D., and making an appropriation therefor.

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. 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 House has passed, the objections of the governor to the contrary notwithstanding.

Respectfully,

H. E. LAVAYEA,

Chief Clerk.



Mr. Haggart moved  
That the Senate do now adjourn sine die.  
Which motion prevailed, and  
The Senate adjourned sine die.

J. O. SMITH,  
Secretary.

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44	44	44	75	81	.....	85	....	.....	145	.....	.....	184	....
44	44	44	76	82	.....	82	....	.....	121	.....	149	166	....
44	44	44	306	346	306	347	....	.....	566	.....	580	....	631
45	45	45 169	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
45	45	45	289	355	289	.....	356	.....	.....	.....	.....	....	....

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56	Marshall.....	Organization of cities.....	56
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65	Fuller.....	Appropriation for hospital for insane.....	64
66	Strom.....	Revenue and taxation.....	64
67	Green.....	Duties of district veterinarians.....	81
68	Gree.....	Duties of sheep inspectors.....	81
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72	Haggart.....	Appropriating money to S. Dak. reform school.....	87
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85	LaMoure.....	Compensation of bailiffs.....	93
86	Clark.....	Appointment of deputy district clerks.....	93
87	Little.....	Reimburse Burleigh county for prosecuting.....	93
88	Little.....	Amending game laws.....	97
89	Hanna.....	Investment of school funds.....	97
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91	McGillivray.....	Reimburse Stark county.....	102
92	Creel.....	Trusts.....	105
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95	Gordon.....	Salaries of clerks of district courts.....	106
96	Little.....	Liability of common carriers.....	106
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101	Creel.....	Protection of game.....	127
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								Amended.	Passed.	Lost.				
45	45	45	150 371	374	.....	375	....	.....	.....	592	....	599	....	....
47	47	47	75 195	83	75 84 195	238	....	.....	.....	.....	.....	503	....	....
47	47	47 89	75 210	238	210 239	239	....	.....	.....	.....	.....	329	....	....
48	48	48	3-9	413	.....	.....	413	....	.....	.....	.....	.....	....	....
53	3	53	339	.....	.....	393	....	.....	.....	.....	.....	.....	....	....
56	56	56 129	105	116	116	.....	.....	.....	.....	.....	.....	.....	....	....
56	56	56 143	8) 212	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
56	57	57	195	233	.....	231	....	.....	501	591	.....	521	....	....
57	57	57	195	224	224	.....	229	....	.....	.....	.....	.....	....	....
61	61	61	91	99	91 99	99	....	.....	.....	.....	.....	.....	....	....
63	63	63	309	347	309 348	348	....	.....	.....	566	.....	579	....	630
63	63	63	266	29J	266	291	....	.....	.....	.....	493	.....	....	....
63	63	63	266	291	266	292	....	.....	.....	.....	.....	.....	....	....
64	64	64	378	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
64	64	64	308	349	303	350	....	.....	.....	571	.....	580	....	632
64	64	64	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
81	81	81	197	219	197 219	203	....	.....	503	503	.....	525	....	....
			.....	230	.....	.....	.....	.....	.....	.....	.....	.....	....	....
81	81	81	.....	177	177	177	....	.....	498	498	.....	526	....	....
81	81	81	308	359	308	350	....	.....	.....	509	.....	579	....	634
81	81	81	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
81	81	81	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
87	87	88	267	316	317	317	....	.....	.....	600	.....	623	....	....
88	88	88	96	200	200	201	....	.....	.....	315	.....	360	410	....
88	88	88	96	96	.....	107	....	.....	464	464	.....	465	520	....
			.....	.....	.....	.....	.....	.....	.....	.....	.....	471	.....	....
88	88	88	2 4	237	237	237	....	.....	.....	465	.....	471	520	....
88	88	88	309	352	309	352	....	.....	537	587	.....	589	.....	629
			.....	.....	.....	.....	.....	.....	.....	.....	.....	623	.....	....
89	89	89	96	111	.....	111	....	.....	274	274	.....	311	....	....
			.....	.....	.....	.....	.....	.....	.....	.....	.....	302	.....	....
89	89	89	124	175	.....	176	....	.....	.....	.....	.....	.....	....	....
89	89	89	105	116	.....	116	....	.....	.....	233	.....	219	271	....
89	89	89	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
89	89	89	151	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
89	89	89	285	322	285 322	322	....	.....	.....	.....	.....	.....	....	....
93	93	93	113	131	.....	132	....	.....	.....	233	.....	250	283	....
93	93	93	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
93	93	93	480	500	.....	501	....	.....	.....	.....	.....	.....	....	....
93	93	93	113	132	113	132	....	.....	.....	.....	176	.....	....	....
93	93	93	113 371	441	.....	441	....	.....	.....	.....	.....	.....	....	....
97	97	97	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
97	97	97	161	.....	.....	.....	177	....	.....	.....	.....	.....	....	....
97	97	97	124	142	124	142	....	.....	.....	.....	.....	328	.....	....
102	102	102	390	427	437	437	....	.....	.....	571	.....	530	.....	....
106	106	106	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
106	106	106	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
106	106	106	230	230	.....	237	....	.....	.....	.....	.....	636	.....	....
106	106	106	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
106	106	106	152	171	.....	171	....	.....	.....	231	.....	290	311	....
114	114	114	157	187	.....	.....	187	....	.....	.....	.....	.....	....	....
115	115	115	139	170	170	171	....	.....	281	281	.....	263	311	....
			.....	.....	.....	.....	.....	.....	.....	.....	.....	298	.....	....
117	117	117	153 428	204	153	.....	428	....	.....	.....	.....	.....	....	....
127	127	127	197	225	197	.....	225	....	.....	.....	.....	.....	....	....
127	127	127	130	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
128	128	128	152	201	152 203	203	....	.....	620	620	.....	621	.....	....
			.....	.....	.....	.....	.....	.....	.....	.....	.....	636	.....	....
128	128	128	151	171	.....	173	....	.....	.....	241	.....	277	311	....
128	128	128	139	.....	.....	.....	137	....	.....	.....	.....	.....	....	....
141	141	141 107	162 174	167	174 220	221	....	.....	.....	.....	.....	438	.....	....
			185	.....	.....	.....	.....	.....	.....	.....	.....	.....	....	....
141	141	141	310	351	840	355	....	.....	591	591	.....	593	.....	....
			.....	.....	.....	.....	.....	.....	.....	.....	.....	628	.....	....

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110	Brown.....	Registry of sires.....	148
111	White.....	Reimbursing F. H. DeVaux.....	154
112	Benedict.....	Collection vital statistics.....	154
113	McGillivray.....	State board stock commissioners.....	159
114	Benedict.....	Vaccination.....	159
115	Marshall.....	Banking.....	163
116	Gordon.....	Highways.....	163
117	Plain.....	School lands.....	163
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119	Green.....	Taxing express companies.....	174
120	McCanna.....	Regulating barbers.....	174
121	Clark.....	Gaonishment procedure in justice court.....	174
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124	Valentine, by request.....	Chattel mortgage sales.....	175
125	Little.....	Appropriation for penitentiary chaplain.....	175
126	Green.....	Drovers and herders.....	183
127	Creel.....	'eaf and dumb asylum.....	183
128	Marshall.....	Pledge.....	183
129	Enger.....	Legislative qualifications.....	183
130	Dunlap.....	Oil inspection.....	183
131	Strom.....	Investment of school funds.....	183
132	Haggart.....	Appropriate money for leasing school land.....	184
133	Dunlap.....	Illuminating oils.....	184
134	Arnold.....	Land titles.....	199
135	McCarten.....	Qualification of veterinarians.....	199
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137	Valentine.....	Terms of court for 5th judicial district.....	217
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141	Little, by request.....	Appropriate money for Leck and Leck.....	222
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160	Green.....	Salary of county judges.....	302
161	Green.....	Salary of clerks of district courts.....	302
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163	Appropriation committee....	Chemical laboratory N. D. A. C.....	310
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165	Little.....	Furnishing executive mansion.....	312
166	Creel.....	School districts.....	332
167	Committee on expenditures..	Salary of supreme court reporter.....	332
168	Committee on expenditures..	Weather crop service.....	332
169	Committee on expenditures..	Salary of commissioner of school lands.....	332
170	Committee on expenditures..	Printing of documents.....	333
171	Arnold.....	Qualification of teachers.....	333
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173	Committee on expenditures..	Accounts for printing and appropriation.....	333
174	Committee on expenditures..	Supplies for public officers and repairs.....	334
175	Committee on expenditures..	Institute funds.....	334
176	Committee on expenditures..	Expenses of commissioner of agriculture.....	334
177	Committee on appropriation..	Deficit for maintenance university.....	335
178	Arnold.....	High schools.....	335
179	Committee on appropriation..	State militia.....	353
180	Little.....	Concurrent resolution.....	353
181	Committee on expenditures..	Militia.....	354
182	Mansfield.....	Legislative apportionment.....	354
183	Haggart.....	Appropriation for J. D. Wallace.....	353
184	Committee on expenditures..	Defining the word "expense".....	354
185	Arnold.....	County management by supervisors.....	362
186	Hanna.....	Constitutional amendment.....	362
187	Clark.....	Amending constitution.....	362
188	Marshall.....	Compensation of messengers.....	364
189	Strom.....	Lien upon crop.....	373
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191	Committee on expenditures..	Irrigation.....	399
192	Green.....	Reform school.....	403
193	Hanna.....	Expenses state examiner.....	432
194	Hanna.....	Appropriation commission of school lands.....	440
195	Green.....	Salaries of legislative employes.....	490
196	Green.....	Morton county.....	491
197	Brown.....	Foreclosure of contracts.....	518



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Number.	RELATING TO	HOUSE BILLS.							Subsequent Action.	
		Received.	First Reading.	Second Reading and Reference.	Reported.	Third Reading.	Amendments.	Passed.		Lost.
1	Bounty on wolves.....	186	226	226	268	385	385	386	...	400
3	Prescribing mode of assessing.....	328	336	336	471	497	471	521	...	452 523 541 610
6	Usury.....	208	...	...	426	...	...	...	426	...
10	Salary of clerk of district court.....	530	552	552	601	...	...	...	...	...
11	Marking of ballots.....	218	240	240	...	...	...	...	...	...
12	School of forestry.....	373	411	411	448	564	565	565	...	587 610
13	State board of health.....	232	265	265	309	597	...	597	...	635
14	Banking.....	337	337	337	425	592	425 592	592	...	584 561 603 935
15	(Sub.) Taxation insurance companies...	121	143	143	152	191	...	192	...	291
16	Amending constitution of state of N. D..	57	58	58	62	62	...	63	...	85
20	Lincoln's birthday a holiday.....	48	49	49	51	60	60 61	61	...	79 100 122
21	Relating to sales of school lands.....	158	178	178	211	241	...	242	...	275
22	Ball upon appeal in criminal actions...	109	102	102	124	190	...	190	...	275
24	Fees of sheriff in sale under foreclosure.	154	178	179	...	241	...	241	...	291
28	Practice in county courts.....	53	60	60	96	119	...	119	...	149
80	Municipal corporations (sub. bill).....	232	265	265	305	496	496	...	...	549
31	School census, time of taking.....	154	178	178	...	...	...	...	...	...
32	Summons on domestic corporations.....	2/2	226	226	429	555	...	555	...	593
33	Service of papers on non-residents.....	202	226	226	429	...	...	...	...	...
34	Service of papers when party shall have attorney.....	202	226	226	429	600	...	600	...	624
36	Privileges for telephone line to municipal corporations.....	226	226	226	...	...	...	...	...	...
37	Memorial to congress.....	153	158	158	158	158	...	159	...	...
38	(And 109, sub. bill) Elections.....	406	410	410	448	541	448	541	...	561 610 348
39	Challenging of jurors.....	93	101	101	162	193	278	...	250	348
40	Leasing of school lands.....	202	226	226	251	278	279	...	...	314
41	Arrest of horse thieves.....	154	178	178	181	245	246	...	...	302
42	Payment of taxes, delinquent.....	169	179	179	180	207	207	...	...	291
44	Incorporation of villages.....	202	208	208	227	227	227	...	...	256
45	Providing dissolution of civil townships.	117	133	133	138	242	242	...	...	302
46	Good time for penitentiary inmates.....	100	162	162	162	186	186	...	162	256
50	Hospital for insane.....	519	528	528	539	640	641	...	...	647
51	When auditor term of office commences	117	132	133	...	192	193	...	...	291
53	(Sub. bill.) Precincts.....	407	413	413	480	599	599	...	...	624
55	Officials to give bonds.....	469	488	488	516	...	...	...	...	...
56	Cost in foreclosure liens.....	218	240	240	...	...	...	...	...	...
57	Banking.....	121	143	143	196	243	243	...	341	243 641 645 648
59	Payment of witness fees.....	117	133	133	151	188	188	...	188	275 188
60	Lien upon crops.....	186	206	206	289	304	304	...	...	349
61	Legal printing.....	218	240	240	250	557	557	...	...	595
65	(Sub.) Compensation of highway over-seers.....	431	466	466	482	...	...	...	...	...
66	Assessment of property which has escaped taxation.....	358	411	411	428	595	596	...	...	638
68	Road work and road tax.....	218	240	240	297	...	...	...	...	...

HOUSE BILLS—Continued.

Number.	RELATING TO									
		Received.	First Read g.	Second Reading and Reference.	Reported.	Third Reading.	Amendments.	Passed.	Lost.	Subsequent Action.
69	Special jury to assess damages.....	384	411	411	581	639	639	...	...	647
71	Fencing railroad right of way.....	313	337	337	369	...	...	369	...	...
74	Prejudice in trial judge.....	218	240	240	540	642	642	...	...	647
75	(Sub. bill.) Foreclosure of mortgages.....	400	413	413	450	...	...	450	...	...
76	Depositories of county funds.....	312	336	336	370	556	556	...	...	569
83	Opening and vacating highways.....	464	487	487	499	593	593	593	...	601
			528	528	514	...	...	...	...	635
89	Civil actions.....	186	206	206	...	...	...	...	...	...
90	Druggist's permit.....	526	551	551	...	...	...	...	...	...
91	Authorizing surety companies to furnish bonds.....	384	411	411	429	554	...	555	...	...
92	Official oaths and bonds of school officers.....	313	337	337	...	...	...	...	...	...
93	Primary elections.....	394	412	412	574	...	574	...	...	...
95	Sabbath breaking.....	202	226	226	429	...	...	...	...	...
98	Deputies.....	313	337	337	343	...	...	...	343	...
99	Amend art. 3, sec. 7594, Revised Codes.....	526	...	...	...	...	...	...	...	...
101	Appeals from justices of the peace.....	312	337	337	370	543	...	543	...	...
102	Regulate appeals from justice's court.....	313	337	337	370	543	...	544	...	569
104	Prairie fires.....	413	413	413	457	563	...	563	...	610
106	Age of consent to marriage.....	352	361	361	391	557	...	557	...	596
107	School treasurer's reports.....	407	...	...	516	562	516	562	...	582
										624
108	Salaries of county supts. of schools.....	232	265	265	344	...	344	...	...	...
109	Sub. bill, House Bills Nos. 38 and 109.....	...	...	...	...	...	...	...	...	...
110	Meetings and duties of school officers.....	313	337	337	...	...	...	...	...	...
111	Proceedings in insolvency.....	260	265	265	288	323	288	324	...	335
										382
112	Appropriation for soldiers' home.....	394	412	412	429	536	...	537	...	610
114	Banking.....	312	...	...	...	...	...	...	...	...
115	Garnishment procedure in justice's court.....	327	336	336	431	609	...	609	...	635
116	Subdivision of school townships.....	394	413	413	450	...	...	...	451	...
118	Unlawful branding and larceny of animals.....	382	412	412	489	601	...	601	...	635
119	Duties of state examiner.....	313	336	336	426	594	426	594	...	...
121	(Sub.) Railroad bill.....	319	362	363	478	522	479	523	...	526
										576
124	Trusts.....	399	549	549	591	602	...	602	...	634
127	Filing of bonds of township officers.....	362	412	412	423	...	...	...	...	...
128	State temperance commissioner.....	470	487	487	517	583	...	584	...	624
131	Construction of Y's on railroads.....	313	337	337	369	...	369	...	...	617
							609	...	...	...
133	Usury.....	431	466	466	480	582	...	...	582	...
136	Election precincts.....	502	527	527	578	611	...	611	...	635
137	Duties of state auditor to transmit list of taxable lands.....	328	336	336	342	553	...	554	...	569
138	Noxious weeds on highways.....	407	414	414	482	...	...	...	...	...
139	Verdict in civil action by five-sixths of jurors.....	394	413	413	451	...	...	...	451	...
142	Amending constitution.....	373	412	412	540	638	...	638	...	...
144	Foreclosure of land contracts.....	399	466	466	...	...	...	...	...	...
145	Divorce.....	422	486	486	...	...	...	...	...	...
147	Leasing of land for penitentiary.....	519	527	527	527	588	...	...	...	...
148	To encourage county agricultural fairs.....	469	488	488	518	619	518	610	...	634
149	(Sub. bill.) Veterinarian districts.....	519	527	527	530	544	...	544	...	...
151	Protection of fish.....	328	336	336	342	641	...	642	...	647
157	Election of superintendents of schools.....	431	466	466	517	615	...	615	...	639
158	Entry of judgment.....	362	412	412	449	...	...	...	...	...

## HOUSE BILLS—Continued.

Number.	RELATING TO								Subsequent Action.	
		Received.	First Reading.	Second Reading and Reference.	Reported.	Third Reading.	Amended.	Passed.		Lost.
159	Taxing express companies.....	434	466	466	...	...	...	...	...	...
163	Compensation of certain officers.....	382	412	...	...	...	...	...	...	...
165	Entering judgment in certain cases.....	470	488	488	581	...	...	...	...	...
167	Cruelty to animals.....	373	411	411	450	...	513	...	...	...
171	Noxious weeds.....	464	486	486	517	607	...	607	...	621
172	Insane patients.....	470	488	488	512	606	...	606	...	634
										615
										635
174	Amending constitution.....	470	487	488	583	637	637	638	...	...
175	Memorial to congress.....	407	413	413	448	...	...	...	...	...
177	Building and loan associations.....	453	486	486	574	...	...	...	...	...
178	Bond for fiduciary.....	384	411	411	481	...	...	...	...	...
179	Bond for fiduciary.....	384	411	412	481	...	...	...	...	...
181	Corporation directors.....	407	413	413	425	644	...	644	...	...
182	Amending the constitution.....	498	527	527	...	588	...	588	...	...
183	Embezzlement.....	469	488	488	...	...	...	...	...	...
185	Tax compromise.....	356	361	362	427	436	...	436	...	478
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